

Northern Region Land Office,  
Fairbanks  
(907) 451-2740

Southcentral Region Land Office,  
Anchorage  
(907) 269-8503

Southeast Region Land Office,  
Juneau  
(907) 465-3400

The Department of Natural Resources (DNR) Division of Mining, Land and Water (DMLW) manages approximately 100 million acres of uplands and 65 million acres of tidelands, shorelands, and submerged lands on behalf of the public. DMLW is responsible for providing for the appropriate use and management of Alaska's state-owned land and water, in order to provide for maximum use of these resources consistent with the public interest.

Members of the public may research the location of DMLW-managed lands with DNR's online [Alaska Mapper](#). Activities that the public may engage in on DMLW-managed land without prior approval are referred to as Generally Allowed Uses (GAUs) and are listed under [11 AAC 96.020](#); DMLW may approve activities that exceed these uses with a range of authorizations that vary in degree of revocability and exclusivity. An easement is a grant that guarantees use within the authorized area without undue interruption but usually does not provide for exclusive use. Parties who are interested in obtaining an easement across DMLW-managed land may apply using the attached application form.

**DMLW generally grants easements for the following activities:**

- **Access infrastructure**, including roads, trails, airstrips and bridges.
- **Utilities**, generally encompassing electrical, telecommunications, water, sewer and natural gas infrastructure.
- **Industrial activities**, including commercial outfall lines and some pipelines.
- **Erosion control features**, including for bank armoring, dikes, jetties, and other revetment structures.

Easements may be granted to governmental entities, corporations, or individuals, and may be limited to private use or open to the public at large. DMLW precedent generally favors the creation of public access easements for access infrastructure. DMLW follows the guidelines for easement width established by [11 AAC 51.015](#) and generally grants utility easements at a 30 foot width and public access easements at a 60 or 100 foot width.

**All easement application packages must include the following items in order to be eligible for review:**

- Easement Application Form with signature.
- Written Development Plan that describes the proposed use and purpose of the easement. A map or sketch that depicts the location of the proposed use is also required.
- [Environmental Risk Questionnaire](#) with signature.
- Application fee set by [11 AAC 05.070](#) and applicable [director's fee order](#).
- Power of Attorney for a project agent to act on behalf of the applicant, if applicable.

The act of filing an application is not approval for land use. If notified that an application is incomplete, applicants will have 30 days to provide the necessary information. If the applicant is not responsive the application will be closed. Complete applications will be posted in their entirety to the DMLW public notice webpage for a period of 30 days. Following the close of this notice period DMLW will issue an appealable Regional Manager's Decision (RMD) that will either approve or deny the request. This decision may detail

additional steps and/or modify the initial request as a condition of obtaining or holding an easement. Conditions may include, but are not limited to:

- **Survey of the easement boundaries.** A survey of the shoreline may be required prior to undertaking construction activities when working near riparian boundaries. A postconstruction as-built survey of constructed improvements may also be required.
- **Evidence of having applied for or received permission to utilize neighboring lands or adjoining upland property, if such property is required for the overall project.**
- **Dedication of reciprocal easement** over the applicant's land, at DMLW's determination.
- **Use fees set by 11 AAC 05.070 and applicable director's fee order.**
- **Performance guaranty** in the form of a cash bond, certificate of deposit or corporate surety bond. The minimum performance guaranty for an easement is \$1,000 per acre or portion of an acre.
- **Proof of insurance** that covers the proposed activities.
- **Submission of an annual report** of activities that occurred within the easement and/or that are proposed to occur within the easement.

Applicants are encouraged to contact the appropriate regional land office listed above and/or apply for an easement a year in advance of their desired construction timeframe. DMLW regional land office contact information is listed at the beginning of this document. Applicants should also expect to retain surveyors or project agents for the full length of proposed construction activities as DMLW holds easements in a conditionally approved status until completion of an as-built survey and/or receipt of required deliverables. Failure to complete conditions of a RMD including the completion of an as-built survey will result in the termination of the authorization, and the applicant will be required to remove any improvements that were installed.

Applicants are encouraged to meet with a member of DMLW's staff to discuss proposed activities prior to filing an application.

