

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

**Regional Manager's Decision**

ADL 234322

Bristol Bay Telephone Cooperative  
Public Utility Easement  
ReConnect Project/Fiber Optic

**REQUESTED ACTION**

On March 13, 2024, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO), received an application from UMIAQ Environmental, LLC, on behalf of Bristol Bay Telephone Cooperative (BBTC) for proposed infrastructure on discontinuous state-owned, DMLW-managed uplands and submerged lands, from King Salmon to Koliganek, Alaska. The purpose of the proposed easement is to install fiber optic cable on DMLW-managed lands to provide high-speed internet services to rural Alaskan communities. Mainline fiber will be buried in a shallow trench and backfilled to visually blend into existing landscape. Horizontal Directional Drilling (HDD) will be used to install fiber in conduit under the Kvichak, Alagnak, and Nushagak Rivers.

**RECOMMENDED ACTION**

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

- Type of easement: Public Utility Easement
- Length: 78,639 feet
- Width: 30 feet
- Acreage: 54.16 acres
- Term: Change from 30+ years to Indefinite
- Grantee: Bristol Bay Telephone Cooperative

**BACKGROUND**

On July 31, 2024, an initial public and agency notice was sent which depicted the applicant's original request for a public utility easement approximately 6,336 feet long, 30 feet wide, and 4.36 acres in size, more or less. However, review of the application identified discrepancies in land ownership and the SCRO Easements Unit requested an updated application from the applicant. On September 10, 2025, the applicant updated the requested route dimensions to 78,639 feet (discontinuous in length), 30 feet wide, and 54.16 acres in size, more or less.

**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 2013 Bristol Bay Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 234322.

### **LOCATION INFORMATION**

#### **Geographic Location**

The applicant has requested that DMLW authorize an easement for discontinuous segments near the communities from King Salmon to Koliganek.

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

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

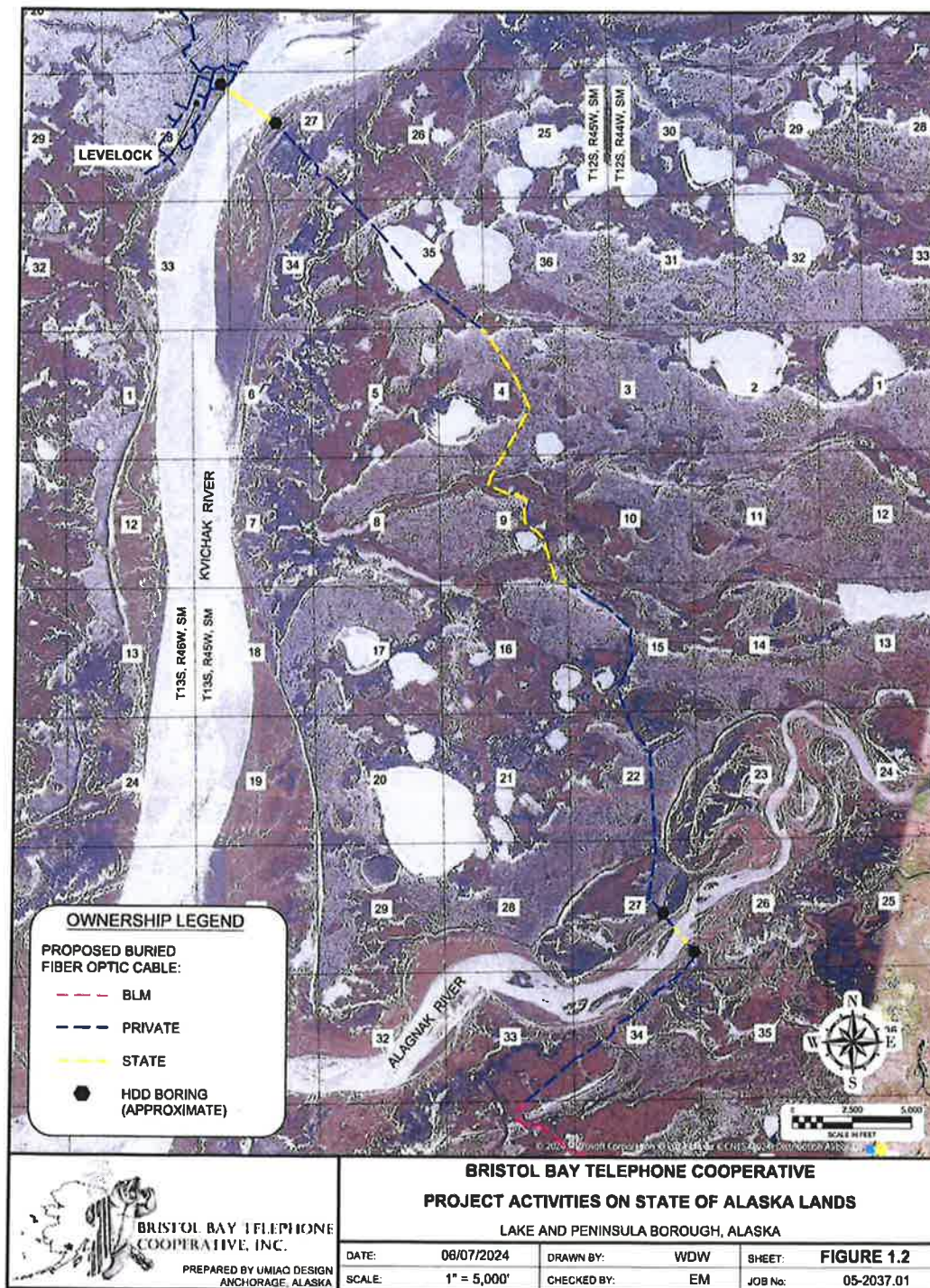
- Township 8 South, Range 47 West, Seward Meridian  
Section 32 (Nushagak River submerged lands)
- Township 12 South, Range 45 West, Seward Meridian  
Sections 27 and 28 (Kvichak River submerged lands)
- Township 13 South, Range 45 West, Seward Meridian  
Sections 4, 9, 16, and 27 (Alagnak River submerged lands in 27)
- Township 15 South, Range 45 West, Seward Meridian  
Sections 4-5, 8, 17, 20, 29, and 32
- Township 16 South, Range 45 West, Seward Meridian  
Section 4-5, 9, 16, and 21

