



STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Northern Regional Land Office

Regional Manager's Decision

ADL 422580
NANA Regional Corporation, Inc
Easement Application
AS 38.05.850

REQUESTED ACTION

The Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), received an application for a public utility easement from NANA Regional Corporation, Inc. (NANA) for a proposed fiber optic cable on state-owned, DMLW-managed uplands, shoreland and tidelands within the Northwest Arctic Borough in northeast Alaska. The purpose of the proposed easement is to provide high speed broadband internet service. The applicant has requested a public easement approximately 285,120 feet long, 30 feet wide, encompassing 196.4 acres, more or less.

RECOMMENDED ACTION

NRO recommends issuing a 30-foot wide by approximately 285,120 foot-long (54 miles) public utility easement for fiber optic communications purposes, for a term of 30 years.

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 AS 38.05.127.

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 2008 Northwest Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 422580.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize an easement located within the Northwest Arctic Borough, connecting the NANA Regional Corporation communities of Kotzebue, Kivalina, Noatak, Buckland, Deering, Selawik, Kiana, Noorvik, Shungnak, Kobuk, and Ambler (see Attachment A).

Township Range

The applicant has applied to use state-owned, DMLW-managed upland, shoreland, and tidelands lands within:

Uplands			
Section	Township	Range	Meridian
1-4, 6-9	6 North	15 West	Kateel River Meridian
1	6 North	16 West	Kateel River Meridian
36	7 North	15 West	Kateel River Meridian
19-20, 27-29, 34-36	7 North	16 West	Kateel River Meridian
30	22 North	19 West	Kateel River Meridian
5, 9, 15-16, 23, 25-26	22 North	20 West	Kateel River Meridian
16, 29	24 North	20 West	Kateel River Meridian
6-8, 17, 20, 29, 32	28 North	19 West	Kateel River Meridian
1-3,	28 North	20 West	Kateel River Meridian
6	28 North	21 West	Kateel River Meridian
1-2, 9-11, 16-19	28 North	22 West	Kateel River Meridian
20-24, 29-31	28 North	23 West	Kateel River Meridian
21, 26-30, 35-36	29 North	20 West	Kateel River Meridian
25-26, 33-35	29 North	21 West	Kateel River Meridian

Shorelands			
Section	Township	Range	Meridian
3, 4	19 North	17 West	Kateel River Meridian
33	20 North	17 West	Kateel River Meridian
19	25 North	19 West	Kateel River Meridian
34	28 North	25 West	Kateel River Meridian
18	19 North	16 West	Kateel River Meridian
11	18 North	13 West	Kateel River Meridian
13	17 North	10 West	Kateel River Meridian
10, 18	17 North	9 West	Kateel River Meridian
19, 20, 21	18 North	8 West	Kateel River Meridian
14, 21, 31	15 North	6 West	Kateel River Meridian
14	15 North	5 West	Kateel River Meridian
35	18 North	8 East	Kateel River Meridian
21	18 North	7 East	Kateel River Meridian
8	19 North	5 East	Kateel River Meridian
34	19 North	6 East	Kateel River Meridian
27	20 North	5 East	Kateel River Meridian
31	20 North	5 East	Kateel River Meridian
2	7 North	12 West	Kateel River Meridian

29	12 North	7 West	Kateel River Meridian
3, 10, 16	12 North	7 West	Kateel River Meridian
6, 20, 29	14 North	6 West	Kateel River Meridian

Tidelands			
Section	Township	Range	Meridian
6	17 North	16 West	Kateel River Meridian
2-3, 10, 16, 20-21, 29,31	18 North	16 West	Kateel River Meridian
24-26, 35	19 North	16 West	Kateel River Meridian
9,15,16	7 North	19 West	Kateel River Meridian

*approximately as shown on attachment A.

Other Land Information

Municipality: Arctic Northwest Borough, City of Ambler, City of Buckland, City of Deering, City of Kiana, City of Kivalina, City of Kobuk, City of Kotzebue, City of Noorvik, City of Selawik, City of Shungnak.

Regional Corporation: NANA Regional Corporation.

