



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

**Preliminary Decision**

**ADL 422637: Designated Material Site: AS 38.05.550**

**ADL 422726 Erosion Control Easement: AS 38.05.850**

**Related Actions**

**ADL 422758: 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 165-acre area as designated material site ADL 422637. This site designation would impose the following constraints on all future contracts issued pursuant to this designation:

1. Coordination with all current users.
2. Applicants must obtain DOT&PF concurrence for all other surface activities authorized in this site.
3. Establishment of three no-mining zones:
  - a. 100 feet from the ordinary high-water mark (OHWM) of the Dietrich River. Vegetation removal is prohibited, except for the minimum necessary to facilitate access to waterways, protect infrastructure, stabilize banks, control erosion, or conduct inspections.
  - b. 100 feet from each side of the centerline of the Trans-Alaska Pipeline System (TAPS) Right-of-Way (ROW).
  - c. 100 feet extending east of the Dalton Highway Right-of-Way.

Additionally, NRO proposes authorizing the issuance of a 150-foot-wide easement for erosion control purposes, ADL 422726.

### **Proposed Related Actions**

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

ADL 422758, 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 422637), 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 erosion control easement (ADL 422726), 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 casefiles for ADL 422637 and ADL 422726.

### **Location and Legal Description**

Location: The site is approximately located at MP 224 of the Dalton Highway.

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Legal Description: A tract of land located within Section 4, Township 35 North, Range 10 West, Fairbanks Meridian, Alaska being within the Fairbanks Recording District, Fourth Judicial District, State of Alaska and more particularly described as follows:

Tracts A and B of Plat 2018-41, recorded on July 9, 2018, in the Fairbanks Recording District, containing 164.32 acres more or less.

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 5188. 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 five federal right-of-way grants. Three rights-of-way are located along the western boundary of the site, east of the Dalton Highway. These include rights-of-way held by GCI/Bortek, LLC (FF-96767) and Quintillion Networks, LLC (FF-97000) for fiber optic cables. Within Tract B, 8 Star Alaska, LLC holds a lease (FF-97304) for the Alaska LNG Mainline Pipeline.

Two additional rights-of-way are located along the eastern boundary of the site, west of the Dalton Highway, including Alyeska (FF-12505) for TAPS and GCI Fiber Communication Co. Inc. (FF-91811) for a fiber optic cable.

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**

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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 (FF-93020), issued to DOT&PF on April 11, 2024, is currently active at the site. 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**

This site has direct access to the Dalton Highway.

### **Waterbodies**

The Dietrich River borders the western boundary of the material site, west of the Dalton Highway. The Public Access Assertion and Defense Section (PAAD) has determined that the Dietrich River is a public and navigable waterbody pursuant to AS 38.05.126–127, as defined in AS 38.05.965(14) and (21).

PAAD has also determined that the unnamed stream crossing the northern portion of the material site, east of the Dalton Highway, is a public waterbody pursuant to AS 38.05.126–127, as defined in AS 38.05.965(14) and (21).

### **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.

While a Material Site Designation is considered a disposal of an interest in state land whereby DMLW can sell material, the underlying land will remain in State ownership. No easements are necessary to ensure continued access along the Dietrich River or the unnamed creek, and no easements will be created and reserved pursuant to AS 38.05.127.

Any contract must allow continued access to and access along public waters within the site during operations, unless alternate access around the material site is secured and provided by the applicant or operator. Flaggers may be used for traffic control through the site to ensure public and operator safety. Any request to restrict access along public waters must be submitted in writing, and no closure may occur without express written authorization.

### **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. The entirety of the proposed material site area will be closed to mineral entry if Mineral Order 1319 is approved in accordance with AS 38.05.185 and AS 38.05.300.

Establishing a right to extract locatable minerals is incompatible with the use of this area for sand, gravel, or rip-rap. The locatable minerals are typically intermixed with sand and gravel, or contained within the actual rock with rip-rap. To allow new mineral location within the boundaries of the leasehold encompassed by this decision will create serious conflicts between land estate and mineral estate users.

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,

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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.