The applicant included Section 1 of Township 11 South, Range 46 West, Seward Meridian in their requested legal description on the requested updated application received on September 11, 2025. The applicant also included Section 1 of Township 12 South, Range 46 West, Seward Meridian and Section 15, 22, and 34 of Township 13 South, Range 45 West, Seward Meridian in their original application received March 13, 2024. Related and more detailed application materials supplied by the applicant show that the applicant does not propose to place infrastructure within this section of land. Staff have adjusted the legal description included herein accordingly.

#### **Other Land Information**

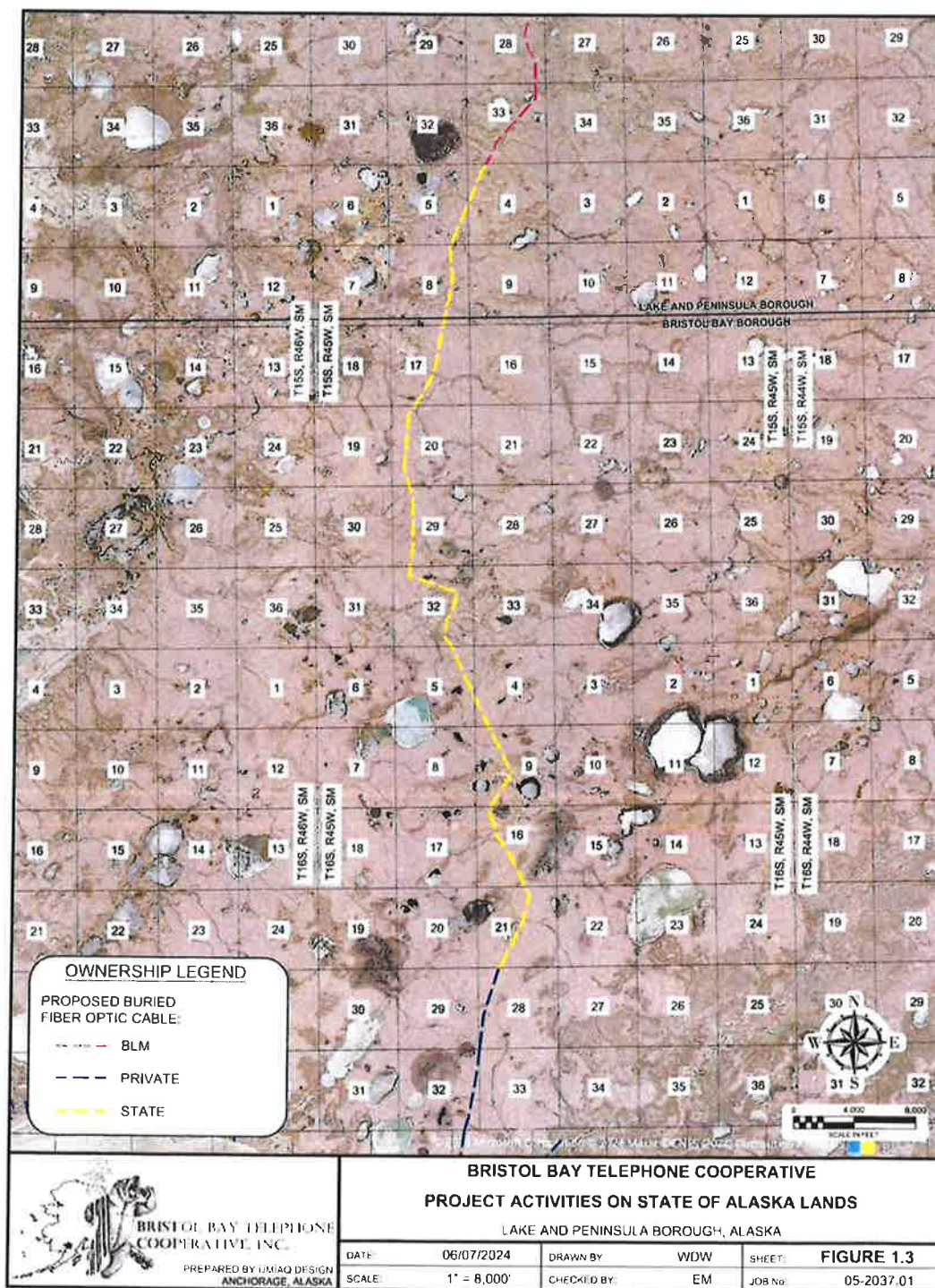
Regional Corporation: Bristol Bay Native Corporation