Village Corporation: Ambler Traditional Council, Buckland IRA, Deering IRA, Kiana Traditional Council, Kivalina IRA, Kobuk IRA, Kotzebue IRA, Noorvik IRA, Native Village of Selawik, Native Village of Shungnak, Native Village of Noatak

TITLE

The State of Alaska received Tentative Approval (TA) and Patent (PA) to the following uplands within the Kateel River Meridian:

Township	Range	Section	Patent / TA	Date Received	Grant #
6 North	15 West	1-4, 6-9	TA F-21017	6/15/1988	GS 2287
6 North	16 West	1	TA F-21017	7/6/1987	GS 2287
7 North	15 West	36	PA 50-2002-0011	10/24/2001	GS 2287
7 North	16 West	19-20, 27-29, 34-36	PA 50-2015-0003	10/2/2014	GS 2287
22 North	19 West	30	TA F-89317	1/26/2010	GS 6804
22 North	20 West	5, 9, 15-16, 23, 25-26	TA F-89317	1/26/2010	GS 6804
24 North	20 West	16, 29	PA 50-2019-0090	8/17/2011	GS 6805
28 North	19 West	6-8, 17, 20, 29, 32	TA F-84394	10/5/1988	GS 5137
28 North	20 West	1-3,	TA F-44416	9/1/1983	GS 4033
28 North	21 West	6	TA F-44417	4/24/2015	GS 4034
28 North	22 West	1-2, 9-11, 16-19	TA F-44418	4/1/1981	GS 4035
28 North	23 West	20-24, 29-31	TA F-44419	11/6/1981	GS 4036
29 North	20 West	21, 26-30, 35-36	TA F-44425	7/29/1983	GS 4042
29 North	21 West	25-26, 33-35	TA F-44426	6/26/1981	GS 4043

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying waterbodies (See table 1) in the section(s) referenced

above, on the basis of the Equal Footing Doctrine, the Submerged Lands Act of 1953, and AS 38.04.062 (Identification of State Submerged Lands).

Table 1: State Land Underlying Waterbodies

<p>Tidelands: Hotham Inlet, Kugruk Lagoon.</p> <p>Shorelands: Little Noatak Slough, Noatak River, Kuchoruk Creek, Wulik River, Amaouk Creek, Oksik Creek, Duffy Slough, Kobuk River, Shogvik Lake, Fish River, Ikagoak River, Wesley Creek, Shungnak River, Pitkik Creek, Ambler River, Selawik River, Buckland River, Kiwalik River</p>
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All shorelands and tidelands within ANCSA Native Corporation lands listed above (and set out by section in “Title”) have been determined navigable by BLM.

This authorization may cross navigable waters within state land. Lands on one or both sides of these waters at these locations are managed by DMLW; therefore, for simplicity, ownership is noted as having inured to the State through the acquisition of the adjoining uplands. However, the State of Alaska continues to hold title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including under any navigable waters in the sections referenced above, on the basis of the Equal Footing Doctrine, the Submerged Lands Act of 1953, and AS 38.04.062 (Identification of State Submerged Lands) irrespective of how ownership is reported herein.

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.

The proposed easement intersects segments of RS 2477’s Candle-Deering Trail (RST 1737) and Candle-Kiwalik (RST 42) several times in sections 27 & 35, T7N, R16W. It is not anticipated that the proposed FOC will interfere with access on these winter use RS 2477s.

THIRD PARTY INTERESTS

The applicant has requested an easement that may impact the following interests.

- ADL 409515 – Public access easement 600ft in width for a transportation corridor to the Red Dog Mine was issued to Alaska Industrial Development Export Authority (AIDEA) in 1986.
- Teck Alaska Inc. – Red Mine Road and LAS 33730 (permit for seed harvest).

No comments were received from Teck or AIDEA indicating that this easement would conflict (see Public Notice, below). This easement will be subject to valid existing rights, including ADL 409515. Additionally, letters of non-objection were issued from Teck and AIDEA for this proposed project.

PLANNING & CLASSIFICATION

The uplands, shorelands, and tidelands of this project are all located within units of the Northwest Area Plan. See Table 2 for upland, shoreland, and tidelands designation and classifications.

