



STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Northern Regional Land Office

Regional Manager's Decision

ADL 422657
Alaska Power & Telephone Company (AP&T)
Easement Application
AS 38.05.850

REQUESTED ACTION

On September 4, 2025, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), received an application for a public utility easement from Tanana Chiefs Conference (TCC), on behalf of Alaska Power & Telephone Company (AP&T), for a proposed power and communication line across state-owned, DMLW-managed lands near Tok, Alaska. The purpose of the proposed easement is to provide power and telecommunication services to communities in Tok and Tanacross. The applicant has requested a public utility easement measuring approximately 210 feet long by 60 feet wide, comprising 0.2 acres, more or less.

RECOMMENDED ACTION

NRO recommends issuing the easement as requested for an indefinite 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 2015 Eastern Tanana Area Plan (ETAP) and other classification references described herein, and the casefile for the application serialized by DNR as ADL 422657.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize an easement at the northern end of the former Tok Airport, northeast of milepost 122 of the Tok Cutoff Highway, and directly southeast of its intersection with the Tetlin Trail.

Township Range

The applicant has applied to use state-owned, DMLW-managed lands within Lot 1 of Section 36 of Township 18 North, Range 12 East, Copper River Meridian, according to the survey plat accepted by the United States Department of the Interior, Bureau of Land Management on December 16, 1959, approximately as shown on Attachment A.

Other Land Information

Municipality: Tok

Regional Corporation: Doyon Ltd.

TITLE

The State of Alaska holds title to lands within Lot 1 of Section 36 of Township 18 North, Range 12 East, Copper River Meridian, Alaska on December 18, 1964 under Patent Number 50-65-0354, which is serialized by DNR as GS 108.

PLANNING & CLASSIFICATION

The proposed project is located within Unit U-23 of the 2015 Eastern Tanana Area Plan (ETAP). This unit is designated as resource management and is to be managed for multiple uses. Per ETAP (p. 3-11), this land is therefore classified Resource Management Land. In accordance with ETAP, development is inappropriate within this unit except for certain types of utilities, communication facilities, and similar types of projects that provide a general public benefit. Any authorized development shall consider its effects upon waterfowl migration and caribou wintering habitat. Any proposed development or uses should maintain a 100' buffer from the Glenn Highway (Tok Cutoff).

The Alaska Department of Fish & Game was consulted during agency review and identified no specific effects upon waterfowl migration or caribou wintering habitat. Public utility easements are a specifically permissible type of development according to the management intent of the unit, and the project here is specifically designed to connect with permitted infrastructure within the Tok Cutoff so maintenance of a 100' buffer is not necessary. The proposed easement is located on the airstrip of the former Tok Airport, which had been cleared and leveled with gravel prior to 2005. The proposed power pole lies south of the existing Tetlin Trail, thus having no impact on access along the trail. Authorizing a public utility easement as proposed would provide a general public benefit. Issuing an easement is thus appropriate and compatible with the Eastern Tanana Area Plan, the relevant land classification and designation, the management intent and guidelines of the area listed above.

ACCESS

Functional legal access to the project area discussed herein exists via the Tok Cutoff.

No navigable or public waters were identified in the proposed easement area by DNR-DMLW's Public Access Assertion and Defense Unit. No easements pursuant to AS 38.05.127 are therefore needed.

BACKGROUND

TCC is developing a solar array on adjacent Tanacross Inc land for the purpose of assisting AP&T with supplying power to communities in Tok and Tanacross. AP&T has a utility permit from DOT&PF to bring power and communication lines across the Tok Cutoff Highway right-of-way.

The proposed easement would provide public utility access allowing the array to connect to utility lines permitted within the Tok Cutoff right of way. AP&T would own and operate the utility line and be responsible for operation, maintenance, and ultimate removal, if necessary. The Tok-Tetlin trail is directly north of this proposed easement. DNR-DMLW reserves the right to grant a (superior) public access easement along the Tok-Tetlin trail.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public Notice of the application was conducted from October 16, 2025 to November 17, 2025. The notice was posted to the State of Alaska Online Public Notice System. The notice was sent via email to Doyon and Tok Dog Musers' Association. Tanacross was contacted via phone on 06/25/2026 to confirm no objection.

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency Review of the application was conducted from October 16, 2025 to November 17, 2025. The notice was sent via email to the following recipients:

- DNR Division of Parks, Office of History and Archeology (OHA)
- Alaska Department of Transportation & Public Facilities (DOT&PF)
- Alaska Department of Fish & Game (ADF&G)

Agency Review Comment & Response

OHA- No concerns for cultural resources in relation to this proposed public utility easement.

DMLW Response- Noted.

ADF&G- No objection, however they recommend:

1. Avoiding conflict with wildlife.
 - a. All fuel, trash, food, gray water, and other potential attractants must be securely stored in bear-resistant containers. Feeding wildlife is illegal in Alaska and poses serious safety risks. Shooting bears that access camp supplies does not qualify as a Defense of Life or Property unless all attractants were properly secured.
 - b. Any human-wildlife conflicts should be reported to ADF&G's Division of Wildlife Conservation:
<https://www.adfg.alaska.gov/index.cfm?adfg=reportwildlifeencounter.main>
 - c. Dispose of gray water responsibly to protect fish habitat and reduce wildlife encounters. Gray water and wastewater should never be dumped into or near waterbodies.