**FIGURE 1.2** – A map supplied by the applicant that depicts the proposed development on State-owned, DMLW-managed uplands and submerged lands of the Alagnak and Kvichak River.



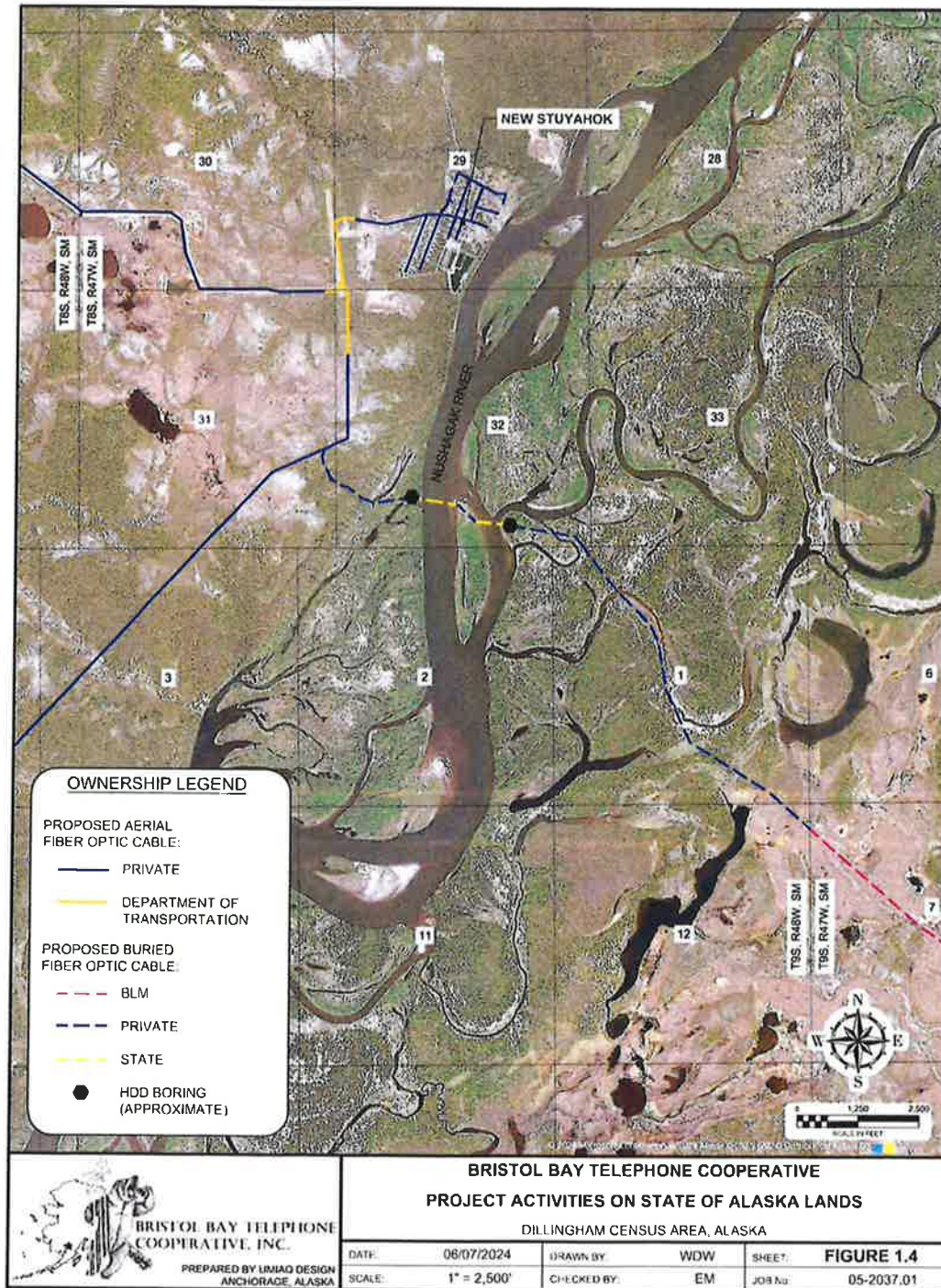


**FIGURE 1.3** - A map supplied by the applicant that depicts the proposed development on State-owned, DMLW-managed uplands.





**FIGURE 1.4** - A map supplied by the applicant that depicts the proposed development on State-owned, DMLW-managed uplands and submerged lands of the Nushagak River.