Table 2: Planning and Classification

Uplands				
MTRS	Unit	Designation	Classification	Management Intent
28N 20W 3 28N 21W 6 28N 23W 20-23, 29-31 28N 22W 1-2, 10-11 29N 20W 21, 26-30, 35-36 29N 21W 25-26, 33-35	K-04	Habitat (Ha)	Wildlife Habitat	Authorizations issued in this unit involving long-term or permanent uses are to consider impacts upon the WACH. Special consideration is to be given to activities occurring during the winter and to uses that may impact areas used for insect relief. Consult ADF&G prior to issuing an authorization involving long-term or permanent use.
28N 19W 6-8, 17, 20, 29, 32 28N 20W 1-2 28N 23W 24 28N 22W 9-10, 16-19	K-01	General Use (Gu)	Resource Management	Authorizations issued in this unit involving long-term or permanent uses are to consider impacts upon the WACH. Special consideration is to be given to activities occurring during the summer migration period and to the protection of movement corridors and protection of core insect relief areas. Consult ADF&G prior to issuing an authorization involving a long-term or permanent use.
24N 20W 16, 29 22N 20W 5, 9, 15-16, 23, 25-26 22N 19W 30	K-05	Transportation Corridor (Tc)	Transportation Corridor Land	DNR is to consult with ADOT/PF to determine if a proposed use or activity is compatible with the transportation corridor. The purpose of this review is to determine if it would adversely affect the development of a transportation facility. Any development that may be authorized shall adhere to the following guideline: Authorizations are to consider impacts to the WACH and upon moose rutting areas. Special consideration is to be given to the impacts of activities occurring during migration periods or when this area is used for its winter range. Consult ADF&G prior to issuing an

				authorization involving long-term or permanent use. Protect waterfowl concentrations.
22N 20W 4	K-06	Habitat (Ha)	Wildlife Habitat Land	Authorizations involving long-term or permanent uses are to consider impacts upon sensitive habitats and, particularly, the WACH. Special consideration is to be given to the impacts of activities occurring during migration periods or when this area is used for its winter range. Consult ADF&G prior to issuing an authorization involving long-term or permanent use.
6N 15W 1-4, 6-9 6N 16W 1 7N 15W 36 7N 16W 19-20, 27-29, 34-36	K-13	Mineral and Habitat (Mi, Ha)	Wildlife Habitat Land and Mineral Land	Authorizations issued in this unit involving long-term or permanent uses are to consider impacts upon the WACH. Special consideration is to be given to activities occurring during migration periods and during the period they are using it as part of their winter range. The protection of caribou movement corridors is also to be an important consideration. Consult ADF&G prior to issuing an authorization involving long-term or permanent use
Shorelands and Tidelands				
MTRS	Unit	Designation	Classification	Management Intent
Kobuk River Shorelands not within CSU 20N 5E 31 17N 8E 16	N/A	Transportation Corridor (Tc) and Habitat (Ha)	Transportation Corridor Land and Wildlife Habitat Land	Designated because of its importance to regional transportation and commerce, in addition to its habitat and recreation values.
Kobuk River Shorelands within CSU 17N 11W 34 18N 8W 20	N/A	Transportation Corridor (Tc) and Habitat (Ha) and Public Recreation and Tourism-Dispersed (Rd)	Transportation Corridor Land and Wildlife Habitat Land and Public Recreation Land	Designated because of its importance to regional transportation and commerce, in addition to its habitat and recreation values.
Shorelands that cross through CSUs and are not anadromous 17N 10W 13, 18 17N 9W 10 18N 8W 21 15N 6W 14, 21, 31 15N 4W 16 14N 6W 29 12N 7W 10, 16, 29	N/A	Public Recreation and Tourism-Dispersed (Rd)	Public Recreation Land	To be managed to protect their habitat and/or public recreation functions.

