



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

Northern Regional Land Office

Memorandum of Decision

LAS 35750

Department of Transportation & Public Facilities

PLO 5150 Stockpiles

Application for Land Use Permit

AS 38.05.850

Proposed Action

The Division of Mining, Land and Water (DMLW) proposes issuing a Land Use Permit (LUP) to the Department of Transportation and Public Facilities (DOT&PF) for continued use of existing material stockpiles for the maintenance and operations of public roads along the Dalton Highway. These stockpiles are all within existing material sites between MP 46.5 and 290.5 Dalton Highway where DMLW anticipates title being transferred from the Bureau of Land Management (BLM) to the Department of Natural Resources (DNR) DMLW. These sites are all being considered for DMLW designation as material sites in separate actions.

Scope of Decision

The scope of this decision is limited to determining if it is appropriate for DNR to issue an authorization for the proposed land use activities.

Statutory Authority

This permit is being adjudicated pursuant to AS 38.05.035 (powers and duties) and AS 38.05.850 (permits).

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, and the casefile for the application serialized by DNR as LAS 35750, and ADL's 422610 - 422644.

Background

On December 30, 1971, a Utility Corridor was established by Public Land Order (PLO) 5150 to protect the route of the Trans-Alaska Pipeline. PLO 5150 withdrew lands to the federal government making the lands unavailable for conveyance. BLM has issued a decision revoking PLO 5150; once revocation is complete, lands selected under the Statehood Act within the corridor are available for acquisition (by the state). This adjudicatory process is being conducted in anticipation of timely conveyance of these lands to the State.

Location Information

See Attachment A.

Other Land Information

Municipality: Several of the sites are located within the North Slope Borough.

Regional Corporation:

Sites are located within the Doyon, Limited Regional Corporation and Arctic Slope Regional Corporation boundaries. No corporation lands are involved.

Village Corporation:

ADL 422611 site is within 25 miles of Stevens Village. No corporation lands are involved.

Title

Lands within ADL 422610 are owned by the State.

The remainder of the lands are State selected lands where the State anticipates receiving title to these lands and is working to ensure the continued availability of materials such as sand, gravel, and rip rap within the Dalton Highway Corridor. Regardless of the date of issuance, this permit cannot be effective at any specific site until management of the lands encompassed by that site has been transferred to the State.

Please see Attachment A for a list of pertinent acquisition casefiles for each site.

Planning & Classification

Please see Attachment A for specific Area Plans and units/subunits.

Yukon Tanana Area Plan

There is one existing material site within Unit T-66. Lands within this unit are designated Habitat and Dispersed Recreation. This unit is to be managed to protect and maintain habitat values; it specifically notes that development and maintenance related to TAPS and the Dalton Highway are allowed. This permit is to DOT and is necessary for the maintenance and operation of the Dalton Highway. Issuance of this permit to DOT is consistent with the Area Plan in this location.

North Slope Area Plan

Seven sites are within the North Slope Area Plan within the following Units.

Management Unit D-12 consists of 32 subunits located within the Dalton Corridor region that have been “primarily used for gravel and construction material extraction” (NSAP 3-104) as a result of their location in close proximity to the Dalton Highway; the managerial intent is firstly to “manage [the] unit for its material values and resources consistent with the authorizations issued by ADNR” (NSAP 3-104). The secondary managerial intent is to consult with relevant agencies on “authorizations involving uses that may impact musk ox concentrations and caribou calving and moose wintering habitat” (NSAP 3-104). The area is designated Habitat (Ha) and Materials (Ma).

Management Unit D-07 comprises the length of the Atigun River to the south and the Sagavaniktok (Sag) River to the north. The area is designated Habitat (Ha), Materials (Ma), and Recreation-

Dispersed (Rd). While there are several other management objectives, the unit specifically notes that material extraction occurs within the unit and is designated for materials.

Management Unit D-04 is designated as Habitat (Ha), Public Facilities-Retain (Pr), and Public Recreation-Dispersed (Rd). Lands designated as Public Facilities-Retain are “reserved for specific infrastructure to serve state interests” (NSAP 3-6), while lands designated as Public Recreation-Dispersed are “areas that offer or have a high potential for dispersed recreation or tourism” (NSAP 3-6); both classifications allow for material sales/extraction and other similar authorizations. The management intent for D-04 states “Transportation and pipeline development should take priority over other uses” while considering impacts to habitat and harvest values. No habitat, harvest, or recreation impacts were identified during agency review. The portion of the site within this management unit is far exceeded by the acreage of the management unit overall, approximately 49,000 acres; the impact on the function of Unit D-04 would be insignificant.