**Completed Easement Applications must be submitted electronically to an email address below or mailed to one of the following offices closest to the proposed use or activity on state lands:**

Northern Region Land Office  
3700 Airport Way  
Fairbanks, AK 99709-4699  
(907) 451-2740  
[nro.lands@alaska.gov](mailto:nro.lands@alaska.gov)

Southcentral Region Land Office  
550 West 7<sup>th</sup> Ave, Suite 900C  
Anchorage, AK 99501-3577  
(907) 269-8503  
[dnr-pic@alaska.gov](mailto:dnr-pic@alaska.gov)

Southeast Region Land Office  
P. O. Box 111020  
Juneau, AK 99811-1020  
(907) 465-3400  
[sero@alaska.gov](mailto:sero@alaska.gov)

Statewide TTY – 771 for Alaska Relay or 1-800-770-8973

**STATE OF ALASKA**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Mining, Land and Water**

**APPLICATION FOR EASEMENT**  
**AS 38.05.850**

ADL# \_\_\_\_\_  
(to be filled in by State)

Applications that are submitted with unfilled sections or inadequate explanation and/or without application fees, a location figure and/or a completed Division of Mining, Land and Water (DMLW) Environmental Risk Questionnaire will be deemed incomplete. Incomplete applications will be returned without review. See DMLW's current fee regulations (11 AAC 05) and associated Director's Fee Order for applicable non-refundable fee amounts. The filing of an application does not guarantee processing or approval of the requested authorization.

Applicant: Haines Borough Doing Business As: Haines Borough

Agent: (if applicable; attach record of authorization to represent) \_\_\_\_\_

Mailing Address: PO Box 1209 Email: clerk@haines.ak.us

City/State/Zip: Haines AK 99827

Primary Phone: (907) 766-6400 Alternate Phone: (907) 766-6450

General Location: Swanson Harbor Tract A Municipality: Haines

Section(s): 21 Township: 42 South Range: 63 East Meridian: Copper River

Section(s): \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Meridian: \_\_\_\_\_

Attach a location figure, plan drawing or survey that shows the detailed location of the requested easement in relation to adjoining property boundaries and reference points. All features must be labeled.

Dimensions requested (Complete line 1 for a lineal easement or line 2 for an easement with an irregular shape):

1. Length: (feet) 150 Width: (feet) 10

2. Area: 0.756 Are units in  square feet or  acres? (check one)

Term requested and rationale: 25 Years, The last easements was for ten years

Are you applying for a  public or a  private easement? (check one) Rationale:

The Haines Borough is a public entity and the infrastructure is for public use.

Development plan summary/specific purpose of easement: (e.g., electric utility, fiber-optic cable, road, bridge, airstrip/airport, driveway, trail, drainage). This information will be used to determine the scope of use of the easement.  
Maintain the 6 pilings and associated refuge float.

Is this an existing use?  Yes  No. If yes, explain extent and duration of use to date:

The Haines Borough has maintained the 6 pilings and associated refuge float free of charge since 2011.

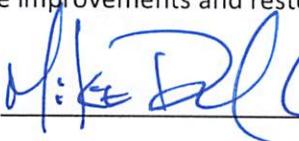
Describe plans for initial construction. Be detailed. Include a list of authorizations for portions of the project that are proposed for construction on adjoining lands, other permitting, and/or third-party non-objections: (Use extra sheets as needed)

Not applicable - Haines Borough maintains the existing infrastructure

Anticipated construction timeframe: n/a

If this authorization is granted, I agree to construct and maintain the authorized improvements in an acceptable manner, and to keep the area in a neat and sanitary condition; to comply with all the laws, rules, and regulations pertaining thereto; and provided further that upon termination of the easement for which application is being made, I agree to remove or relocate the improvements and restore the area without cost to the State and to the satisfaction of DMLW.

Applicant's Signature



HAINES BOROUGH CLERK

Date: 4-29-25

This form must be filled out completely and submitted with the applicable fees. Failure to do so will result in a delay in processing. AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.

In submitting this form, the applicant certifies that he or she has not changed the original text of the form or any attached documents provided by the Division. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.

