

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
Northern Regional Land Office**

**Preliminary Decision  
ADL 422616 Designated Material Site: AS 38.05.550  
ADL 422676 Private Non-Exclusive Easement: AS 38.05.850**

**Related Actions:  
ADL 422742 Material Sale Contract: AS 38.05.555**

This Preliminary Decision (PD) is the State's preliminary best interest finding regarding a proposed disposal of interest in state land. The public is invited to comment on this PD. The deadline for commenting is **March 30, 2026**. Please see the Public Notice section of this decision for requirements related to submitting comments for consideration.

**Proposed Action**

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Northern Regional Land Office (NRO) proposes establishing the 260-acre area as designated material site ADL 422616. This site designation would impose the following constraint on all future contracts issued pursuant to this designation:

- Contractors within the site shall coordinate with all current users within the site prior to material extraction.
- A 100-foot no mine zone will be imposed on the western side of the material site, which abuts the Trans-Alaska Pipeline Right-of-Way.
- A 100-foot no mine zone will be imposed from the ordinary high water mark of the South Fork Bonanza Creek.

DNR additionally proposes issuing an indefinite 100-footwide Private Non-Exclusive access easement, ADL 422676, to protect access to this site.

**Proposed Related Actions**

The related actions will be processed separately; however, public notice is being conducted concurrently. These include the following

ADL 422742, a material sale contract for 50,000 cubic yards to the Department of Transportation and Public Facilities (DOT&PF). This action is dependent upon the site being designated pursuant to AS 38.05.550.

**Scope of Decision**

The scope of this decision is to determine if it is in the State's best interest to designate this area as a material site (ADL 422616), and what, if any, additional operating requirements should be implemented specific to this site. The scope of this decision also is to determine if it is in the State's interest to issue an indefinite Private Non-Exclusive access easement (ADL 422676), and what terms and conditions should be required. 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.

### **Authority**

The file is being adjudicated pursuant Alaska Statutes AS 38.05.035(e) (best interest finding), AS 38.05.127 (navigable and public water), AS 38.05.550-565 (material sales), AS 38.05.850 (permits), AS 38.05.945 (notice), AS 27.19 (reclamation), and the Alaska Land Act as amended.

The authority to execute the Preliminary Decision and the Final Finding and Decision has been delegated to the Regional Managers of DMLW.

### **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 here-in, and the casefile for the application serialized by DNR as ADL 422616.

### **Location and Legal Description**

Location: The site is located at approximately MP 125 of the Dalton Highway, as depicted in Attachment A, Site Map.

Legal Description: Within the SW  $\frac{1}{4}$  of Section 5, and the NW  $\frac{1}{4}$  of Section 8 of Township 21 North Range 14 West, Fairbanks Meridian, containing 260 acres more or less.

Borough/Municipality: The site is not located within a municipality or borough.

Regional Corporation: The site is located within the Doyon, Limited Regional Corporation. No corporation lands are involved.

Village Corporation: This site is within 30 miles of Evansville, INC lands.

### **Title**

The land within the proposed site is selected under GS 5150. 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. This site will not be designated prior to the State receiving title such as Tentative Approval (TA) or a patent.

### **Adjacent Landowners**

There are no adjacent landowners or property interest holders.

### **Third Party Interests**

AKFF 097838: Alyeska Right of Way for Storage of Materials  
AKFF 020628 Alyeska Right of Way for access of Trans Alaska Pipeline  
AKFF 097095 Alyeska Mineral Material Sale Contract for crushed stone  
AKFF 096588: Alascom Incorporated ROW for fiber optic line valid from 2016 to 2034  
AKFF 097304: 8 Star Alaska, LLC ROW for AKLNG Pipeline valid from 2025 to 2050  
AKFF 012505: Alyeska Right of Way for Trans Alaska Pipeline

This section will be updated in the Final Finding and Decision to include all interests and reservations that we are made subject to in the TA or patent.

### **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 and caused them to be 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. A final decision to designate will not be made until the State has equitable title to these lands.

### **Planning and Classification**

This site is not currently classified. 11 AAC 55.040 requires that prior to designating a material site, land be classified unless it is from an established source, which is defined as a “material site used within the preceding 10 years and not reclaimed or revegetated”. Federal records indicate a material sale contract is currently active (FF 093001). Field inspection of the site indicates the site is not fully reclaimed or revegetated. Pursuant to 11 AAC 55.040(i)(5)(a), classification is not required for designation of this site. Additionally, classification is not required to issue an access easement necessary to access a site designated under this exemption. The proposed location is an existing material source and it is appropriate to designate the site so it remains available to support projects in the area.

### **Traditional Use Finding**

The area is not within an incorporated borough or municipality and therefore a traditional use finding is required under AS 38.05.830.