Management Unit D-08 is designated Materials (Ma) and the management intent is to manage the unit for its material values.

Management Unit D-06 is designated Habitat (Ha) and Public Rec-Public Use Site. While this unit is an important recreation area and the management intent reflects this, it also notes that transportation and pipeline development should take priority over other uses. These authorizations should consider potential impacts to habitat and harvest values.

Management Unit D-01 is designated Habitat (Ha), Recreation-dispersed (Rd), and Transportation Corridor (Tc): the primary management intent is to manage this corridor as a utility and transportation corridor. This authorization is to DOT&PF for the express purpose of maintaining the Dalton Highway.

This permit is to allow continue storage of, and access to, stockpiled DOT&PF materials within these existing material sites along the Dalton Highway. No designation or classification prevents the issuance of this permit, and the issuance of this permit will not change the management or usage of the subject land: it will merely allow for continuation of existing uses. As such, we do not expect any negative impacts to other values within these sites. Issuance of this permit is consistent with the pertinent area plans, where they exist.

Adjacent Landowners and Third Party Interests

The Trans-Alaska Pipeline is located along the Dalton Highway. Alyeska has contracts at many of these sites and holds easements for many of the access roads. DOT&PF and Alyeska on an annual basis. Several of these sites are adjacent to or bisected by a federal lease to 8 Star for the AKLNG pipeline.

Public Notice & Agency Review

This permit is for the continuation of existing stockpiles within active material sites and is intended as an interim or bridge authorization while we adjudicate site designation. As such, public notice and agency review will not be conducted. Notice of this decision will be sent to the State Pipeline Coordinator’s Section (SPCS), Alyeska, Glenfarne, and the Alaska Gasline Development

Corporation (AGDC). Alyeska and Glenfarne/AGDC represent the other large potential users of the majority of these sites.

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 permit is minimal. Fuel, lubricants, and other hazardous materials will be restricted to those necessary and will be contained within vehicles and vegetation clearing equipment when such equipment is necessary for right-of-way maintenance. No fuel or other hazardous materials will be stored on site. There are no other known environmental considerations or constraints in this location. The applicant is ultimately responsible for determination of site suitability.

Adherence to standard operating requirements for fuel and hazardous substances will minimize the risk of leaks or spills resulting from operations related to material extraction.

Discussion

All the sites included in this LUP are material sites that were originally developed during the construction of the Dalton Highway and Trans-Alaska Pipeline in the 1970s. Recent site inspections in August of 2025 indicate the majority of these sites are currently active with existing DOT&PF stockpiles. Additionally, there were stockpiles of DOT&PF materials in sites with no signs of recent activity. These stockpiles are the result of DOT&PF extraction and processing under BLM material sales.

DMLW is in the process of considering designating material sites along the Dalton Highway between Mileposts 46.5 and 290.5. Once a site is designated, a DOT&PF material sale contract would be issued authorizing not only extraction and processing of material, but also material storage in stockpiles.

In the event title to any site is transferred to the State prior to designation, this permit would serve as a bridge ensuring DOT&PF continued access to the materials necessary for uninterrupted maintenance and operations of the Dalton Highway. If it is determined that designation of any site was not in the State's interest, this LUP would give DOT&PF time to vacate the site and remove their stockpiled material to another location.

Performance Guaranty

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

Consistent with 11 AAC 96.060, a performance guaranty will not be required.

Insurance

The applicant is a state agency and is self-insured. No additional insurance is being required.

Fees

Per 11 AAC 05.020(b)(5), DMLW may waive a land use fee prescribed by 11 AAC 05.180 to a state agency if the waiver is in the public interest. An authorization in support of DOT&PF maintenance of the Dalton Highway is in the public interest.

Fee: \$0.00

Relevant Fee Regulation: 11 AAC 05.020 (b)(5)

Term

5-year term

Effective Date: Upon TA or Patent of subject lands at each site.

Expiration Date: February 26, 2031

Decision

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 decision of this office that a land use permit for the activity described above be issued, on the condition that all stipulations are followed as described in the attached authorization.

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. 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 permit. Additional time may be allotted to complete these requirements at the applicant's request and concurrence of the Authorized Officer, however, this will not extend the total term of the authorizations issued under this decision.

	2/27/2026
Alexander J. Wait	Date
Natural Resource Manager 2	

Attachments

- Land Use Permit
- Attachment A: Material Site Information Table

Appeals

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>.