For Department Use Only  
Application received date stamp

Receipt Types:

13A Pipeline Easement  
 13 Other Easement

**STATE OF ALASKA**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Mining, Land and Water**

Land Conveyance Section 550 W. 7 <sup>th</sup> Ave, Suite 640 Anchorage, AK 99501-3576 (907) 269-8594	Northern Region 3700 Airport Way Fairbanks, AK 99709-4699 (907) 451-2740 <a href="mailto:nro.lands@alaska.gov">nro.lands@alaska.gov</a>	Southcentral Region 550 W. 7 <sup>th</sup> Ave, Suite 900C Anchorage, AK 99501-3577 (907) 269-8503 <a href="mailto:dnr.pic@alaska.gov">dnr.pic@alaska.gov</a>	Southeast Region P. O. Box 111020 Juneau, AK 99811-1020 (907) 465-3400 <a href="mailto:sero@alaska.gov">sero@alaska.gov</a>
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Statewide TTY – 771 for Alaska Relay or 1-800-770-8973

**APPLICANT ENVIRONMENTAL RISK QUESTIONNAIRE**

The purpose of this questionnaire is to help clarify the types of activities you propose to undertake. The questions are meant to help identify the level of environmental risk that may be associated with the proposed activity. The Division of Mining, Land and Water's evaluation of environmental risk for the proposed activity does not imply that the parcel or the proposed activity is an environmental risk from the presence or use of hazardous substances.

Through this analysis, you may become aware of environmental risks that you did not know about. If so, you may want to consult with an environmental engineer or an attorney.

Haines Borough	Haines Borough		
Applicant's Name	Doing Business As		
PO Box 1209	Haines	AK	99827
Address	City	State	Zip
(907) 314-0173	clerk@haines.ak.us	Haines Borough Clerk	
Message Phone	Email	Contact Person	

Describe the proposed activity:

Maintain the 6 pilings and associated refuge float.

In the course of your proposed activity will you generate, use, store, transport, dispose of, or otherwise come in contact with toxic and/or hazardous materials, and/or hydrocarbons?  Yes  No. If yes, please list the substances and the associated quantities. Use a separate sheet of paper, if necessary.

n/a

If the proposed activities involve any storage tanks, either above or below ground, address the following questions for each tank. Please use a separate sheet of paper, if necessary, and, where appropriate, include maps or plats:

a. Where will the tank be located?

n/a

b. What will be stored in the tank?

n/a

c. What will be the tank's size in gallons? n/a

d. What will the tank be used for? (Commercial or residential purposes?)

n/a

e. Will the tank be tested for leaks? n/a

f. Will the tank be equipped with leak detection devices?  Yes  No. If yes, describe:

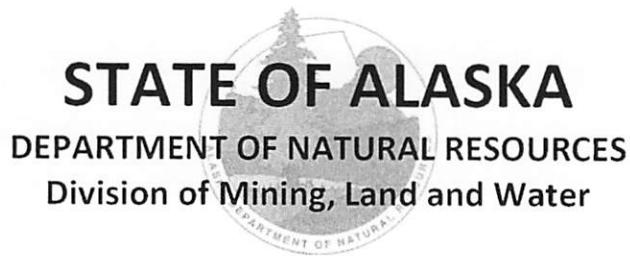
n/a

Do you know or have any reason to suspect that the site may have been previously contaminated?  Yes  No.  
If yes, please explain:

I certify that due diligence has been exercised and proper inquiries made in completing this questionnaire, and that the foregoing is true and correct to the best of my knowledge.

Applicant Signature: Mike Del (HAINES BOROUGH CLERK) Date: 4-29-25

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant certifies that he or she has not changed the original text of the form or any attached documents provided by the Division. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.



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## INSTRUCTIONS FOR COMPLETING A DEVELOPMENT PLAN

A development plan is a written statement (narrative) and a sketch or blueline drawing describing the proposed use and development of state land. The information contained in a development plan is needed to provide a complete review of the application and the proposed use and development, and helps to determine the terms and conditions of the authorization and the level of bonding and insurance that may be required.

Most applications submitted to the Division of Mining, Land and Water must have an attached development plan. The few exceptions to this rule include applications for state land sales and some types of land use permit. The amount and type of information included in the development plan will depend on the proposed use and level of development. Insufficient information in the development plan and/or application or failure to provide a development plan may result in a delay in processing the application. If you are unsure whether your application will require a development plan, contact the regional office responsible for managing the area you are planning to use (regional office addresses and phone numbers are shown at the top of this sheet).