## **TITLE**

The State of Alaska acquired title to applicable portions of lands within Sections 4, 9, and 16 of Township 13 South, Range 45 West, Seward Meridian, per Patent Number 50-2009-0203 on April 29, 2009, by the Kvichak Recording District. The associated DNR selection casefile is GS 3184.

The State of Alaska acquired title to applicable portions of land within Sections 4, 5, 8, 17, 20, 29, and 32 of Township 15 South, Range 45 West, Seward Meridian, per Patent Number 50-91-0339 on June 12, 1991. The associated DNR selection casefile is GS 3205.

The State of Alaska acquired title to applicable portions of land within Sections 4, 5, 9, 16, and 21 of Township 16 South, Range 45 West, Seward Meridian, per Patent Number 50-2015-0090 on June 25, 2015, by the Kvichak Recording District. The associated DNR selection casefile is GS 3216.

In addition, The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying the waterways listed below on the basis of the Equal Footing Doctrine, the Submerged Lands Act of 1953, and AS 38.04.062:

- Nushagak River in Section 32 of Township 8 South, Range 47 West, Seward Meridian - The Bureau of Land Management's (BLM) determined the Nushagak River navigable within village selections in a memo dated December 31, 1975; the State of Alaska (SOA) concurs with this determination.
- Kvichak River in Sections 27 and 28 of Township 12 South, Range 45 West, Seward Meridian - The BLM issued to the SOA a Recordable Disclaimer of Interest for the submerged lands of the Kvichak River November 19, 2004.
- Alagnak River in the Section 27 of Township 13 South, Range 45 West, Seward Meridian - The state received clear title from the U.S. District Court of Alaska on February 4, 1985, in *Alaska v. U. S.* A82-201 Civ., to the bed of the Alagnak River. Within Section 9, there are two public waters that are between 10-50 feet wide, per AS 38.05.126 and 127 as defined in AS 38.05.965 (14) & (21) and 11AAC 51.035.

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.

- **ADL 234005**, Public Utility Easement, Nushagak Electric and Telephone Cooperative, Inc.
- **RST 90**, RS2477 Nakeen-Igiugig Winter Trail

## PLANNING & CLASSIFICATION

The requested development is subject to the Bristol Bay Area Plan (BBAP), that was adopted in April 2005 and revised in September 2013. Segments of the proposed easement affect submerged lands and uplands that are classified for land use per Land Classification Order SC-04-002. They fall within specific units of the Bristol Bay Area Plan: Regions 6 – Nushagak, Mulchatna (Map 3-6), Region 10 – Western Iliamna Lake, Kvichak River (Map 3-10), and Region 11 – Bristol Bay Borough Area (Map 3-11).

### Submerged lands:

The proposed authorization impacts submerged lands, including Region 6 – Nushagak River, Region 10 – Kvichak River, and Region 10 – Alagnak River. According to “Table 3.1: Some Navigable Waters – Bristol Bay Area Plan” the Land Use Designations of the submerged lands of the Nushagak River, Kvichak River, and Alagnak River are (Ha) “Habitat” and (Rd) “Public Recreation and Tourism-Dispersed Use” (BBAP pg. 3-302).

Habitat submerged lands convert to the classification “Wildlife Habitat Land” according to BBAP Tideland, Submerged Land, and Shoreland Designations Table 4.2(B) (BBAP pg. 4-7). These habitats are defined as areas that serve as a concentrated use area for fish and wildlife species during a sensitive life history stage where alteration of the habitat and/or human disturbance could result in a permanent loss of a population or sustained yield of the species (BBAP pg. 2-10). Per 11 AAC 55.230, this classification is applied to land which is primarily valuable for:

1. Fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or
2. A unique or rare assemblage of a single or multiple species of regional, state, or national significance.

Public Recreation and Tourism-Dispersed Use lands convert to the classification “Public Recreation Land” according to Table 4.2(B) (BBAP pg. 4-7). Per 11 AAC 55.160, this classification is applied to:

Land that is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways (pg. 4-2).

Discussion of specific submerged lands follows below.

### Region 6, Nushagak River, Submerged Lands:

Authorizations in navigable waters (listed in Table 3.1) must ensure the continued use of a waterway by the public for purposes of trade, travel, and commerce; additionally, authorizations within these waterbodies should not interfere with important habitat or public recreation values (pg. 3-100). Management guidelines for Fish and Wildlife habitat note that “*The Department will enforce stipulations and measures and will require the responsible party to remedy any significant damage to fish, wildlife, or their habitats that may occur as a direct result of the party’s failure to*



*comply with applicable law, regulations, or the conditions of the permit or lease”* (BBAP pg. 2-9). Fish and Wildlife habitats are defined as areas that serve as a concentrated use area for fish and wildlife species during a sensitive life history stage where alteration of the habitat and/or human disturbance could result in a permanent loss of a population or sustained yield of the species (BBAP pg. 2-10).

The plan states that if there is a question as to whether a use would be appropriate or whether it would degrade a listed resource, DNR shall consult with ADF&G in making the determination of initial incompatibility (BBAP pg. 2-12). SCRO included ADF&G in the agency review for the proposed authorization.

