

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

**Preliminary Decision  
ADL 422675 Designated Material Site: AS 38.05.550**

**Related Actions  
ADL 422743 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 80-acre area as designated material site ADL 422675. This site designation would impose the following constraints on all future contracts issued pursuant to this designation:

- Coordination. Contractors within the site shall coordinate with all current users within the site prior to material extraction.
- No mine zone. A 100-foot no mine zone will be imposed from the Ordinary High Water mark of Bonanza Creek.

**Proposed Related Actions**

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

ADL 422743, a material sale contract for 750,000 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 422675), and what, if any, additional operating requirements should be implemented specific to this site. 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 38.05.945 (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 422675

## **Location and Legal Description**

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

**Legal Description:** Within Section 7 of Township 21 North Range 14 West, Fairbanks Meridian, containing approximately 80 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 boundaries. 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**

There are currently no known third-party interests within the project area.

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, the land must be classified. The land is within the proposed Northeast Alaska Area Plan (NEAAP). Planning and classification will be addressed in the Final Findings Decision.

### **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.

Field inspection of this site did not indicate evidence of use, and the proposed site is in proximity to established material sites. As such, designation of the proposed 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. 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**

The planned access to the site is directly accessible from the Dalton Highway. Attachment A depicts the approximate access.

### **Waterbodies**

The Public Access Assertion and Defense Section has determined there are no public or navigable waters within the project areas.

### **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 orders (closing), 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 are no known environmental contaminants within the subject material site.

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 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 (SPCO)  
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 Siegrried, University of Alaska Land Management

The following comments were received:

- ADF&G objected to this proposed site. They note that the number of oxbows and remnant channels suggest that during periods of high water, the site would flood and trap fish in the pit once the waters recede. While they appreciated the 100' disturbance setbacks from OHW, they did not believe this would be effective in addressing this concern.

*DMLW Response:* This is a new site. DOT&PF originally submitted an application to BLM in April of 2020 for this site (AKAK 106233030) as part of the Dalton Highway MP 109-144 Reconstruction project (State Project Z607380000). Substantial work has been completed on authorizing this material site. The attached mining and reclamation plan has been approved by BLM and the Army Corps of Engineers; we understand that DOT&PF and BLM are still negotiating a specific stipulation unrelated to fish habitat. We are concurrently adjudicating this Material Site Designation so that when DNR assumes ownership and management we can seamlessly transition DOT from their federal authorization to a State authorization. It is possible that ownership transition will occur after DOT has issued a contract for the overall project: it is highly desirable that the overall mining and reclamation plan remain substantially similar between the State and federal authorizations to minimize the necessity for contract modifications.

We acknowledge that fish entrapment in this pit is a possibility. While Bonanza Creek is Anadromous (AWC Code 334-40-11000-2125-3740-4020-5011), the upper limit of the nomination is approximately 8 miles straight-line distance down river. In the event that resident fish do enter the pit during high water events, ACOE permit requires a minimum depth of 25 feet below groundwater level, and DOT anticipates the initial pond size after the 109-144 Reconstruction project at 56 acres. Additionally, the permit requires a minimum 10 feet of shallows around the perimeter of the pit where the excavation meets groundwater. We believe this should be sufficient to support any fish trapped in the pit.

- DOT&PF had no objections.
- DEC noted that no contaminated Sites exist within 1500 feet of the proposed site.

*DMLW Response:* comments noted.

## **Public Notice**

Pursuant to AS 38.05.945, this PD will be advertised for a 30-day public comment period, starting on February 27, 2025. 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 Limited is a 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 (907) 451-3010.

### **Survey and Appraisal**

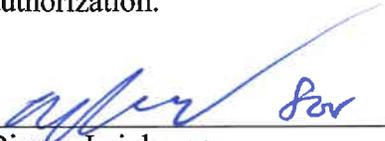
A survey for this material site is not required per AS 38.04.045. DMLW may require a survey in the future, should conditions arise that warrant a survey. If a survey is required, the applicant will be responsible for the costs of the survey.

### **Discussion**

The project area has been identified by DOT as an important potential material site referred to as "Material Site 65-9-116-2". This site has been identified as the primary material source for the reconstruction of the Dalton Highway from Milepost 109 to 144. The reconstruction of the Dalton Highway will include: repairs to the existing infrastructure, widening the lanes of this section of the highway, creating a consistent 6-foot shoulder for this stretch of road, and reducing the grade



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