Shorelands that cross through CSUs and are anadromous 17N 12W 14 14N 6W 20 12N 7W 3	N/A	Public Recreation and Tourism-Dispersed (Rd) and Habitat (Ha)	Public Recreation Land and Wildlife Habitat Land	To be managed to protect their habitat and/or public recreation functions.
Shorelands that are anadromous 27N 26W 15-16, 21 28N 25W 34 19N 17W 3, 4 20N 17W 33, 34 20N 5E 27 18N 8E 35 7N 12W 2 6N 15W 8	N/A	Habitat (Ha)	Wildlife Habitat Land	Navigable waterbodies that are anadromous are to be managed to protect their habitat values, although uses can be authorized if these values are protected.
Shorelands that are not anadromous, not within a unit, and not within CSUs 25N 19W 19 18N 13W 11 19N 5E 8 19N 6E 34 18N 7E 21 17N 8E 21 17N 7E 26 17N 6E 36 17N 18W 2	N/A	General Use (Gu)	Resource Management Land	Waterbodies designated General Use are to be managed to allow a diversity of uses consistent with the uses authorized on adjoining uplands in federal, private, or other state entity ownership.
Tidelands 17N 16W 18N 16W 19N 16W 7N 19W	KT-07	General Use (Gu)	Resource Management Land	To be managed for multiple uses. Prior to issuing an authorization consult reference sources mentioned in 'Resources and Uses' of KT-07 and consult ADF&G, NMFS, or USFWS, as appropriate. Careful consideration to habitat must be given in the issuance of authorizations in tidelands designated General Use. A wide variety of resources and tideland values are present within areas affected by this designation. They are also important for harvest activities seasonally.

The following designations apply to lands considered here for an easement: Habitat, General Use, Transportation Corridor, Mineral, and Public Recreation and Tourism – Dispersed.

Lands designated Habitat (Ha) may accommodate utilities if they are designed to maintain habitat functions. The proposed project is a utility that will improve public health and safety by providing broadband services to medical clinics, thus consistent with the area plan objectives. As per the area plan management recommendation, ADF&G was consulted through Agency Review for this application. Furthermore, the following Habitat Permits were issued for this project: FH25-III-

0143, FH25-III-0144, FH25-III-0145, FH25-III-0146, FH25-III-0146-A1. ADF&G identified no habitat function maintenance issues posed by this public utility easement.

Lands designated General Use (Gu) are available for a variety of uses, including utilities. In specific General Use units, consultations may be needed when appropriate. Reference sources mentioned in ‘Resources and Uses’ of KT-07 were consulted and ADF&G and USFWS were consulted through the agency review process. Regarding shorelands: uses authorized on adjoining uplands in federal, private, or other state entity ownership are considered compatible with this fiber optic installation. Regarding Unit K-01, ADF&G was consulted and did not identify potential impacts to the Western Arctic Caribou Herd.

Lands designated Transportation Corridor (Tc) are devoted specifically to provide a reserve for development of easements, including utilities. DOT&PF provided comments during the agency review process and raised no objection to issuance of an easement on DNR-DMLW managed lands; the applicant will obtain DOT&PF permits on DOT&PF managed lands rather than an easement from DNR-DMLW. No conflicts on DNR-DMLW managed lands were identified. This easement will be issued for a limited term roughly encompassing the infrastructure life.

Lands designated Minerals (Mi) generally treat mining as “a use that is compatible with the principal surface use” and are here codesignated with a Habitat designation in Unit K-13. The fiber optic cable appears designed to maintain habitat functions and likewise appears unlikely to impede the codesignated mineral uses.

Lands designated Public Recreation and Tourism-Dispersed (Rd) may accommodate utilities if they are designed to maintain recreation functions. Due to its *de minimis* footprint and maintenance requirements, a fiber optic cable appears unlikely to impede any dispersed recreation function.

There is nothing in the area plan that would preclude the authorization of the proposed project or this easement. The proposed easement is consistent with all the classifications corresponding to the designations listed above (see Table, above).

ACCESS

Functional legal access to the state land discussed herein exists via waterbodies and/or established roads on non-state uplands in the affected communities. Construction of the improvements described herein is contingent on the placement of related infrastructure on adjoining/adjacent land owned and/or managed by BLM, USF&WS, NPS, ANSCA Native Corporations, and Municipalities. These landowners were sent agency review/public notice and will be issuing their respective authorizations for the portion of the project that traverses their lands.

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 (See table 3). DMLW reserves the right to create an easement pursuant to AS 38.05.127 over the authorization proposed herein.