DMLW Response- This comment will be shared with 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 minimal. No fuel or other hazardous materials will be stored on site. The proposed utility pole is located on previously developed land. Due to the site consideration, minimal development will be needed to install a utility line. 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 will provide a direct economic benefit to the state in the form of land use fees. Additionally, the proposed easement facilitates the expansion and capacity of the public electric grid which will promote conditions for economic development, thus providing an indirect benefit to the state. 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

TCC is working with AP&T to install a utility line southeast of the intersection between the Tok Cutoff and the Tetlin Trail. The proposed utility line would be installed and maintained by AP&T and would connect to TCC's solar array on adjacent Tanacross Inc. land. The eastern portion of the utility line would be trenched and/or bored underground to connect to TCC's solar array on adjacent Tanacross Inc property. The western portion of the utility line would consist of a utility pole and aerial connection to the Tok Cutoff Highway right of way.

Due to the utility line connecting to the DOT right-of-way, evidence of having received authorization from DOT&PF will be required prior to ultimate easement issuance.

No other alternatives were considered for the proposed public easement. Because the utility project will provide power and communication services equally and publicly available to Alaska citizens, issuance of a public utility easement is in the State's interest. The term of the public utility easement will be indefinite until the easement is abandoned or determined no longer needed. Following termination, whether by abandonment, revocation, or any other means, the applicant shall rehabilitate the site(s) to a condition that is acceptable to DMLW.

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, appraisal, etc.), restoration (interim and final), and any associated costs after termination or expiration of the easement. Staff recommend that the applicant be required to submit a performance guaranty in the amount of **\$1,000.00** to ensure completion of entry authorization requirements. These funds will also serve as a survey deposit (per AS 38.05.860) and may be reduced one time during the term of the entry authorization by an amount equal to payments made by the applicant to a licensed surveyor under contract for completion of an as-built survey in accordance with survey instructions issued by the DMLW Survey Section, as described herein. This performance guaranty shall remain in place during the term of the entry authorization and will be subject to release upon the acceptance of a DMLW-approved as-built survey and the fulfillment of all conditions and stipulations of this decision and the entry authorization. The guaranty may also be adjusted to reflect updates and changes in the associated project, and the applicant may be required to provide an additional performance guaranty if DMLW determines there is additional risk to the State. The guaranty may be utilized by DMLW to cover actual costs incurred by the State to pay for necessary corrective actions in the event the applicant does not comply with site utilization and restoration requirements and other stipulations contained in the entry authorization. An additional performance guaranty may be required for an extension of the entry authorization beyond the initial term proposed under this decision.

INSURANCE

The applicant will be required to submit proof of insurance in an amount the insurance company determines necessary to protect both the State and the applicant from risks associated with the planned activities under the EA for ADL 422657. The applicant will be responsible for maintaining the necessary insurance during the term of the EA. The insurance may be adjusted to reflect updates and changes in the associated project and the applicant may be required to furnish additional insurance if DMLW determines there is additional risk to the State. A certificate of insurance listing the State of Alaska, Department of Natural Resources as an additional insured on the policy, or other insurance acceptable to the State, must be submitted to DMLW prior to entry on State land and must be maintained throughout the term of the EA.

SURVEY

The applicant will be required to request survey instructions prior to issuance of the entry authorization. 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. The applicant is required to submit a preliminary draft as-built survey a minimum of one year prior to the expiration of the entry authorization to allow adequate time for DMLW's review and approval of a final as-built survey.

The applicant shall contact the DNR Survey Section at stanley.brown@alaska.gov or at 907-269-8521 for survey instructions prior to construction.

FEES

The following fees are applicable to this request. These fees may be adjusted if regulation(s) 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 annual interim land use fee of **\$240** for up to two acres per 11 AAC 05.070 (d)(2)(I) for the term of this EA. This fee is charged concurrently with any other land use fees that may be described herein.
- Upon receipt of a DMLW approved as-built survey and prior to easement issuance, the applicant shall pay a one-time fee of \$0.56 per linear foot per 11 AAC 05.070 (d)(2)(C). This fee will be based on the actual footage of the easement as shown in the survey.

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

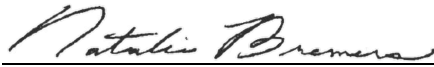
ENTRY AUTHORIZATION

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 utility 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. Staff recommend that entry authorization not be granted until the following deliverables have been provided to DMLW:

- Land use fees, as described above.
- Evidence of having made request for survey instructions to the DMLW Survey Section, as recommended above.
- Insurance, as described above.
- A performance guaranty, as described above.

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.



Natalie Bremers, Natural Resource Specialist
DMLW Northern Regional Land Office

6/25/2026

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
DMLW Northern Regional Land Office

6/25/2026

Date

ATTACHMENTS

- Entry authorization
- Draft easement document
- Attachment A: Site Diagram

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>.