



STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Northern Regional Land Office

Regional Manager's Decision

ADL 422673

Alaska Department of Transportation and Public Facilities

Easement Application

AS 38.05.850

REQUESTED ACTION

On October 7, 2025, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), received an application for a public access easement from the Alaska Department of Transportation and Public Facilities (DOT&PF) as part of a project to support the replacement the existing Nenana River Bridge at Rex Crossing (#0216) located near milepost 276 of the Parks Highway. The purpose of the proposed easement is to expand the bridge maintenance area to improve access, safety, and extend the life of the bridge. The applicant has requested a public access easement of variable width and length measuring approximately 2.1 acres, more or less, approximately as shown on Exhibit A.

RECOMMENDED ACTION

NRO recommends issuing the easement as requested and for a perpetual term.

SCOPE OF DECISION

The scope of this decision is to determine if it is in the State's interest to create an easement for the proposed use. 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.

STATUTORY AUTHORITY

This easement application is being adjudicated pursuant to AS 38.05.850.

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, the 2014 Yukon Tanana Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 422673.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize a public access easement located south of the western approach of the Nenana River Bridge (#0216) at Rex, near milepost 276 of the Parks Highway.

Township Range

The applicant has requested to use state-owned, DMLW-managed lands within Government Lot 8 of Section 14 of Township 8 South, Range 9 West, Fairbanks Meridian, according to the survey plat accepted by the United States Department of the Interior, Bureau of Land Management on June 10, 1994, as shown on Exhibit A.

Other Land Information

Municipality: Denali Borough.
Regional Corporation: Doyon, Limited.

TITLE

The State of Alaska received title to lands within Government Lot 5 of Section 14 of Township 8 South, Range 9 West, Fairbanks Meridian, Alaska, according to the survey plat accepted by the United States Department of the Interior, Bureau of Land Management on February 3, 1978, on April 1, 1980 under Tentative Approval Number TA0019800024 which is serialized by DNR as GS 690. Government Lot 5 was later amended to Government Lot 8 on the Supplemental Plat accepted by the United States Department of the Interior, Bureau of Land Management on June 10, 1994.

THIRD (AND SECOND) PARTY INTERESTS

The applicant has requested an easement that may impact the following interests:

ADL 30788: A public utility easement issued by DMLW to Golden Valley Electric Association (GVEA).

ADL 39636: A public easement for a road protection dike issued by DMLW to DOT&PF.

The parcel map included with the application does not label these likely adjacent interests as such, though the dimensions of Parcel E-1 of the application suggest that the requested easement does not overlap. The final easement dimensions will be modified as necessary to exclude the above interests.

PLANNING & CLASSIFICATION

The subject lands are within the P-31 and P-98a management units of the Parks Hwy / W. Alaska Range Region of the 2014 Yukon Tanana Area Plan (YTAP). Lands within these units are designated as Habitat and Public Recreation – Dispersed. Land thus designated are classified as Wildlife Habitat Land and Public Recreation Land.

Habitat designated lands are to be maintained in an undisturbed, natural state except for improvements related to public health, safety, habitat restoration or rehabilitation, and public recreation. Utilities and roads may be appropriate with appropriate design if habitat functions can be maintained.

Public recreation designated lands are to remain in an undisturbed, natural state except for improvements related to public health, safety, or recreation. Utilities and roads may be appropriate with appropriate design if recreation functions can be maintained.

The proposed easement facilitates improved access and safety so is a permissible improvement under both classifications. A public access easement for a road, where no habitat or recreation function impairment concerns were raised during agency review or public comment (see below), is consistent with the applicable land classifications and management intent of the plan.

ACCESS

The applicant proposed to create a public access easement adjacent to the existing Parks Highway Right-of-Way, managed by DOT&PF. Functional legal access to the state land discussed herein exists via the Parks Highway.

The lands that would be subject to the proposed easement are adjacent to the Nenana River. DNR-DMLW's Public Access Assertion and Defense Unit has determined pursuant to AS 38.05.127(a)(1) that the Nenana River in this location is navigable water.

The Northern Region Lands Office hereby determines pursuant to AS 38.05.127(a)(2) that the authorization proposed herein will not impair public access; an easement pursuant to AS 38.05.127 is not necessary to ensure free access to and along any public or navigable waters. DMLW reserves the right to create an easement pursuant to AS 38.05.127 over the authorization proposed herein.

BACKGROUND

Constructed in 1963, the Nenana River Bridge at Rex is located near milepost 276 of the Parks Highway, the main road corridor connecting Fairbanks and Anchorage. The bridge provides essential access for numerous communities and is reaching the end of its useful life. The proposed easement would allow for a needed grade raise and new bridge to help maintain safe access on the Parks Highway.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public Notice of the application was conducted from January 20, 2026 to February 20, 2026. The notice was posted to the State of Alaska Online Public Notice System and provided to the Denali Borough Planning Department and Golden Valley Electric Association via email on January 20, 2026.

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency Review of the application was conducted from January 20, 2026 to February 20, 2026. The notice was sent to the following recipients:

- DNR, Div. of Parks, Office of History and Archeology
- DOT&PF Statewide ROW Chief
- Alaska Department of Fish and Game (ADF&G), Access Defense

Agency Review Comment & Response

ADF&G: The ADF&G Habitat section has issued a Fish Habitat permit (FH25-III-0215) for this project. Conserving habitat (such as trees, shrubs, or ground cover) while meeting project goals is important for sustaining breeding bird populations. ADF&G recommends the applicant take precautionary measures to protect birds breeding and nesting, and if possible, to schedule work before or after nesting season.

DMLW Response: Noted. The recommendations have been forwarded to the applicant.

No other comments were received.