The Dietrich River, located west of the Dalton Highway and the material site, is a fish-bearing waterbody. A 100-foot vegetative buffer has been established between the proposed extraction area and the river. These measures are intended to mitigate risks to water quality and habitat integrity, and to minimize the potential for flood-related damage, extraction-related erosion, and stormwater runoff.

Both portions of the material site are near or contain surface water features that drain into sensitive habitat. Implementing a Storm Water Pollution Prevention Plan (SWPPP), even for projects disturbing less than one acre, would mitigate the risk of environmental impacts such as sedimentation and water quality degradation, while supporting long-term site stability and ecological resilience.

### **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 Fish and Wildlife Service (USFWS)

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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: ADFG objected to the removal of material from the Dietrich River, citing it as a fish-bearing waterbody. ADF&G recommended that material extraction activities be confined to the east side of the Dalton Highway.

*DMLW Response*: No material will be extracted from the Dietrich River. A 100-foot vegetation buffer will be maintained from the OHWM of the Dietrich River.

DOTPF currently holds a Highway Easement Deed authorizing material extraction from Tract A, west of the Dalton Highway. The intent of this designation is to ensure continued operation of the existing authorized site after this land is transferred to DNR. We do not intend to limit operations to Tract B.

DOTPF Comment: DOTPF has no comment at this time.

*DMLW Response*: Comment noted.

SPCS Comment: SPCS had no concerns regarding actions proposed in this decision.

## **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 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).

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**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**

DOT&PF has identified the project area, also referred to as “Material Site 65-09-079-2,” as an important and ongoing source of material for the construction and maintenance of public roads. The earliest recorded material sale in federal records was issued to Alyeska (FF-19989), on September 27, 1974. DOT&PF has maintained material sale contracts for the site since June 18, 1982, when FF-80718 was issued in support of Dalton Highway construction. DOT&PF’s most recent material sale contract, FF-93023, is set to expire on December 31, 2026. A site inspection on August 17, 2025, indicates the site remains in use today with both signs of active use as well as sorted stockpiles observed.

Material sale FF-19989 was issued to Alyeska for all 640 acres of Section 4. In comparison, DOT&PF contracts have been historically limited to 80 acres. The basis for the variation in acreage is unclear; to ensure sufficient operational space and material quantities, we are designating approximately 165 acres.

The material site is subject to a right-of-way held by DOT&PF for material extraction and storage. This right-of-way is an amendment to FF-21145, which pertains to DOT&PF’s existing Dalton Highway corridor. To ensure consistency with this current authorization and parity for all users, the following no-mine zones will be established:

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- 100' along the Dietrich River in Tract A
- 50' along the western edge of Tract A adjacent to the TAPS ROW
- 100' along the western edge of Tract B, adjacent to the Dalton Highway ROW.

Historical records indicate that the unnamed stream east of the Dalton Highway has occasionally cut through and washed-out portions of the material site. A diversion structure, approximately 12 feet high and constructed of fill material, runs along the southern edge of the stream. A site inspection on August 17, 2025, confirmed the structure remains intact, with minor erosion observed on the south-facing wall. As structures age and extraction activities continue, additional erosion control and surface water diversion may be needed. To ensure the continued ability to operate and maintain these structures, DMLW proposes to issue a 150-foot-wide erosion control easement from the Dalton Highway upstream as necessary to the edge of Tract B. This easement would be roughly centered on OHW of the unnamed creek flowing through Tract B.

DOT&PF currently holds a senior right for the construction, operation, and maintenance of a material site and associated haul road. This right is subject to the landowner's right to authorize use of the area for non-highway purposes provided it does not interfere with DOT&PF's rights. To ensure clarity when issuing contracts to other users and protect DOT&PF's interest granted by the Federal Highway Administration, DNR will impose a condition that DOT&PF concurrence must be obtained for all other surface activities authorized in this site, subject to valid existing rights.

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.

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### 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 422637 material site, as well as granting a Private Non-Exclusive Easement ADL 422726 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 the management of the Dalton Highway transportation corridor.



Christina Stewart  
Natural Resource Specialist 2



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



Date

### Attachments

- Attachment A—Plat 2018-41
- Attachment B—Example Mining and Reclamation Plan
- Attachment C—Example Standard Contract
- Attachment D—Example Private Non-Exclusive Easement

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