If the application is approved, the approved development plan becomes a part of the authorization document. Authorized activities are limited to those described in the development plan and/or authorization document. The development plan must be updated if changes to an approved project are proposed before or during the project's siting, construction, or operation; if any additional structures, buildings, or improvements are proposed; or if there is a change in activity that was not addressed during consideration of the application. Please note that these development plans or plan changes must be approved by the Division of Mining, Land and Water before any change occurs in use, construction, or activity. Conducting activities that are not authorized by the development plan and authorization document could result in revocation and termination of the authorization and/or other appropriate legal action.

- I. **General Guidelines for Preparing a Development Plan** For new authorizations, the development plan must show the proposed improvements and/or use areas, as well as preconstruction plans. For existing authorizations without a current development plan or if the development plan is being updated, the plan must show existing improvements and/or use areas, etc., and any known future changes. The development plan must include:
  - **Maps:** a USGS map at a scale of at least 1:63,360 showing the location of the proposed project; a blueline drawing or sketch, drawn to scale (the attached diagram may be used); and
  - **Written Project description:** a detailed written description (narrative) of the intended use and level of development planned under the authorization and an explanation of the sketch or blueline drawing.

II. **Land Use Permits** Permanent improvements cannot be authorized by a land use permit. However, a development plan accompanying a land use permit application must describe nonpermanent structures and activities. (Nonpermanent structures are structures that can be easily and quickly taken down and removed from the site, without any significant disturbance or damage to the area.) Several of the specific development plan items listed below will not apply to activities authorized under a land use permit; those items that do apply should be described in as much detail as possible, to enable prompt review of the application. If the proposed land use permit activity is of a mobile nature, such as a permit to move heavy equipment across state land, a development plan is not required; but a map showing the proposed route of travel is required. If the impact would not have a significant effect on the environment, such as a permit to harvest wild produce, a development plan is not required, but a map showing the location of the proposed harvest area is required.

III. **Narrative portion of the development plan** Describe the type of activities or development planned for the site; specify if any facilities are intended for commercial use, or will be rented out; and provide a description and explanation of the items shown on the sketch or blueline. Following is a list of specific information to be included in the narrative, if applicable to the proposed project:

- **Legal description.** Provide a legal description of the parcel, i.e. a metes and bounds description, survey, lot and block, aliquot part, or other legal description.
- **Terrain/ground cover.** Describe the existing terrain/ground cover, and proposed changes to the terrain/ground cover.
- **Access.** Describe existing and planned access, and mode of transportation. If public access is to be restricted, define possible alternative public access routes.
- **Buildings and other structures.** Describe each building or structure, whether permanent or temporary, including a description of the foundation as well as the building and floor construction; the date when the structure is to be constructed or placed on the parcel; the duration of use; and what activities are to occur within each structure.
- **Power source.** Describe type and availability of power source to the site.
- **Waste types, waste sources, and disposal methods.** List the types of waste that will be generated on-site, including solid waste, the source, and method of disposal.
- **Hazardous substances.** Describe the types and volumes of hazardous substances present or proposed, the specific storage location, and spill plan and spill prevention methods. Describe any containment structure(s) and volume of containment structure(s), the type of lining material, and configuration of the containment structure. Provide Material Safety Data Sheets (MSDS).
- **Water supply.** Describe the water supply and wastewater disposal method.
- **Parking areas and storage areas.** Describe long-term and short-term parking and storage areas, and any measures that will be taken to minimize drips or spills from leaking vehicles or equipment. Describe the items to be stored in the storage areas.
- **Number of people using the site.** State the number of people employed and working on the parcel, and describe the supervisor/staff ratio. Estimate the number of clients that will be using the site.
- **Maintenance and operations.** Describe the long-term requirements, how they will occur and who will perform the work. Specify if any subcontractors will be involved, and explain the tasks they will perform.
- **Closure/reclamation plan.** Provide a closure/reclamation plan, if required for the type of authorization being applied for, e.g. material sale.