ENVIRONMENTAL CONSIDERATIONS

This decision considers the 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 easement is not completely defined by the application. It is assumed commensurate with that associated with ordinary road construction activities. The applicant stated that:

Fuel, lubricants, and other hazardous materials will be restricted to those necessary and will be contained within vehicles and storage tanks. In the course of the proposed activity, the applicant proposes to use and store 83 tons of Asphalt Binder Grade PG 52-28, 157 tons of Asphalt Binder Grade PG 52-40, 3 tons of STE 1 Asphalt, and diesel and gasoline in quantities yet to be determined. The contractor hired to complete the project will be required to submit a Hazardous Materials Control Plan to DOT&PF prior to the commencement of the project to address these details.

The proposed easement area is adjacent to an existing easement for a road protection dike, which is in turn adjacent to the Nenana River, an anadromous waterbody. The consequences of improper fuel storage or handling are therefore somewhat higher than on ordinary state uplands. Contractor compliance with a DOT&PF Hazardous Materials Control Plan and terms of applicable Habitat Permits should be adequate to mitigate such risks.

There are no other known environmental considerations or constraints in this location. The applicant is ultimately responsible for determination of site suitability.

ECONOMIC BENEFIT & DEVELOPMENT OF STATE RESOURCES

In accordance with AS 38.05.850, DMLW considers if the requested authorization will provide the greatest economic benefit to the State and development of its natural resources. Specifically, staff assess both direct and indirect economic benefits and whether the proposed authorization encourages the development of the State's resources.

The authorization considered herein provides benefit to the state by expanding the bridge maintenance area to improve access, safety, and extend the life of the bridge for the use of the public highway system. In consideration of these factors, and because there are no competing requests for authorization, approval of this easement will provide the greatest economic benefit to the State.

DISCUSSION

DOT&PF is planning to replace the deteriorating truss bridge with a variable depth steel girder bridge while maintaining both the existing horizontal alignment and low chord. Construction of a work trestle and traffic conversion is planned to facilitate traffic flow between communities during the replacement project. The requested public access easement would encompass this area.

No other alternatives were considered for issuing a public access easement to DOT&PF given that the easement will facilitate bridge maintenance and improvement which is essential for the highway access and operations. The easement will have considerable impact to the state land directly involved but applies to a relatively small area, complements the function of the adjacent existing right-of-way, and serves a vital interest of the state.

PERFORMANCE GUARANTY

A performance guaranty is intended to incentivize performance of the conditions of the entry authorization and easement and provide a mechanism for the State to ensure that the applicant shares in the financial burden in the event of noncompliance (including fee payment, survey, etc.), restoration (interim and final), and any associated costs after termination or expiration of the easement. In consideration of the low risk associated with the proposed authorization and the applicant's known history of compliance, staff recommend that a performance guaranty not be required at this time. DMLW reserves the right to require a performance guaranty during the terms of either the entry authorization and/or the final easement.

INSURANCE

Staff recommend that insurance not be required as the applicant is self-insured. Staff recommend that the applicant be required to provide proof of its contractor's insurance upon DMLW's request.

SURVEY

A DMLW-approved as-built Record of Survey is required to determine the proper location and acreage of installed improvements and the associated easement on state-owned, DMLW-managed

lands. The survey must be produced in accordance with survey instructions provided by the DMLW Survey Section and stamped by a Professional Land Surveyor registered in the State of Alaska. A final easement will not be issued until the as-built survey has been approved by DMLW, unless the AO determines that an alternative record of location is appropriate. Due to the presence of adjacent DMLW-issued interests and the nearby Nenana River OHW as modified by a historic guide bank, defining the location of this easement in relation to those is an important interest served by requiring a Record of Survey. The Grantee of the EA is required to submit a preliminary draft as-built survey a minimum of one year prior to the expiration of this authorization to allow adequate time for DMLW's review and approval of a final as-built survey.

FEES

Per 11 AAC 05.020(b), staff recommend that interim and one-time issuance fee(s) for this authorization are waived as the request is in the public interest. Staff further recommend that the easement document be sent to the Recorder "State Business - No Charge" as the applicant is a state agency.

ENTRY AUTHORIZATION

The entry authorization is an interim authorization issued when a survey is necessary prior to easement issuance. Staff recommend that an entry authorization be issued for a term ending five years from the date of issuance for the purpose of constructing, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a public access easement. An extension of the entry authorization may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW and may be subject to applicable fees. If an extension is required, the applicant must contact DMLW no later than 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan.

RECOMMENDATION

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 recommendation of staff to issue an easement as described above, on the condition that all stipulations are followed as described in the attached authorization.



Ti Ames, Natural Resource Specialist 2
DMLW Northern Regional Land Office

April 13, 2026

Date

REGIONAL MANAGER'S DECISION

When adjudicating an easement authorization pursuant to AS 38.05.850, DMLW seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with public interest. In consideration of all events and criteria listed above, I hereby determine that the authorizations to be granted by this decision are consistent with DMLW's mission, that this project is consistent with the overall classification and management intent for this land, and that issuance of an authorization as described above is in the interest of the State of

Alaska. The Department assumes no responsibility for maintenance or liability for injury or damages attributable to this authorization.

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 authorization. Additional time may be allotted to complete these requirements; however, this will not extend the total term of the authorizations issued under this decision. If no appeal is filed by the appeal deadline, this decision goes into effect and becomes a final administrative order and decision of the department on the first business day after the twentieth calendar day after signature.



R. Bruce Sackinger, Natural Resource Manager 2
DMLW Northern Regional Land Office

4/13/2026

Date

ATTACHMENTS

- Exhibit A: Parcel Map Dated 9/17/25
- Entry authorization
- Draft Easement Document

APPEAL

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>.