Chapter 3 of the BBAP speaks on the resources and uses in the region. The Nushagak River drainages support a major salmon resource for subsistence and recreational harvest; all five species of Pacific salmon – chinook (king), sockeye (red), pink, coho (silver), pink (humpy), and chum (dog) – spawn in the Nushagak-Mulchatna River systems. The primary economic base is the salmon fishery; many residents hold commercial fishing permits. Eagle nests also occur only sporadically along the Nushagak River (BBAP pg. 3-97).

Region 6 is also subject to Nushagak & Mulchatna Rivers Recreation Management Plan (RRMP; April 2005). However, page 1-4 in the RRMP states that the plan does not cover or affect “other management issues addressed in the Bristol Bay Area Plan: minerals development, materials extraction, settlement, remote cabins, utilities and transportation, and municipal entitlement decisions.”

#### Region 10, Kvichak River, Submerged Lands:

The Kvichak River is a legislatively designated area designated as the Bristol Bay Fisheries Reserve. Alaska Statute 38.05.140(F) states that within the Bristol Bay Fisheries Reserve, a surface entry permit to develop an oil or gas lease or an exploration license.

The Department will enforce stipulations and measures and will require the responsible party to remedy any significant damage to fish, wildlife, or their habitats that may occur as a direct result of the party’s failure to comply with applicable law, regulations, or the conditions of the permit or lease (BBAP pg. 2-9). Fish and Wildlife habitats are defined as Areas that serve as a concentrated use area for fish and wildlife species during a sensitive life history stage where alteration of the habitat and/or human disturbance could result in a permanent loss of a population or sustained yield of the species (BBAP pg. 2-10). The plan states that if there is a question as to whether a use would be appropriate or whether it would degrade a listed resource, DNR shall consult with ADF&G in making the determination of initial incompatibility (BBAP pg. 2-12). SCRO included ADF&G in the agency review for the proposed authorization.

Chapter 3 of the BBAP speaks on the resources and uses in the region. Barges negotiate the Kvichak River from Dillingham and Naknek, delivering bulk items (BBAP pg. 3-150). The Kvichak River System, including the Alagnak (Branch) River and Iliamna Lake, is the single most important source of salmon in the Bristol Bay area (BBAP pg. 3-151).



Most of the historic and archeological sites occur along the courses of the Kvichak and Alagnak Rivers (BBAP pg. 3-151). The Alaska Heritage Resources Survey, maintained by the Office of History and Archaeology (OHA) is not complete or static, so heritage sites, when found, should be reported to the OHA (BBAP pg. 2-30).

Authorizations in navigable waters (listed in Table 3.1) must ensure the continued use of a waterway by the public for purposes of trade, travel, and commerce; additionally, authorizations within these waterbodies should not interfere with important habitat or public recreation values (BBAP pg. 3-158).

Region 10 - Alagnak River, Submerged Lands:

The Alagnak River is a legislatively designated area designated as the Bristol Bay Fisheries Reserve. Alaska Statute 38.05.140(F) states that within the Bristol Bay Fisheries Reserve, no surface entry permit or tideland lease to develop an oil or gas lease or oil and gas exploration license may be issued on state-owned or controlled land until the legislature specifically finds that the entry will not constitute a danger to the fishery (BBAP pg. 3-18).

The Department will enforce stipulations and measures and will require the responsible party to remedy any significant damage to fish, wildlife, or their habitats that may occur as a direct result of the party's failure to comply with applicable law, regulations, or the conditions of the permit or lease (BBAP pg. 2-9). Fish and Wildlife habitats are defined as Areas that serve as a concentrated use area for fish and wildlife species during a sensitive life history stage where alteration of the habitat and/or human disturbance could result in a permanent loss of a population or sustained yield of the species (BBAP pg. 2-10). The plan states that if there is a question as to whether a use would be appropriate or whether it would degrade a listed resource, DNR shall consult with ADF&G in making the determination of initial incompatibility (BBAP pg. 2-12). SCRO included ADF&G in the agency review for the proposed authorization.

Most of the historic and archeological sites occur along the courses of the Kvichak and Alagnak Rivers (BBAP pg. 3-151). The Alaska Heritage Resources Survey, maintained by the Office of History and Archaeology (OHA) is not complete or static, so heritage sites, when found, should be reported to the OHA (BBAP pg. 2-30).

The Kvichak River System, including the Alagnak (Branch) River and Iliamna Lake, is the single most important source of salmon in the Bristol Bay area (BBAP pg. 3-151). The Alagnak River rainbow trout fishery has a reputation of being a world-class fishery and therefore attracts large numbers of anglers. It is considered to be one of the most popular fly-in fishing destinations in southwest Alaska supporting important salmon (chinook, sockeye, pink, chum, and coho), Arctic grayling, Arctic char, and lake trout sport fisheries (BBAP pg. 3-152). The Alagnak River is therefore designated a National Wild and Scenic River (BBAP pg. 3-151).

Authorizations in navigable waters (listed in Table 3.1) must ensure the continued use of a waterway by the public for purposes of trade, travel, and commerce; additionally, authorizations within these waterbodies should not interfere with important habitat or public recreation values (BBAP pg. 3-158).