Table 3: Public and Navigable Waters within State Uplands

Crossing Id	Name	Public	Navigable	MTR
182	Unnamed stream	X		Section 1, 6N, 15W, KRM
183	Wabash Creek	X		Section 3, 6N, 15W, KRM
185	Kiwalik River		X	Section 8, 6N, 15W, KRM
20 & 23	Unamed lake		X	Section 6, 6N, 15W, KRM
189	Minnehaha Creek	X		Section 35, 7N, 16W, KRM
70	Unnamed stream	X		Section 23, 22N, 20W, KRM
67	Unnamed stream	X		Section 15, 22N, 20W, KRM
27	Unnamed Tutak tributary	X		Section 30, 29N, 20W, KRM
26	Tutak Creek		X	Section 35, 29N, 21W, KRM
21	Unnamed stream	X		Section 1, 28N, 22W, KRM
20	Unnamed stream	X		Section 1, 28N, 22W, KRM
13	Unnamed stream	X		Section 24, 28N, 23W, KRM

BACKGROUND

The purpose of the proposed public utility easement is to connect 11 communities residing within the NANA Region in the Northwest Arctic Borough with broadband internet service. The NANA Region Middle Mile Fiber Optic Project will connect these communities to the regional hub in Kotzebue. Currently most of these communities lack reliable terrestrial broadband service, limiting healthcare, government services, and educational opportunities. The project will consist of installing high speed FOC within the state upland, shorelands, and tidelands. The entire project will cross state, federal, native, municipal, and private lands. The total length of the proposed fiber optic network is approximately 662 miles long, of which 54 miles are on state managed land.

The proposed construction methods will include combination of terrestrial ground-laid, subsea, horizontal directional drilling (HDD), trenched, and aerial. The different construction methods will be specifically adapted for the arctic tundra conditions. The majority of the FOC installed will be ground laid across the terrestrial landscape, lakes/ponds, minor stream crossings during the winter months. The cable will be laid directly on a prepacked trail and aligned in a 12-ft. wide serpentine pattern to provide enough slack to accommodate the contour of the terrain, allowing it to settle on the vegetation and conform to changing surface features and environmental conditions. Winter deployment across the entire route is expected to last 100-110 days.

The summer construction will commence once sea and river ice melts, allowing barges hauling equipment to travel upriver. The subsea crossing at Kotzebue Sound, major river crossings, and work occurring in and near villages will occur during the summer. The subsea installation of the FOC will be trenched between the BMH and the lowest tide point, then the cable will be gravity laid or static fixed plowed across the sea floor. Major river crossings will be Horizontal Directional Drilling (HDD) approximately 4 ft. beneath the riverbed.

The installation of the FOC will cross a multitude of waterbodies along the proposed route. When crossing lakes or ponds, the cable will be laid with adequate slack on the ice/snow surface to allow the cable passively drop to the bottom after the ice thaws. Anchors on either side of the waterbody will secure the cable at the top of the banks. For small streams/ivers, the FOC will be laid in a manner similar to the deployment of lakes and ponds during winter construction. When crossing

incised streams with steep banks, the cable will need to be secured in the bank by excavating into the bank using a mini excavator and placing the fiber in the trench and backfilling the side cast bank material. At major river crossings, the FOC will be directionally bored. Construction for the largest river crossings may be performed in the summer or winter depending on the river and environmental conditions. Most waterbody crossings will be installed during the winter construction window; however, complex crossings such as the Kobuk and Noatak Rivers and Kotzebue Sound are proposed during the summer.

No long-term storage areas will occur on state lands. Temporary equipment staging areas will be established when necessary while the project construction is accomplished. These staging areas will be adjacent to the mobile camp and will be located on top of adequate snow cover to protect the underlying vegetation. While in temporary staging, all vehicles and equipment will be properly maintained to ensure no leaks or damage are present. Drip pans will be appropriately placed beneath engines as a back-up spill prevention measure.

The following equipment will be used during the winter construction: PistenBully (tracked), CAT Dozer (tracked), Steiger Case Tractor (tracked), Mulcher (tracked), Mini-Excavators (tracked), Scissorneck Trailer, Flatdeck Trailer, Medium Sleigh Trailer. The winter installation will include tracked cable deployment equipment and a powered spooling system to ensure adequate slack during placement; mobile sleigh camp for crew housing, clearing equipment (for vegetation removal); support snowmachines for crew transport; Digging equipment for stream crossings and aerial pole installation. Post cable inspection will be conducted by helicopter.

