

NOTICE OF PROPOSED CHANGES ON EASEMENT AND RIGHT-OF-WAY FEES
IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

BRIEF DESCRIPTION

The Department of Natural Resources proposes to change regulations relating to fees charged to public utilities for surface land use for easements and rights-of-way.

Summary of proposed changes: The Department of Natural Resources, Division of Mining, Land and Water (the Division) proposes to adopt regulation changes in Title 11 of the Alaska Administrative Code, dealing with fee regulations for public utilities, including the following:

- (1) 11 AAC 05.070(d)(2)(C) is proposed to be amended to insert “for the first 100 miles and 10 cents each linear foot of each additional mile,” so that larger projects will pay reduced fees.
- (2) 11 AAC 05.070(d)(2)(I) relating to fees for entry authorizations is proposed to be changed by updating citation references and to provide that fees for entry authorizations addressed in (d)(2)(C) will not exceed \$20,000 annually.
- (3) 11 AAC 05.070(e) is proposed to be amended to update citation references for applicable fees.
- (4) 11 AAC 05.900(11), providing a definition of “linear,” is proposed to be repealed.
- (5) 11 AAC 05.900(12), providing a definition of “non-linear,” is proposed to be repealed.

Written comments: You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments via email to dnr.fees.regulation@alaska.gov or via the online comment portal at https://dnr.alaska.gov/mlw/comment/submit/?topic=erow_regchanges. Comments may also be mailed to Molly Benson at 550 West Seventh Avenue, Suite 1070, Anchorage, Alaska, 99501. Additionally, the Division will accept comments by facsimile at 907-269-8904.

Written comment deadline: The written comments must be received not later than 5:00 p.m. on August 17, 2026.

Questions: You may submit written questions relevant to the proposed action to Molly Benson via email at dnr.fees.regulation@alaska.gov or by mail at 550 West Seventh Avenue, Suite 1070, Anchorage, Alaska, 99501. The questions must be received at least 10 days before the end of the public comment period, not later than August 7, 2026. The Division will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website.

Public nature of comments and questions: Public comments and questions, once submitted, are public records and subject to disclosure under the Alaska Public Records Act. See AS 40.25.100 -

40.25.295. Do NOT include in your comments or questions any information that you do not want made public.

Accommodations: If you are a person with a disability who needs a reasonable accommodation in order to participate in this process, please contact Molly Benson via email at dnr.fees.regulation@alaska.gov or by phone at 907-269-8601 not later than August 7, 2026, to ensure that any necessary accommodations can be provided.

Obtaining copies of proposed regulations: A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Molly Benson via email at dnr.fees.regulation@alaska.gov or by phone at 907-269-8601.

Final version of regulations. After the public comment period ends, the Division will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation.

Statutory authority: AS 37.10.050, AS 37.10.058, AS 38.05.020, AS 38.05.035, AS 38.05.850

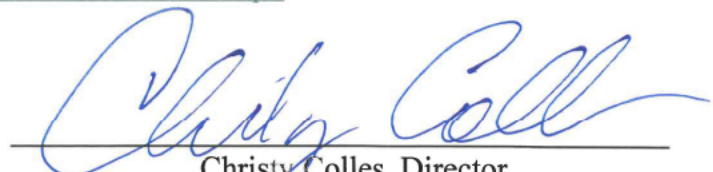
Statutes being implemented, interpreted, or made specific: AS 38.05.035, AS 38.05.850

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

How to receive further notices: The Division of Mining, Land and Water keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the division's notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division via email to dmlwprogramsupport@alaska.gov or by mail to 550 West Seventh Avenue, Suite 1070, Anchorage, Alaska, 99501, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Individuals can also sign up to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Date: July 15, 2026



Christy Colles, Director
Division of Mining, Land and Water
Department of Natural Resources

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Easements and rights-of-way fees for public utilities
3. Citation of regulation (may be grouped): 11 AAC 05.070(d) and (e), 11 AAC 900(11) and (12)
4. Department of Law file number, if any: 2025200539

5. Reason for the proposed action: The Department of Natural Resources proposes to change regulations relating to fees charged to public utilities for surface land use for easements and rights-of-way so that larger projects will pay reduced fees.

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- () Development of program standards
- (X) Other (identify): Revisions to improve efficiency, consistency, and cost-effectiveness

6. Appropriation/Allocation: Department of Natural Resources / OMB Component Number 3002

7. Estimated annual cost to comply with the proposed action to:

A private person: No cost

Another state agency: No cost

A municipality: No cost

A school district: No cost

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year	Subsequent
	FY 2027	Years
Operating Cost	<u>\$0</u>	<u>\$0</u>
Capital Cost	<u>\$0</u>	<u>\$0</u>
1002 Federal receipts	<u>\$0</u>	<u>\$0</u>
1003 General fund match	<u>\$0</u>	<u>\$0</u>

1004 General fund	\$0	\$0
1005 General fund/ program	\$0	\$0
Other (identify)	\$0	\$0

9. The name of the contact person for the regulation:

Name: Molly Benson
 Title: Natural Resource Specialist
 Address: 550 West 7th Avenue, Suite 1070, Anchorage, AK 99501
 Telephone: 907-269-8601
 E-mail address: molly.benson@alaska.gov

10. The origin of the proposed action:

X Staff of state agency
 _____ Federal government
 _____ General public
 _____ Petition for regulation change
 _____ Other (identify): _____

11. Date: July 15, 2026 Prepared by: Molly Benson
 Name: Molly Benson
 Title: Natural Resource Specialist
 Telephone: 907-269-8601