Region 10, Western Iliamna Lake, Kvichak River, Uplands, Unit R10-07 – Kvichak/Alagnak Rivers

According to the “Resource Allocation Table for Upland Management Units” (BBAP pg. 3-161), lands within the subunit R10-07 are designated as (Rd) “Public Recreation and Tourism – Dispersed,” (Ha) “Habitat,” and (Wr) “Water Resources.”

Public Recreation and Tourism – Dispersed lands are converted to the classification Public Recreation Lands according to Table 4.2(A). Per AAC 55.160, this classification is applied to:

Land classified public recreation is land that is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways.

Habitat lands are converted to the classification Wildlife Habitat Land according to Table 4.2(A). Per AAC 55.230, this classification is applied to land which is primarily valuable for:

1. Fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or
2. A unique or rare assemblage of a single or multiple species of regional, state, or national significance.

Water Resources designated lands are converted to Water Resources Land according to Table 4.2(A). Per AAC 55.222, this classification is applied to:

Land encompassing watersheds or portions of watersheds and is suitable for such uses as water supply, watershed protection, or hydropower sites.

The management intent of this unit (BBAP pg. 3-161) states that these lands are to be managed to maintain the current recreational, habitat, and water resource values and uses of uplands adjoining the Kvichak and Alagnak Rivers. Authorizations shall be limited to those uses that are related to commercial recreation, public facilities, or other economic activities that are of a recreation type and are consistent with the management intent.

The Resources, Uses, and Additional Info section (BBAP pg. 3-161) states the Alaska Heritage Resources Survey (AHRS) reports several heritage sites in or near this unit, primarily scattered along the Kvichak and Alagnak Rivers. The Alaska Heritage Resources Survey, maintained by the Office of History and Archaeology (OHA) is not complete or static, so heritage sites, when found, should be reported to the OHA (BBAP pg. 2-30).

Region 10 - Western Iliamna Lake, Kvichak River, Uplands, Unit R10-12 - Alagnak River

According to the “Resource Allocation Table for Upland Management Units” (BBAP pg. 3-162), lands within the subunit R10-12 are designated “General Use.” General Use lands convert to Resource Management Land according to Table 4.2(A). Per 11 AAC 55.200 (pg. 4-3), this classification is applied to:

1. Land that might have a number of important resources, but for which a specific resource allocation decision is not possible because of a lack of adequate resource, economic, or other relevant information; or for which a decision is not necessary because the land is presently inaccessible and remote and development is not likely to occur within the next 10 years; or
2. Land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use.

The management intent (BBAP pg. 3-173) states that when this unit is possibly conveyed by the federal government, it "is to be managed for a variety of uses including mineral or oil and gas exploration and development, the protection of fish and wildlife resources and their habitats, and dispersed recreation." Intensive development is not intended for within this unit; does this project require it.

Also, this unit is known to contain caribou wintering habitat.

Region 11 - Bristol Bay Borough Area, Uplands, Unit R11-01- North Region 11

According to the "Resource Allocation Table for Upland Management Units," lands within the subunit R11-01 are designated "General Use" (BBAP pg. 3-173). General Use lands convert to the classification "Resource Management Land" according to Table 4.2(A) (BBAP pg. 4-7). Per 11 AAC 55.200 (BBAP pg. 4-3), this classification is applied to:

1. Land that might have a number of important resources, but for which a specific resource allocation decision is not possible because of a lack of adequate resource, economic, or other relevant information; or for which a decision is not necessary because the land is presently inaccessible and remote and development is not likely to occur within the next 10 years; or
2. Land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use.

The management intent (BBAP pg. 3-173) states that "these lands should be managed for a variety of uses including minerals, oil and gas exploration and development, protection of fish and wildlife and associated habit, and dispersed recreation and tourism. Development authorizations may be appropriate subject to the protection of these resources and the requirements of Chapter 2." Intensive development is not intended for within this unit; does this project require it.

The Bristol Bay transportation corridor transects the following units:

1. Region 10, Western Iliamna Lake, Kvichak River, Uplands, Unit R10-07 – Kvichak/Alagnak Rivers
2. Region 10 - Western Iliamna Lake, Kvichak River, Uplands, Unit R10-12 - Alagnak River
3. Region 11 - Bristol Bay Borough Area, Uplands, Unit R11-01- North Region 11

The guidelines of the transportation corridor state that while the actual position of the road alignments of the Bristol Bay transportation corridor are yet to be determined, no authorizations



should be considered that are within or near the corridor until the road alignment is known, or without consultation with DOT&PF. SCRO included DOT&PF in the agency review of the proposed authorization

Upon review of the referenced land use classifications, management intent statements, other guidance provided in the BBAP, and other state and federal agency permitting actions associated with the Reconnect Project, DMLW determines that issuance of the easement currently proposed in ADL 234322 is consistent with provisions of SC-2004-02 and the Bristol Bay Area Plan.

### **ACCESS**

Functional access to the state land discussed herein exists overland via snowmachine. The trenching equipment and fiber spool will move within the proposed easement as the fiber is installed. Emergency maintenance will occur via helicopter from King Salmon to the site of the break.

