



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

Northern Regional Land Office

Preliminary Decision

ADL 422634: Designated Material Site: AS 38.05.550

Related Actions

ADL 422756: 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 180-acre area as Designated Material Site ADL 422634. This site designation would impose the following constraints on all future contracts issued under this designation:

- **Coordination:** Contractors must coordinate with current site users prior to initiating material extraction.
- **No-Mining Zone:** A 100-foot no-mining zone is established from the ordinary high-water mark (OHWM) on each side of Gold Creek and Linda Creek.
- **No-Mining Zone:** A 50-foot no-mining zone is established from the OHWM on each side of streams within the site.
- **Access:** Unobstructed access to the creeks and existing trails must be maintained throughout operations, unless alternative access is secured and provided by the applicant or operator. Requests to close access along the creeks and trails must be submitted in writing.

Proposed Related Actions

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

ADL 422756, a material sale contract for 50,000 cubic yards to the Department of Transportation and Public Facilities. 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 422634), 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 38.05.850 (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 422634.

Location and Legal Description

Location: The site is located at approximately MP 197 of the Dalton Highway, as depicted in Attachment A, Site Map.

Legal Description: A portion of Sections 17 and 18, Township 31 North, Range 10 West, Fairbanks Meridian, containing approximately 180 acres, more or less. The western boundary of the site abuts the Dalton Highway Right-of-Way.

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

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

Village Corporation: There are no village corporations located within 25 miles of the project location.

Title

The land within the proposed site is selected under GS 5179. 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

The material site is subject to multiple existing federal grants. The grants include:

- FF-96824, issued to Alyeska Pipeline Service Company (Alyeska), for storage related to the Trans-Alaska Pipeline System (TAPS).
- FF-97304, issued to 8 Star Alaska, LLC, for the Alaska LNG Pipeline, which lines the western portion of the material site.

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 that a material sale contract issued to DOT&PF (FF-93020) is currently authorized for the site. The authorization expires on April 30, 2026. 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. Designation of the site is appropriate given that the proposed location is an existing material source. This action ensures continued availability to support future 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

This site has direct access to the Dalton Highway.

Waterbodies

The Public Access Assertion and Defense Section (PAAD) has determined there are no navigable waters within the project area.

The site is situated between Linda Creek to the north and Gold Creek to the south. Both creeks have been identified by PAAD as public waters.

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.

Gold Creek and Linda Creek qualify as public waters under AS 38.05.126 and AS 38.05.127, as defined by AS 38.05.965(14) and (21).

Although a Material Site Designation is considered a disposal of an interest in State land through which DMLW sells material, the underlying land remains in State ownership. Public access rights are limited to state lands below the OHWM.

DMLW will establish two 100-foot no-mining zones, originating from the OHWM of the adjacent creeks: one from the southern edge of Linda Creek and the other from the northern edge of Gold Creek. These no-mining zones help maintain public access to and along the creeks by reducing the risk of surface depressions and other extraction-related disturbances that could hinder travel along the waterways.

Additionally, contracts must allow continued access along public waters within the no-mining zone during operations, unless alternate access around the material site is secured and provided by the applicant or operator. Flaggers may be employed to manage traffic through the site to ensure public

and operator safety. Any request to restrict access along public waters must be submitted in writing. Site closure is prohibited without express written authorization.

With these stipulations in place, an easement is not required to ensure continued access along Gold and Linda Creeks.

