

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
SOUTHCENTRAL REGIONAL LAND OFFICE**

Regional Manager's Decision

ADL 228050

Homer Electric Association, Inc
Private Non-exclusive to Public Utility Easement

REQUESTED ACTION

On April 16, 2026, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Southcentral Regional Land Office (SCRO) received a request from Scott Huff on behalf of Homer Electric Association, Inc (HEA) to convert an issued private non-exclusive easement, serialized as ADL 228050, for existing fiber optic communication cables, to a public utility easement.

RECOMMENDED ACTION

Staff recommend that the grantee's request is approved with the following parameters:

- Grant Type: Convert existing easement from private non-exclusive to public utility, consistent with Director's Policy File (DPF) 2020-03.
- Fees: Apply current regulations with a provision for automatic adjustment when associated fee regulations or director's fee orders are changed.

SCRO's research and recommendations concerning the conversion of this easement and any changes from the applicant's request are discussed below.

SCOPE OF DECISION

The scope of this decision is to determine if it is appropriate to convert a private non-exclusive easement to a public utility easement pursuant to current fee regulations per Director's Fee Order (DFO) #3.

STATUTORY AUTHORITY

This easement application is being adjudicated pursuant to AS 38.05.850 and the Alaska Land Act as amended.

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, and the casefile associated with the application serialized by DNR as ADL 228050.

PLANNING & CLASSIFICATION

The scope of this decision is limited to the consideration of whether to change the financial terms associated with this easement. Staff advise that area plan analysis is not required for this action as the initial decision to grant an easement has already been made and no new allocation of public resources is presently considered.

DISCUSSION

ADL 228050 serializes a segment of fiber optic communication cable extending across Kachemak Bay from Homer Spit to McKeon Flats. An application for ADL 228050 was originally received July 27, 2001. A Regional Manager's Decision signed on October 24, 2001, which recommended issuance of private non-exclusive tidelands easement. The Final Easement for ADL 228050 was issued to Homer Electric Association, Inc on June 7, 2015, and is depicted on Plat 2013-37 in the Homer Recording District.

HEA's request for the conversion of ADL 228050 from private non-exclusive easements to public utility easements is subject to DPF 2020-03. DPF 2020-03 was issued on June 1, 2020, in accordance with Administrative Order 310 to reflect DMLW's policy that entities providing high-speed internet, phone, and data transmission services through the installation of fiber optic cables should be treated as public utilities subject to current public utility fees regardless of whether the entities in question are regulated by the Regulatory Commission of Alaska.

Per DPF 2020-03, an applicant in good standing with DMLW may request conversion of an existing private exclusive easement to a public utility easement, however no fees previously paid or required will be refunded. HEA is currently up to date on all fees associated with the private non-exclusive easements serialized as 228050. Therefore, consistent with DPF 2020-03, DMLW will convert the easement following receipt of the required amendment and public utility issuance fees. The term of the easement will be amended from 25 years to an indefinite term.

FEES

Staff find that the following fees are applicable to this request. These fees may be adjusted if regulation(s) or department fee schedule pertaining to the fee(s) change during the term of the entry authorization and/or easement and will be subject to non-sufficient fund and late payment penalty fees.

- The applicant shall pay an amendment fee of \$240 per 11 AAC 05.070 (d)(1)(B)(ii).
- The applicant shall pay a one-time fee of \$0.56 per linear foot, totaling \$8,711.81, per 11 AAC 05.070(d)(2)(C) and DFO #3.

Additionally, the applicant shall pay applicable document recording fees prior to DMLW's execution and recordation of the easement document.

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 convert the private non-exclusive easement described herein to a public utility easement on the condition that all stipulations are followed as described in the attached authorization.

Annalee Sims

Annalee Sims, Natural Resource Specialist 2
DMLW Southcentral Regional Land Office

06/10/2026

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. 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.

Brent Reynolds

Brent Reynolds, Natural Resource Manager 2
DMLW Southcentral Regional Land Office

6/10/2026

Date

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>.