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 September 18, 2025, to October 20, 2025. The notice was posted to the State of Alaska Online Public Notice System and was sent to the New Stuyahok, Levelock, Naknek, and King Salmon post offices for display on their notice boards. The notice was also sent to the following recipients:

- Bristol Bay Native Corporation (BBNC)
- Bristol Bay Borough
- King Salmon Tribe
- Lake and Peninsula Borough
- Levelock Natives Limited
- Levelock Village Council
- Naknek Native Village Council
- New Stuyahok Village
- New Stuyahok City Council

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

A total of one (1) comment we received during the agency review and are summarized below:

**Comment:** On September 29, 2025, BBNC stated that they “*fully support the proposed project as it will upgrade broadband service to multiple Bristol Bay communities and provide redundancy to the regional fiberoptic network and noted that these improvements are much needed in the region.*” They further noted that, “*BBNC has reviewed the project description and maps provided by ADNRR. We here raise two concerns. First, we encourage ADNRR to robustly consult with the impacted communities - Koliganek, New Stuyahok, Ekwok, Levelock, Naknek, South Naknek and King Salmon. These communities have the most at stake and the most local experience and knowledge about the terrain. Their input*

*is the most relevant and meaningful. Second, we encourage ADNDR to consider whether the fiberoptic line should be buried deeper than the 12" depth currently proposed or whether to require other protective measures. The fiberoptic line will be exposed to a variety of risks – freeze-thaw cycles, potential animal and snowmachine disturbance, significant annual precipitation, etc. It is important that the cable, once installed, remains intact."*

**Response:** SCRO acknowledges the comment and has passed the information along to the applicant.

### **Agency Review Summary**

Agency review of the application was conducted from September 18, 2025, to October 20, 2025. The notice was sent to the following recipients:

#### **State Agencies**

- DNR Division of Oil and Gas, State Pipeline Coordinator Services
- DNR Division of Parks and Outdoor Recreation (DPOR), and Office of History and Archeology
- DNR DPOR Permitting
- DNR Division of Geological and Geophysical Surveys
- DNR Alaska Mental Health Trust Land Office
- Department of Transportation and Public Facilities (DOT&PF) – Statewide Right of Way
- Alaska Department of Environmental Conservation (DEC) – Division of Water, Alaska Pollutant Discharge Elimination System Program
- DEC, Environmental Health, Drinking Water Program and Solid Waste Program
- DEC, Spill Prevention, Contaminated Sites
- Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs
- Department of Fish and Game (ADF&G) – Habitat, Southcentral
- ADF&G – Wildlife Conservation, Access Defense

#### **Federal Agencies**

- U.S. Army Corps of Engineers
- U.S. Bureau of Land Management
- Federal Aviation Administration

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

A total of four (4) comments were received during the agency review and are summarized below:

**Comment:** On September 19, 2025, DOT&PF stated that, *"our airport managers are asking for more detailed plans, particularly for the applicant's areas approaching airport properties. In general, due to FAA Grant Assurances, DOT&PF is unable to grant easements across airport properties (including those under ILMAs from DNR). Instead, the applicant must obtain separate permits from our Regional Utilities Groups (in Juneau and Anchorage for these locations). They should be redirected to DOT&PF to obtain those*

*permissions separately and in advance of any entrance onto the properties or the neighboring secure and height-restricted zones. They should also coordinate with the various airport managers. For their reference, they can search contact information for each airport on this site: <https://www.alaskaasp.com/>.”*

On October 14, 2025, DOT&PF provided additional input, stating that they are aware of the project, and the applicant has reached out to their Regional Utilities Groups for coordination. Additionally, DOT&PF gave the following information:

- *Any land within the boundary of any of the seven affected DOT&PF Airports must not be granted an easement, regardless of whether it is leased from another agency or entity or whether it is owned by DOT&PF itself. Airport land is encumbered by grant restrictions. To cross a DOT&PF airport can only be done with a Utility Permit issued by DOT&PF.*
- *Any and all requests for utility placement within the Airport boundary must come through Aviation Leasing to ensure utility location and land use compliance restrictions are adhered to.*
- *The contractor will also be required to submit an approved FAA 7460-1 Airspace Determination before being granted a Permit to construct on Airports.*
- *Utility Permits appear necessary for New Stuyahok and Levelock because the plans appear to incorporate use of the airport roads owned by DOT&PF, which parallel the runways.*
- *A Utility Permit appears necessary at Koliganek to run along the airport road and stub out to the DOT&PF building.*
- *Ekwok looks like it might run mostly outside the airport boundary, but dip inside the property line in a few spots. A Utility Permit will be necessary for any areas dipping into the airport boundaries.*

**Response:** SCRO acknowledges the comment and has passed the information along to the applicant and recommended the applicant work with DOT&PF directly. Specific staff contact information provided by DOT&PF is contained within the casefile serialized as ADL 234322 and is available upon request.