Up to three crews of 12-14 workers per crew will be working along the route at individual project segments (one crew per segment) throughout the winter construction period. After construction is complete, the FOC route will only be accessed occasionally for maintenance, typically by small crews of 2-4 technicians. No permanent staffing will be required along the ROW corridor during operation.

Most of the ground lay construction will occur during winter when snow cover and ground conditions are favorable to minimize impacts to the tundra and wetlands. The major water crossing will occur during summer. All FOC water crossing within state land will be ground laid during winter except the Kiwalik River which will be HDD during summer. Construction is projected to begin during the winter of 2026 and continue in the summer. The subsea construction is scheduled for June-July 2026. Major river crossings with HDD installations will occur June-August 2026. Winter ground lay inspections and cable seating will take place from July-August 2026/2027. Finally, demobilization and final inspections will be completed by September 2026 or 2027.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public Notice of the application was conducted from November 4, 2025, to December 4, 2025. The notice was posted to the State of Alaska Online Public Notice System and sent to:

- City of Ambler
- City of Buckland
- Ambler Traditional Council
- Buckland IRA

- City of Deering
- City of Kiana
- City of Kivalina
- City of Kobuk
- City of Kotzebue
- City of Noorvik
- City of Selawik
- City of Shungnak
- Northwest Arctic Borough
- Teck Alaska Inc.
- Deering IRA
- Kiana Traditional Council
- Kivalina IRA
- Kobuk IRA
- Kotzebue IRA
- Noorvik IRA
- Native Village of Selawik
- Native Village of Shungnak
- Native Village of Noatak
- Alaska Industrial Development and Export Authority (AIDEA)

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency Review of the application was conducted from November 4, 2025, to December 4, 2025. The notice was sent to the following recipients:

- Office of History & Archaeology, ADNR
- Public Access Assertion & Defense Unit, ADNR
- Resource Assessment & Development Section, ADNR
- Realty Services Section, ADNR
- State Right of Way, DOT&PF
- Airport Leasing, DOT&PF
- Habitat Region 3 Office, ADF&G
- Division of Sport Fisheries, Access Defense, ADF&G
- Regulatory Division, US Army Corps of Engineers
- Planning and Consultation, US Fish & Wildlife Service
- Anchorage Field Office, BLM

Agency Review Comment & Response

ADF&G commented that they have no objections to the issuance of the public utility easement, and stated that several ADF&G Fish Habitat Permits have been issued for the various non-marine waterbody crossings.

DNR Response: Noted

The Alaska Department of Transportation & Public Facilities had the following comments:

- State right of way (ROW) has more strict requirements (such as minimum depths) for trenching than general State use agreements for undeveloped areas. Applicant must obtain

utility permits from DOT&PF where DOT&PF-managed lands and facilities are impacted and where new activities may modify existing permits. See: <https://dot.alaska.gov/permits/>.

- DOT&PF Utility and ROW Permits would be required within State ROW. This applies to any use of the ROW, including any crossing, bore, trench, directional drilling or parallel work. Applicant must apply to the DOT&PF Regional Utilities Groups for each location. Contact Rex.Young3@alaska.gov 907.451.5123 and Patrick.Woolery@alaska.gov 907.451.5409 or apply online at <http://adotak.portal.opengov.com/>.
- DOT&PF Lane Closure, Driveway/Access Road, and other Permits may also be required. Consult with the appropriate regional office for locations crossing, using, or impacting DOT&PF-managed lands or infrastructure (including bridges, culverts, crossings, airports, trenches, drainages, etc.).
- Airports require additional review and easements are prohibited. Most State Airports have received federal grants for projects or land acquisition and are thus beholden to the FAA Grant Assurances, which prohibit “taking or permitting any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances” in the grant agreement. Further, DOT&PF may not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property. Instead, DOT&PF permits would be required, with approval of FAA. Applicant must apply to DOT&PF Regional Utilities Groups and work with Statewide Aviation Leasing Group and local airport managers for each location. No construction on State Airports is permitted without an approved Utilities Permit and FAA Form 7460-1 (Notice of Proposed Construction of Alteration) airspace determination, including for construction equipment. Any permanent changes to the airport will need to be reflected on an ALP update. Any new boundary crossing permits or through-the-fence agreements will also need to be updated on the Exhibit A for the airports. Pending the outcome of the permit application processes and FAA reviews, the proposed route for the fiber optic cable may or may not need to be altered.
- Whether a utility attaches to a bridge or is subsurface within a bridge’s footprint or shadow, details of that attachment or subsurface location must be reviewed by DOT&PF Bridge Section prior to issuance of any related permit, through coordination with the DOT&PF regional utility office(s). Be advised that some reviews can take a substantial amount of time to resolve depending on the complexity of the proposal. Notifying permit applicants of this requirement during early planning and preparation stages of project development and giving them an opportunity to schedule in additional time for the review to get resolved is helpful to avoid missed project deadlines and delays. Kivalina Lagoon bridge crossing requires a specific DOT&PF Bridge Design review. Contact Duane.Davis@alaska.gov 907.465.6945.