IV. **Sketch or blueline portion of the development plan** The sketch or blueline must be drawn to scale, and each item labeled in such a way that the information contained in the drawing can be located in the narrative portion of the development plan (professional quality drafting and mechanical lettering is preferred). Following is a list of information to be shown on the drawing, if applicable:

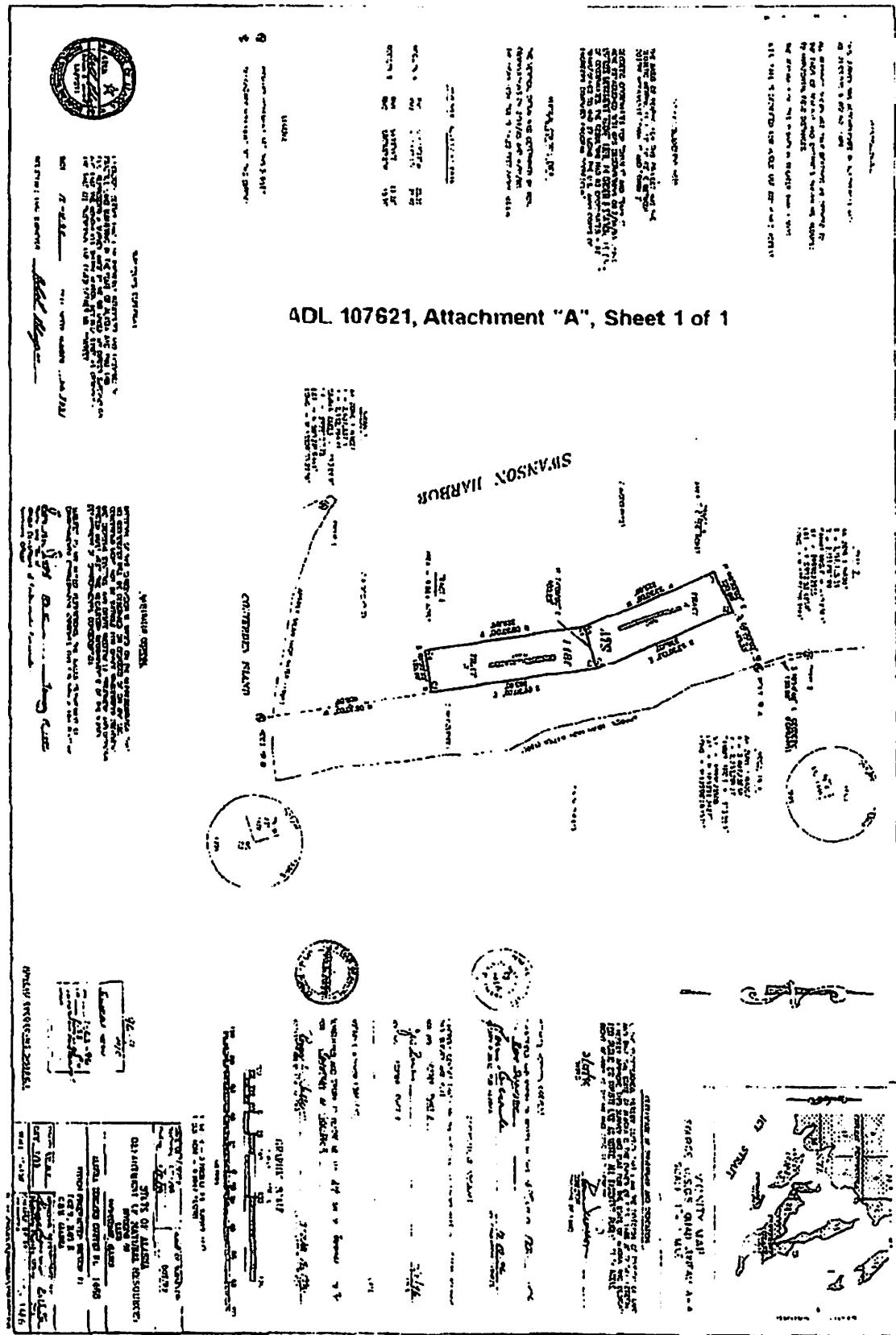
- Section, Township, and Range lines; North arrow; scale; title; and legend (attached is an acceptable format).
- All property boundaries, ordinary or mean high water lines, and existing or proposed rights-of-way; major topographic features such as roads, streams, rivers, and lakes, and their geographic names.
- Location and dimensions of any gravel pads, or cement foundations, buildings, and other structures and improvements, appropriately labeled.
- Location of any buried or above-ground utility lines (power, water, fuel, natural gas, etc.); sewage facilities, including sewage and wastewater outfall point; underground water system; and water source (if any).
- Location where any hazardous substances, including but not limited to oil, lubricants, fuel oil, gasoline, solvents, and diesel fuel, are stored. Method of storage (tank, drum, etc.).
- Location of parking areas, and areas for the storage of inactive vehicles; snow storage areas; storage areas for any other items not mentioned above (drill rigs, camps, pipe, watercraft, etc.).