Public Trust Doctrine

Pursuant to AS 38.05.126, all authorizations within this site will be subject to the principles of the Public Trust Doctrine; specifically, the right of the public to use navigable waterways and the land beneath them for: navigation, commerce, fishing, hunting, protection of areas for ecological studies, and other purposes. These rights must be protected to the maximum extent practicable while allowing for the development of this project. As such, DMLW is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

Mineral Orders

No state or federal mining claims have been identified on these lands. As a separate action, not included in this decision, DMLW is 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 (DMLW), DNR
Realty Services Section (RSS), DMLW, DNR
Public Access Assertion & Defense (PAAD), DMLW, DNR
Resource Assessment & Development Section (RADS), DMLW, DNR
Statewide Abatement of Impaired Lands (SAIL) Section, DMLW, DNR
Mineral Property Management, DMLW, DNR
State Pipeline Coordinator's Section (SPCS), DNR

Office of History and Archeology (OHA). Division of Parks, DNR
Heather O'Claray, Statewide Right-of-way (ROW) Chief, Alaska Department of
Transportation & Public Facilities (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 (ADFG)
Jonathan Kirsch, Habitat Biologist, Habitat Division, ADFG
United States Army Corps of Engineers (USACE)
Jeff Rasic, Superintendent and Project Manager, Gates of the Arctic and Yukon-Charley
Rivers, National Park Service (NPS)
Linda Hasselbach, Permitting and Compliance, Gates of the Arctic and Yukon-Charley
Rivers, NPS

The following comments were received:

ADFG Comment: ADF&G objected to material removal from the fish-bearing streams, Gold and Linda Creeks, and recommended a 100-foot non-disturbance buffer adjacent to each creek.

DMLW Response: There are existing trails within 100 feet of both creeks. To avoid future confusion, a 100-foot no-mine zone will be established. This will prevent material extraction, while clarifying that maintenance and use of the trails may continue.

DOT&PF Comment: DOT&PF has no comment at this time.

DMLW Response: Comment noted.

SPCS Comment: SPCS comments related to coordination of access easements and were not pertinent to this site.

DMLW Response: Comment 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, 2026. In addition, the Coldfoot Post Office located near the proposed material site expansion 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: Christina Stewart
3700 Airport Way
Fairbanks, Alaska 99709
Email: christina.stewart@alaska.gov
Fax: (907) 451-2751

Questions about this project can be directed to Christina Stewart at (907) 451-2737

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 site was initially developed in the 1970s as a material source to support the construction of TAPS and the Dalton Highway. The site has remained in consistent use over time and is currently utilized by both Alyeska for pipeline operations and maintenance, and DOT&PF for Dalton Highway maintenance and emergency repairs.

DOT&PF has identified the project area as Material Site 65-9-052-2, an important and ongoing source of material for the construction and maintenance of public roads. While the initial development date is unknown, the first individual material sale authorization recorded in the federal record, FF-20302, was issued to Alyeska on June 12, 1974. A site inspection on August 17, 2025, shows the site is still in use, with active operations and sorted stockpiles observed.

Federal records indicate that authorizations issued to Alyeska for the material site have historically encompassed 160 acres, while DOT&PF authorizations typically encompassed 80 acres. Although the reason for the difference in authorized acreage remains unclear, approximately 180 acres are being designated to ensure adequate operational space and material availability.

Various access routes, trails, and right-of-way authorizations intersect with or authorize use of the site. The Chandalar–Wiseman Trail (RST 254) and the Gold Creek route of RST 254 (Trail #51B) crosses the northern site boundary. Several existing right-of-way grants authorize access to routes leading to mining claims and associated staging areas. The rights-of-way include authorizations FF-97109 and FF-97120, for both the Gold Creek and Linda Creek Trails, valid through December 31, 2029, and FF-96561 for the Gold Creek Trail, valid through December 31, 2028. Additionally, Alyeska’s storage right-of-way, FF-96824, is valid through January 22, 2034. Given the numerous sources of activity present within the site, additional stipulations were included to ensure continued and unobstructed site access.

BLM has issued decision to revoke 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 422634 material 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 the management of the Dalton Highway transportation corridor.



Christina Stewart
Natural Resource Specialist 2

2/26/2026

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.



Dianna Leinberger
Northern Region Manager

2/27/26

Date

Attachments

- Attachment A—Site Map
- Attachment B—Example Mining and Reclamation Plan
- Attachment C—Example Standard Contract