DNR Response: The applicant was contacted and directed to contact DOT&PF to obtain the authorizations needed for the construction of an FOC on DOT&PF managed lands. DNR received confirmation that the applicant was working with DOT&PF to secure said authorization.

The U.S. Army Corp. of Engineers (USACE) had the following comments:

- Department of the Army authorization is required if anyone proposes to place dredged and/or fill material into waters of the U.S., including wetlands and/or perform work in navigable waters of the U.S.
- A copy of the DA permit application can be found online at www.poa.usace.army.mil/Missions/Regulatory. Sample drawings can also be found on our website at www.poa.usace.army.mil/Portals/34/docs/regulatory/guidetodrawings2012.pdf.
- Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean highwater mark, and/or other waters identified by the Alaska District. Aquaculture structures and work would require Section 10 Authorization.
- The applicant is welcome to submit a preapplication meeting request, a jurisdictional determination request, or a permit application directly to our general mailbox (regpagemaster@usace.army.mil) and they will be assigned a project manager to assist them.

DNR Response: The applicant was informed that USACE commented that an authorization may be required for the construction of an FOC within wetlands and waters of the U.S.

No other comments were received.

ENVIRONMENTAL CONSIDERATIONS

This decision considers environmental factors directly related to the authorization for use of state lands, specifically whether the approval of the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest, while informing the overall decision of whether or not to approve the authorization.

Environmental contamination risk associated with this proposed easement is minimal. Fuel, lubricants, and other hazardous materials will be restricted to those necessary and will be contained within vehicles. No fuel or other hazardous materials will be stored on site. Disturbance to the tundra and/or wetlands could occur during off-road travel and during construction of the fiber-optic cable. Because ground disturbance in wetlands / permafrost can lead to thermokarst and long-term soil instability, off road travel and construction activities must be conducted with care to alleviate potential long-term erosion, and soil instability. An ice road or specialized equipment used for tundra travel may be necessary to prevent damage the tundra during construction.

The DNR will stipulate that the permittee shall have adequate spill response on site at all times during construction. Off-road travel conditions for winter travel will be stipulated in order to keep potential damage to the tundra to a minimum. Additional approval from the Authorized Officer will be required prior to summer off road travel if deemed necessary. Given that these precautions will be implemented, and any resultant stipulations are followed as directed, the environmental risk is deemed to be acceptable by the DNR. The applicant is ultimately responsible for determination of site suitability.

ECONOMIC BENEFIT & DEVELOPMENT OF STATE RESOURCES

In accordance with AS 38.05.850, DMLW considers if the requested authorization will provide the greatest economic benefit to the State and development of its natural resources. Specifically, staff assess both direct and indirect economic benefits and whether the proposed authorization encourages the development of the State's resources.

The authorization considered herein will provide a direct economic benefit to the state in the form of land use fees. Additionally, the proposed easement facilitates the expansion of broadband internet capabilities in Northwest Alaska which will promote conditions for economic development for the region by facilitating e-commerce, remote work, and entrepreneurship, thus providing an indirect benefit to the state. In consideration of these factors, and because there are no competing requests for authorization, approval of this easement will provide the greatest economic benefit to the State.