Continued operation of a material site in this location is not expected to adversely affect subsistence resources or known traditional uses which may include hunting and gathering related activities. Additional traditional uses may be identified during the public notice period. If further traditional uses that may be impacted by the material sites become known, they will be discussed in the final finding and decision.

### **Access**

Access to this site will be via 89-APL/AMS-4 off the Dalton Highway. Once the state receives title to these lands, the state will be subject to existing easements and ADL 422676 will provide access to this site.

### **Waterbodies**

The Public Access Assertion & Defense has determined that there are no public or navigable waters within the project area.

### **Access Along Navigable and Public Waters**

AS 38.05.127 requires that when the department is disposing of any interest in state land, DNR identify navigable and public waters, and easements necessary to ensure access along the water is to be reserved unless regulating or limiting access is necessary for other public purposes.

There are no public or navigable waterbodies within the project areas. No easements will be created and reserved pursuant to AS 38.05.127.

### **Public Trust Doctrine**

The Public Trust doctrine does not apply to the proposed authorization.

### **Mineral Orders**

No state or federal mining claims have been identified on these lands. DMLW is separately considering closing the entirety of the proposed material site to mineral entry.

Mineral closing orders, where established, close an area to new exploration and development of locatable minerals. Such mineral orders do not apply to leasable minerals (such as oil, gas, coal, etc.), or exploration licensing for such, nor do they preclude reasonable surface access to these resources.

## **Environmental Risk**

There is a suspected solid waste site located within the site, depicted in attachment A.

Adherence to standard material sale contract operating requirements for fuel and hazardous substances will minimize the risk of leaks or spills resultant from operations.

## **Agency Comments**

The DMLW conducted an agency review from September 19, 2025 through October 10, 2025. The following agencies were solicited for comments regarding this proposed material site designation and material sale:

Rachel Longacre, Director's Office, Division of Mining, Land and Water, DNR  
Mineral Property Management, Division of Mining, Land and Water, DNR  
Statewide Abatement of Impaired Lands, Division of Mining, Land and Water, DNR  
Public Access Assertion & Defense, Division of Mining, Land and Water, DNR  
Resource Assessment & Development Section, Division of Mining, Land and Water, DNR  
Office of History and Archeology, Division of Parks, DNR  
Mining Section, Division of Mining, Land and Water, DNR  
Realty Services Section, Division of Mining, Land and Water, DNR  
State Pipeline Coordinator Section, DNR (SPCS)  
Heather O'Claray, Statewide Right-of-way Chief, Alaska Department of Transportation and Public Facility (DOT&PF)  
Kahlil Wilson, Right-of-way Section, DOT&PF  
Dan Jordan, Property Management Section, DOT&PF  
Audra Brase, Regional Supervisor-Fairbanks, Habitat Division, Alaska Department of Fish and Game (ADF&G)  
Jonathan Kirsch, Habitat Biologist, Habitat Division, ADF&G  
Department of Environmental Contamination (DEC)  
U.S Fish and Wildlife Service  
U.S. Army Corps of Engineers  
Dian Siegfried, University of Alaska Land Management

The following comments were received:

- ADF&G objects and suggested a 100 foot non disturbance buffer be designated adjacent to South Fork Bonanza Creek  
*DMLW Response:* DMLW will create a 100 foot non-disturbance zone for the South Fork Bonanza Creek.
- DOT&PF had no objections.
- DEC noted that no contaminated Sites exist within 1500 feet of the proposed site.  
*DMLW Response:* Comments Noted.

- SPCS recommended DMLW coordinate with Alyeska. SPCS wanted to ensure that reservation of a private non-exclusive access easement to the State would not preclude issuance of a similar easement to other third parties such as Alyeska.  
*DMLW Response:* The reservation of an easement as proposed would not preclude issuance of a similar easement to third parties such as Alyeska.

## **Public Notice**

Pursuant to AS 38.05.945, this PD will be advertised for a 30-day public comment period, starting on February 27, 2026. In addition, the Coldfoot and Bettles post offices located near the proposed material site designation will be requested to post the notice pursuant to AS 38.05.945(b)(3)(C). The notice will also be posted on the State of Alaska Online Public Notice website pursuant to AS 38.05.945(b)(3)(B) located at: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>

In accordance with AS 38.05.946, Doyon is corporation entitled to receive notice under AS 38.05.945(c), and may hold a hearing within 30 days after the receipt of the notice.

The public is invited to comment on this PD. All comments received during the public comment period will be considered in the FFD. A copy of the FFD, along with instructions on filing an appeal, will be sent to all persons who comment on the PD. If public comments result in significant changes to the PD, additional public notice may be given.

To be eligible to appeal, a person affected by the FFD must provide written comments during the public comment period per AS 38.05.035(i).