**Comment:** On September 30, 2025, DEC, Contaminated Sites Program provided comments regarding two active, contaminated sites within 1500 feet of the proposed project. Per DEC, *“Petroleum contaminants are present above cleanup levels in the soil at the sites New Stuyahok Old BIA School and New Stuyahok Old AVEC Tank Farm. DEC approval is required before moving contaminated soil or groundwater. Additional guidance can be found at <https://dec.alaska.gov/spar/csp/guidance-forms/>, by searching for DEC’s 2018 Utility and Right-of-Way Projects with Contaminated Media. If contaminated soil or groundwater may be encountered during your project, please contact DEC to determine if a contaminated materials management plan is needed prior to excavation or dewatering.”* DEC also states that *“if during the project, a previously unknown area of contamination is discovered or a spill occurs, Alaska state law requires all oil and hazardous substance releases to be reported to the Department of Environmental Conservation (DEC).”*



For reporting information, please visit:

<https://dec.alaska.gov/spar/ppr/spill-information/reporting/>.

**Response:** SCRO acknowledges comment and has passed the information along to the applicant. Specific staff contact information provided by DEC is contained within the casefile serialized as ADL 234322 and is available upon request.

**Comment:** On October 2, 2025, ADF&G stated that, “*Fish Habitat Permits from ADF&G Habitat will be required for the HDD work under the Alagnak, Kvichak, and Nushagak Rivers. These permits are necessary due to work occurring below the ordinary high-water mark and the potential for a frac-out into anadromous waters. Fish Habitat Permits may also be required for crossing (equipment and/or cable) other fish-bearing streams or lakes, particularly those listed in the ADF&G Anadromous Waters Catalog.*

Permit applications can be submitted online here:

[https://www.adfg.alaska.gov/index.cfm?adfg=uselicense.permit\\_applications](https://www.adfg.alaska.gov/index.cfm?adfg=uselicense.permit_applications)

For questions, they should contact the Anchorage Habitat Office at (907) 267-2342 or email [dfg.hab.infoanc@alaska.gov](mailto:dfg.hab.infoanc@alaska.gov).

On October 15, 2025, ADF&G stated no objection to the authorization of this public utility, however, they did provide the following information:

1. *Fish Habitat Permits from ADF&G Habitat will be required for the HDD work under the Alagnak, Kvichak, and Nushagak Rivers. These permits are necessary due to work occurring below the ordinary high-water mark and the potential for a frac-out into anadromous waters. Fish Habitat Permits may also be required for crossing (equipment and/or cable) other fish-bearing streams or lakes, particularly those listed in the ADF&G Anadromous Waters Catalog.*
  - a. *Permit applications can be submitted online here:*  
[https://www.adfg.alaska.gov/index.cfm?adfg=uselicense.permit\\_applications](https://www.adfg.alaska.gov/index.cfm?adfg=uselicense.permit_applications).
  - b. *For questions, please contact the ADF&G Habitat office at (907) 267-2342 or [dfg.hab.infoanc@alaska.gov](mailto: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, 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. *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).*
4. *Public access should be maintained or appropriately mitigated during construction. Although no RS 2477 trails intersect or are adjacent to the project areas, Easement 17(b), identified as DILA3\_13E, is located in Section 28, Township 12 South, Range 45 West, at approximately 59.1122° N, 156.8554° W.*

**Response:** SCRO acknowledges the information provided and has passed it along to the applicant.

**Comment:** On October 20, 2025, the Alaska Division of Geological & Geophysical Surveys (DGGS) provided technical information related to physiography, surficial geology, permafrost, construction materials, seismic hazards, ashfall hazards, radon hazards, and riverine erosion present within the project area.

**Response:** SCRO acknowledges the comment and has passed the information along to the applicant. Specific technical information provided by DGGS is contained within the casefile serialized as ADL 234322 and is available upon request.

## **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. 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.

The uplands of the proposed temporary construction easement for the operation of directional drilling beneath the Alagnak River (S.M., Township 013 South, Range 45 West, Section 27) was found to not be on state land. Due to this, DMLW is not authorized to issue an easement on the uplands in this section. However, an easement will be issued for the submerged lands beneath the Alagnak River, as stated in the Title section of this decision document, the state received clear title from the U.S. District Court of Alaska on February 4, 1985, in *Alaska v. U. S.* A82-201 Civ., to the bed of the Alagnak River.

As noted by DOT&PF during the agency review, easements may not be granted across airport properties due to FAA grant assurances. DOT&PF noted that BBTC will instead need to obtain the necessary permitting separately and has been in contact with the relevant Regional Utilities Groups.

## **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. The applicant would be required to submit a performance guaranty in the amount of \$57,400 to ensure completion of entry authorization requirements. These funds would 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 up to the contracted amount to a licensed surveyor for completion of an as-built survey. This performance guaranty would remain in place during the term of the entry authorization and would 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.

### **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.

## **INSURANCE**

The applicant will 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 234322. 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 is 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 \$120.00 per acre rounded up to the nearest acre, with a \$240.00 minimum, totaling \$6,480.00 per 11 AAC 05.070(d)(2)(I) and Director's Fee Order No. 3 for the term of this EA.
- 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.

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
- 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 my recommendation that an easement is issued as described above, on the condition that all stipulations are followed as described in the attached authorization.



Savannah Lilyhorn, Natural Resource Specialist 3  
DMLW Southcentral Regional Land Office




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.

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

12/30/2025  
\_\_\_\_\_  
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](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>.