DISCUSSION

NANA proposes to install approximately 54 miles of FOC within state uplands, shorelands, and tidelands connecting Kotzebue with 10 other communities within the NANA Region in the Northwest Arctic Borough. This public utility easement will consist of many discontinuous segments on state land. The remainder of the FOC will be located on non-state land.

The total length of the proposed fiber optic network project is approximately 662 miles long, of which only 54 miles of the proposed FOC is located on state uplands. Although most of the network is not located on state owned uplands, the overall footprint of the easement will consist of segments on the entire route because the proposed FOC intersects navigable waterways (rivers, streams, lakes, and tidelands) that are located within federal, tribal, municipal, and privately own lands but are owned and managed by the state.

The applicant requested an easement term of 50 years to match the estimated service life of the fiber optic network. In general, the term length for public easements for FOC issued by DNR are usually not longer than 30 years. Furthermore, in order to stay consistent with the easement term length issued by federal agencies for this same network on federal land, DNR will also issue the easement with a 30-year term on state land. Upon completion of the FOC installation, an easement will be issued to NANA Regional Corporation, Inc for 30 years. To provide for the possibility that the fiber optic cable will be needed past the 30-year time frame, a right to extend the term of the easement one time for up to twenty years will be included in the easement terms, but will depend upon obtaining a commensurate easement term extension on all adjoining lands.

No other alternatives were considered for the proposed public easement. This FOC project will provide high speed service to 11 communities in Northwest Alaska to provide better emergency communication capabilities, improved access to education, healthcare, and government service, Construction of this broadband FOC network is therefore in the State's interest and the interest of its citizens. An Entry Authorization (EA) will be issued to NANA for the construction of a FOC network and a public easement will be issued and recorded once the DNR receives an approved as-built survey.

PERFORMANCE GUARANTY

A performance guaranty is intended to incentivize performance of the conditions of the entry authorization and easement and provide 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. It is recommended that the applicant be required to submit a performance guaranty in the amount of **\$196,000.00** 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 conditions and stipulations of this decision and the entry authorization. The 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 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

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 422580. 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. The applicant is required to submit a preliminary draft as-built survey a minimum of one year prior to the expiration of the entry authorization to allow adequate time for DMLW's review and approval of a final as-built survey.

FEES

The following fees are applicable to this request. These fees may be adjusted if regulation(s) pertaining to the fee(s) change during the term of the entry authorization and/or easement and will be subject to non-sufficient fund and late payment penalty fees.

- The applicant shall pay an annual interim land use fee of \$120 per acre or fraction thereof, with a \$240 minimum, totaling **\$23,520.00** (196 acres x \$120), 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.
- Upon completion of entry authorization requirements and in order to issue the final easement, the applicant shall pay a one-time fee of \$0.56 per linear foot. The total easement length for all segments is approximately 285,120 feet. The estimated one-time use fee for a public easement for utility purposes, totally **\$159,667.20** (285,120 ft. x \$0.56), per 11 AAC 05.070 (d)(2)(C) and the associated Director's Order. The final fee amount will be determined and adjusted accordingly once the as-built survey is completed/approved. The final easement fee may also be adjusted according to applicable regulations in force at time of issuance.

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

ENTRY AUTHORIZATION

The entry authorization is an interim authorization issued when a survey is necessary prior to easement issuance. Staff recommend that an entry authorization be issued for a term ending **3** years from the date of issuance for the purpose of construction, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a public utility easement. An extension of the entry authorization may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW, and may be subject to applicable fees. If an extension is required, the applicant must contact DMLW no later than 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan. The entry authorization will not be granted until the following deliverables have been provided to DMLW:

- Payment of the first annual interim land use fee, as described above.
- Evidence of having made request for survey instructions to the DMLW Survey Section, as recommended above.
- Certificate of Insurance listing the State as an additional insured.
- Performance guaranty as recommended above.

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.



David Hite, Natural Resource Specialist
Northern Region Land Office

2/20/2026

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. If no appeal is filed by the appeal deadline, 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.



for Dianna Leinberger, Northern Regional Manager
Northern Region Land Office

2/20/2026

Date

ATTACHMENTS

- Entry authorization
- Draft easement document
- Attachment A: Location Map

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 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>.