

NOTICE OF PROPOSED CHANGES ON MATERIAL SALES AND CONVEYANCES TO
STATE AGENCIES
IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

BRIEF DESCRIPTION

The Department of Natural Resources proposes to change regulations in 11 AAC 71 and 11 AAC 98 of the Alaska Administrative Code relating to the pricing for sale of materials such as sand and gravel. The revisions would enable the department to transfer material to state agencies and public corporations for public purposes at no cost, allowing for maximum use of state land consistent with the public interest. The revisions would also define what constitutes the use or disposal of state land for a “public purpose.”

Summary of proposed changes: The Department of Natural Resources proposes to adopt regulation changes in 11 AAC of the Alaska Administrative Code, dealing with the pricing for sale of materials, including the following:

- (1) repealing and readopting 11 AAC 71.090, including new language relating to conveyances of materials to state agencies and public corporations, removing discretion to sell up to 25,000 cubic yards of materials for representative sales price without an appraisal, allowing for appraisals establishing fair market value of materials conveyed to private parties, and defining “personal use” of materials;
- (2) adding 11 AAC 98.010, a new section defining “public purpose” for the use and disposal of state land and resources.

Written comments: You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments by mail to: Molly Benson at 550 West Seventh Avenue, Suite 1070, Anchorage, Alaska 99501. Additionally, the Department of Natural Resources will accept comments by facsimile at 1-907-269-8604, and by email at: dnr.materialsales.regulation@alaska.gov.

Written comment deadline: The written comments must be received not later than 5:00 p.m. on December 26, 2025.

Questions: You may submit written questions relevant to the proposed action to Molly Benson via email at dnr.materialsales.regulation@alaska.gov or by mail at 550 West Seventh Avenue, Suite 1070, Anchorage, Alaska 99501. The questions must be received at least 10 days before the end of the public comment period, by 5:00 p.m. on December 16, 2025, at the latest. The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the department’s website.

Public nature of comments and questions: Public comments and questions, once submitted, are public records and subject to disclosure under the Alaska Public Records Act. See AS 40.25.100 -

40.25.295. Do NOT include in your comments or questions any information that you do not want made public.

Accommodations: If you are a person with a disability who needs a reasonable accommodation in order to participate in this process, please contact Molly Benson via email at dnr.materialsales.regulation@alaska.gov or by phone at 907-269-8601 not later than December 16, 2025, to ensure that any necessary accommodations can be provided.

Obtaining copies of proposed regulations: A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Molly Benson at the contact information above.

Final version of regulations: After the public comment period ends, the Department of Natural Resources will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 38.05.020, AS 38.05.110, AS 38.05.115, AS 38.05.555, AS 38.05.810


Statutes being implemented, interpreted, or made specific: AS 38.05.020, AS 38.05.110, AS 38.05.115, AS 38.05.555, AS 38.05.810

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

How to receive further notices: The Division of Mining, Land and Water keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the division's notices of proposed regulation changes. To be added to or removed from the list, send a request to Molly Benson at the contact information provided above, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Individuals can also sign up to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Date: November 26, 2025


for Christy Colles, Director
Division of Mining, Land and Water
Department of Natural Resources

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Material Transfers for Public Purposes
3. Citation of regulation (may be grouped): 11 AAC 71.090, 11 AAC 98.010
4. Department of Law file number, if any: _____

5. Reason for the proposed action: (insert description and check all boxes that apply)

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- () Development of program standards
- (X) Other (identify): Reduce costs for state agencies and public corporations

6. Appropriation/Allocation: Department of Natural Resources / Agency Unallocated

7. Estimated annual cost to comply with the proposed action to:

A private person: No cost

Another state agency: No cost

A municipality: No cost

A school district: No cost

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY2026	Subsequent Years
Operating Cost	<u>\$0</u>	<u>\$</u>
Capital Cost	<u>\$0</u>	<u>\$</u>
1002 Federal receipts	<u>\$0</u>	<u>\$</u>
1003 General fund match	<u>\$0</u>	<u>\$</u>
1004 General fund	<u>\$0</u>	<u>\$</u>
1005 General fund/ program	<u>\$0</u>	<u>\$</u>
Other (identify)	<u>\$0</u>	<u>\$</u>

9. The name of the contact person for the regulation:

Name: Molly Benson

Title: Natural Resource Specialist

Address: 550 West 7th Avenue, Suite 1070, Anchorage, AK 99501

Telephone: 907-269-8601

E-mail address: molly.benson@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change

☐ Other (identify): _____

11. Date: November 26, 2025

Prepared by: _____

Name: Molly Benson

Title: Natural Resource Specialist

Telephone: 1-907-269-8601