## Site Development Diagram

VICINITY MAP

Date Prepared:	Applicant's Name:		
<b>Alaska Department of Natural Resources</b> <b>Division of Mining, Land &amp; Water</b> <b>Land Use Permit</b>			
<b>Site Development Diagram</b>			
Sec(s)	T	R	M
Sheet	of	File #	

ADL 107621, Attachment "A", Sheet 1 of 1



Alaska Department of Natural Resources  
Division of Mining, Land and Water  
Southeast Regional Office

Decision Memorandum  
Public Tideland Easement under AS 38.05.850  
ADL 107621

- I. Proposed Use or Activity-** This decision memorandum is to determine whether it is in the best interest of the State to issue a public tideland easement to the Haines Borough for a period of ten years or until the use is no longer necessary or if the parcel is no longer being used for its intended purpose. The Haines Borough initially applied for a Municipal Tideland Conveyance, see casefile ADL 106936, but in 2007 the Borough decided to relinquish that application. The float is in an area that is proposed for a State marine park and therefore the tidelands should remain in State ownership for now. If, in the future, the situation changes, a conveyance may be appropriate.
- II. Proposed Easement Area-** The public easement area proposed for development in ADL 107621 will occupy 0.756 acres of tide and submerged land in Icy Strait. See Tract A, Alaska Tideland Survey (ATS) 1486, recorded February 23, 1996, hereinafter described as Attachment A.
- III. Land Description-** The project is located within NE ¼ SE ¼ 22 section 21, of Township 42 South, Range 63 East, Copper River Meridian; USGS Quad Map Juneau A-4; near Haines, Alaska.
- IV. Authority-** DMLW is authorized to execute easements on state land under the provisions of AS 38.05.850, AS 38.05.035, 11 AAC 96, 11 AAC 05.010.
- V. Administrative Record-** The administrative record for the action proposed in this decision document is case file ADL 107621. Additional records incorporated by reference are: casefile ADL 103226, ILMA to DOT/PF; the Alaska Coastal Management Program (ACMP) consistency review AK 820414-05J; and, the *Northern Southeast Area Plan* (NSAP), October 2002.
- VI. Title-** The State of Alaska received title to the affected tide and submerged lands under the Alaska Statehood Act (Public Law 85-508), the Submerged Lands Act (Public Law 31) and the Doctrine of Equal Footing upon entry of the State into the Union. Management is subject to the Public Trust Doctrine.
- VII. Background-** The existing float was built in 1979 by the Alaska Department of Transportation and Public Facilities (ADOT/PF). The intent was to serve both recreational boaters and commercial fishermen with a refuge float on a space available basis. The existing float can accommodate a maximum of ten 24 foot boats moored singly. The moorage facility existed before the NSAP and the land classification therein.
- VIII. Land Status/Classification-** The State land in the vicinity of the proposed easement is subject to the NSAP. The refuge float is located in management unit LT-15. The parcel name is Point Couverden Area. The unit is designated as "Ha" (Habitat), and "Ru" (Public Recreation and Tourism-undeveloped) which converts to Wildlife Habitat Land and Public Recreation land respectively.

The management guidelines state that, if, within fish and wildlife habitat designated "Ha" and "Ru", a non-designated use with appropriate design, siting, and operating stipulations, may be allowed if the Department of Natural Resources (DNR) and the Department of Fish and Game (DFG) concur that the

non-designated use can be made compatible and significant adverse impacts to the “Ha” habitat avoided. A non-designated use may also be allowed if the project receives a positive Alaska Coastal Management Program (ACMP) determination.

The DNR conducted a 30 day agency review concurrent with the ACMP review. The habitat division sent comments in July 6, 1982, and did not offer any objections. The DFG comments made for the ACMP consistency review to the adjacent refuge float built in 1994 state that a DFG Title 16 permit was not required for the proposed project. DEC stated that no water quality certification under Section 401(a) and 40 CFR 121.16(a) of the Clean Water Act was required.

The proposed easement is compatible with the planning and classification and management intent of the NSAP. Information supporting this conclusion is available to the public.