**Written comments about this project must be received in this office no later than on March 30, 2026 to be considered.**

To submit comments please choose one of the following methods:

Mail: Department of Natural Resources  
Division of Mining, Land and Water  
Northern Region Office  
ATTN: Alex Wynne-Ballard  
3700 Airport Way  
Fairbanks, Alaska 99709  
Email: alex.wynne-ballard@alaska.gov  
Fax: (907) 451-2751

Questions about this project can be directed to Alex Wynne at 451-3010

## **Survey and Appraisal**

A survey for this material site is not required per AS 38.04.045. DMLW may require a survey in the future, should conditions arise that warrant a survey. If a survey is required, the applicant will be responsible for the costs of the survey.

## **Discussion**

The project area has been identified by DOT as an important material site referred to as “Material Site 65-9-037-2”. This site was originally developed for construction of the Dalton Highway and Alyeska Pipeline in the 1970’s. A suspected reclaimed solid waste site is present within the material site boundaries. The solid waste site has been revegetated and contractors should be aware of its suspected location prior to extraction: see Attachment A for approximate location of the solid waste site. A site inspection on August 20, 2025, indicates the site remains in use today with both signs of active use as well as sorted stockpiles present. DOT&PF (AKFF 093001) has an active contract for material extraction in this site. Likewise, Alyeska has a Right of Way permit (AKFF 097838) for storage of materials.

This site is not directly adjacent to the Dalton Highway and is accessible via a road named 89-APL/AMS-4; a private easement for Alyeska. To ensure and protect continued access on this road, we propose reserving a Private Non-Exclusive Easement. The purpose of this easement would be to protect access for governmental purposes, material sale contracts, pipeline and utility management purposes, and other uses not prohibited by AS 19.40. AS 19.40.200 prohibits disposal of interest in this location except for a limited number of exceptions, including for oil and gas transportation purposes, utility purposes, and certain material sales. Notwithstanding the disposal prohibitions in AS.19.40.200, AS 19.40.210(c) allows for motorized easements to be granted to access federal lands, native allotments, and native corporation lands.

A general public access easement allowing motorized use would be contrary to statute, as it would be accessing exclusively State land. A Private Non-Exclusive Easement would comply with statutory restrictions by protecting and guaranteeing only those uses allowable under statute. Additionally, some of the uses occurring within material sites along the Dalton Highway require site control to protect public safety as well as to protect privately owned resources/materials staged in storage areas for efficient deployment. The width of this easement is set at 100’ to ensure adequate width for the equipment associated with DOT and pipeline operations.

BLM has issued a decision revoking PLO 5150. Once revoked, these high priority selections will be available for conveyance to the State under the Statehood Act. Once this land belongs to the State, future material sale contract issuance will require that the site be designated.

To ensure continued material availability necessary for the Dalton Highway, TAPS, and other uses, designation of this site as described above is the site’s highest and best use.

Designation of the above referenced material site serves the best interest of the state and public by ensuring continued material availability while maximizing efficiency and minimizing the need to transport materials on public roadways.

## **Material Site Designation**

The material site is being designated under disposal of material statutes AS 38.05.550 and AS 38.05.555. This decision will designate this site as a material site for the long-term sale and extraction of materials until closed by DMLW. Although DMLW may continuously sell materials without further finding or notice once the site is designated, the DMLW must also ensure that state

land and natural resources be available for the maximum use consistent with the public interest. To that end, the DMLW will continue to carefully review individual sale requests and operation plans once sites have been designated, to ensure resource consideration and multiple use issues are appropriately evaluated. The following requirements are routinely incorporated in a material sale contract issued to a private party: insurance and performance guaranty.

**Recommendation**

Based upon available information, as well as review of relevant planning documents, statutes, regulations, and case files related to this application, the DNR, DMLW, NRO proposes designating ADL 422616 material site, as well as granting a Private Non-Exclusive Easement ADL 422676 to access the site. This decision considers ownership of the site, the need for reasonable access to material sources in the region and the project site, and agency concerns. The designation of this material site and subsequent contract issuances will assist with management of the Dalton Highway transportation corridor.

  
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Alex Wynne-Ballard  
Natural Resource Specialist

3/27/26  
Date

**Preliminary Decision**

I find that the proposed action as recommended above may be in the state’s best interest, and is hereby approved to proceed to public notice. Additional operating requirements identified during the public comment period may be included in the Final Finding and Decision and subsequent authorization.

  
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Dianna Leinberger  
Northern Region Manager

2/27/26  
Date

**Attachments**

- Attachment A—Site Map
- Attachment B—Example Mining and Reclamation Plan
- Attachment C—Example Negotiated Contract
- Attachment D—Example Private Non-Exclusive Easement