**IX. Alaska Coastal Management Program Consistency Review-** This project was found consistent with the ACMP project I.D. AK 820414-05J. DNR requested a copy of the final Consistency Determination on April 19, 2011; however, the ACMP could not provide a copy of the final Consistency Determination.

**X. Easement Revocability-** As per 38.05.850, DNR has determined that this authorization will be functionally revocable and is not considered a disposal of an interest in state land or resources. This is primarily due to the minor nature of the proposed easement and the fact that the state reserves the right to authorize compatible uses within overlapping or adjacent areas.

**XI. Public Review and Notice-** Due to the revocable nature of the proposed easement, public notice is not required as per AS 38.05.850.

**XII. Term and Renewal-** The easement will be valid for ten years from date of issuance but may be terminated if a higher and better economic use for the project site is established as determined by the DMLW Director (AS 38.05.850), or if the land is no longer used for the above stated purpose. This easement may be extended for a subsequent ten years if a higher and better use is not being considered upon expiration.

**XIII. Bonding/Insurance-** The Regional Manager, at this time, is not requiring the Grantee to provide a performance guaranty. However, the right to require such performance guarantee is reserved at the Regional Manager's discretion. If required, such performance guarantee shall remain in effect for the remainder of this authorization and shall secure performance of Grantee's obligations hereunder. The amount of the performance guarantee may be adjusted by the Regional Manager in the event of approved amendments to this authorization, changes in the development plan, or any change in the activities or operations conducted on the premises.

If the Grantee fails to perform the obligations under this easement within a reasonable timeframe, the State may perform the Grantee's obligations at the Grantee's expense. The guaranty may be utilized by the DMLW to cover actual costs incurred by the State of Alaska to pay for any necessary corrective actions in the event the Grantee does not comply with the site utilization, restoration requirements and other stipulations contained in this easement agreement. The Grantee agrees to pay within 20 days following demand, all costs and expenses (in excess of the performance guaranty) incurred by the State of Alaska as a result of the failure of the Grantee to comply with the terms and conditions of this easement.

**XIV. Survey-** A state approved ATS 1486, containing 0.756 acres, more or less, according to the survey plat filed in the Juneau Recording District on 02/23/96 as Plat # 96-9.

**XV. Fees** —The fee for a public easement per 11 AAC 05.010(e)(12), there would be a one time \$50.00 fee and no fee thereafter.

**XVI. Decision**— DNR proposes to issue a public easement to Haines Borough for the location, operation, and maintenance of said easement for an indefinite term within the easement area as shown in Attachment A. The Easement Agreement (EA) shall be subject to the standard stipulations and special conditions in the DNR, DMLW EA (Attachment B), with the following recommendations:

1. The easement shall be subject to the standard DMLW Public Easement (revised 05/2009), enclosed as Attachment B. *(area)*
2. The term of the easement shall be ~~10 years or~~ until no longer deemed necessary and may be terminated if a higher and better economic use for the project site is established as determined by the DMLW Director (AS 38.05.850) or, if the land is no longer used for the above stated purpose.
3. Limits of Development. The public easement shall limit Haines Borough right to develop and use the easement area to that described in the approved plan of operation and development (Attachment A). Use of the easement area for purposes other than those specified in the approved plan of development, or any land outside the easement area, is a violation of the easement grant. Before any change in use or development occurs, including making any additional improvements or constructing any new structure, Haines Borough must propose revisions to the approved development and the revised plan must be approved in writing by the grantor. The easement must be utilized for the purpose described in the approved plan. Failure to make substantial use of the land consistent with the approved plan within five years will, at the grantor's discretion, constitute grounds for termination of the easement grant. Any change to the approved development plan may require additional public notice.

**XVII. Proposed Permit including the following attachments:**

Attachment A—recorded plat plat 96-9

Attachment B—Easement Agreement (Rev. 5/2009)

Adjudicator's Signature:

*David R. Dugay* 04/28/11

Date

Regional Manager's Signature:

*David S. Sullivan* 04/28/11

Date

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d)] and may be mailed or delivered to Daniel S. Sullivan, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501-3561; faxed to 1-907-269-8918; or sent by electronic mail to [dnr\\_appeals@dnr.state.ak.us](mailto:dnr_appeals@dnr.state.ak.us). This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31<sup>st</sup> day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.