

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Southcentral Regional Land Office

Regional Manager's Decision

ADL 223528
Alaska Communications
Public Utility Easement
Karluk Lagoon Telephone Cables

REQUESTED ACTION

On February 2, 2026, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Southcentral Regional Land Office (SCRO) received an application for an easement from Alaska Communications (ACS; the applicant) for the reissuance of an easement for 12 pre-existing submerged telephone cables on state-owned, DMLW-managed submerged lands near Karluk Lagoon, Kodiak, Alaska. The purpose of the proposed easement is to allow for continued maintenance and operation of existing submerged telephone cables. The applicant has requested reissuance for a private non-exclusive easement 3,605 feet long, 20 feet wide, and 1.72 acres in size.

RECOMMENDED ACTION

Staff recommend that the easement be reissued with the following parameters:

- Length: 3,605 feet
- Width: 20 feet
- Acreage: 1.72 acres
- Term: Change from 25 years to indefinite
- Grantee: ACS
- Type of easement: Change from private non-exclusive to public utility easement

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

BACKGROUND

On December 16, 1998, ACS was issued a private non-exclusive easement for the placement of 12 copper telephone cables across state submerged tidelands in Karluk Lagoon. This authorization was granted for the construction, operation, and maintenance of said cables. The cables are prevented from shifting by lead lines attached at 18-inch intervals with a weight determined at 2 pounds per fathom. A new application was received on February 2, 2026, and the easement is to be reissued from the point of beginning.

SCOPE OF DECISION

The scope of this decision is to determine if it is in the State's interest to reissue 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 best 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 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 from the 2004 Kodiak Area Plan, other classification references described herein, and the casefile for the application serialized by DNR as ADL 223528.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW reissue the previous easement in Karluk Lagoon, Kodiak.

Meridian Township Range Section

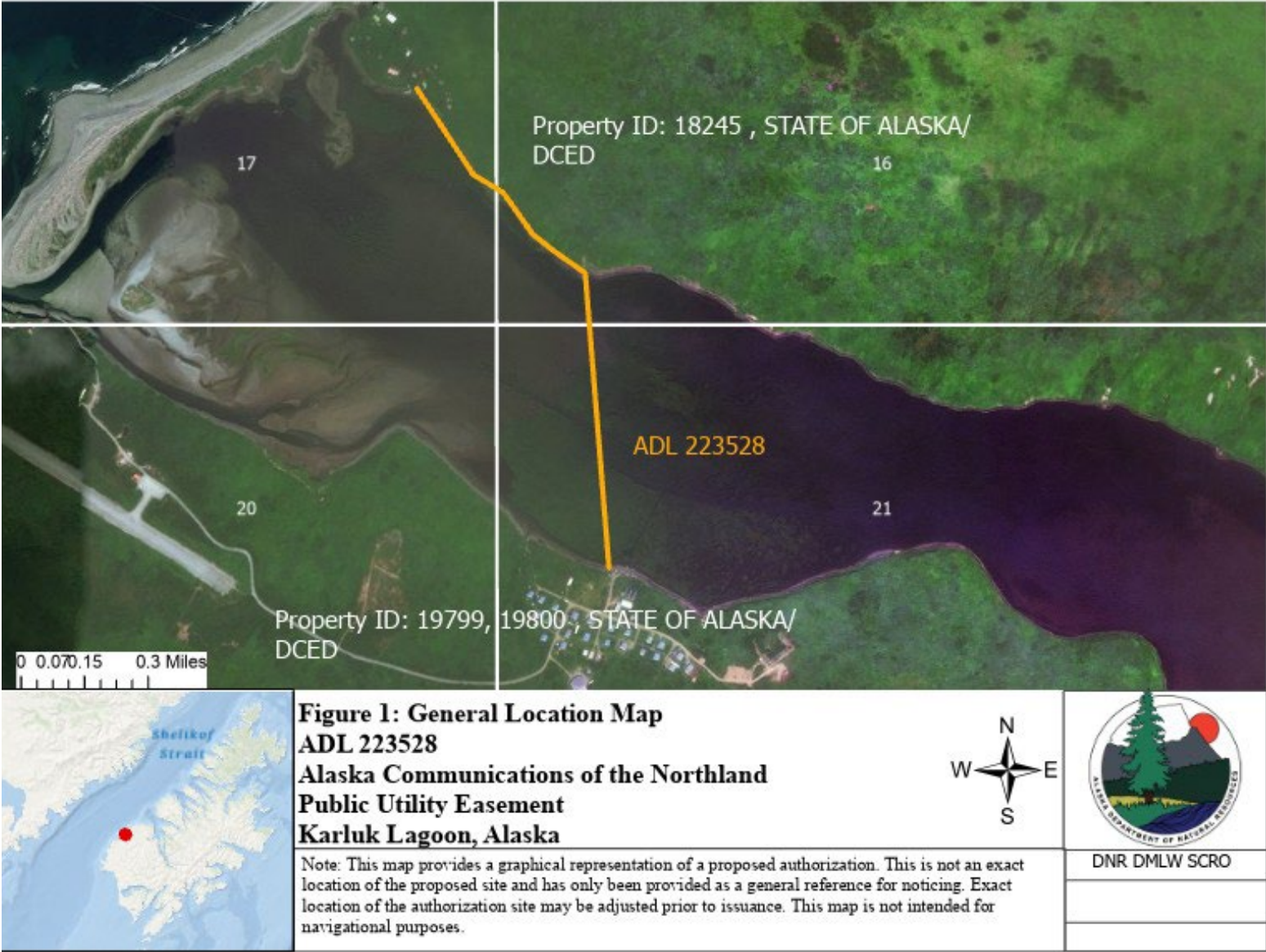
Sections 16, 17, and 21 of Township 30 South, Range 32 West, Seward Meridian, Alaska.

Other Land Information

Borough: Kodiak Island Borough

Regional Corporation: Koniag

FIGURE 1 – A map that depicts the area and the 12 constructed telephone lines.



TITLE

The State of Alaska holds title to applicable portions of submerged lands within Sections 16, 17, and 21 of Township 30 South, Range 32 West, Seward Meridian, Alaska. The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction on the basis of the Equal Footing Doctrine, the Submerged Lands Act of 1953, and AS 38.04.062 (Identification of State Submerged Lands).

Any state-owned, DMLW-managed lands, or State-selected lands that may be managed by DMLW in the future that are crossed by the authorization considered herein at the time of this decision, which are omitted from this list, and are subsequently identified, are included in this decision. Navigable and public water determinations are subject to change pursuant to future findings.

THIRD PARTY INTERESTS

There are no third-party interests within the boundaries of the proposed easement.

PLANNING & CLASSIFICATION

The area described for the proposed public utility easement renewal has been classified under the 2004 Kodiak Area Plan as Unit KT-49, an area of mixed gravel shoreline and tidelands near the mouth of the Karluk River. The unit has been designated as Habitat and Heritage Resources, both of which convert to a classification of Wildlife Habitat Land. The Resource Allocation Table notes that the area provides habitat for wildlife including salmon, trout, char, waterfowl, and Dungeness crab, and notes that the Alaska Heritage Resources Survey reports prehistoric and historic heritage sites in or near the unit. The area is used for commercial and personal harvest activities. SCRO finds the issuance of an authorization for the infrastructure to be consistent with the regulation as it aligns with the management intent, land classification, and resource summary.

ACCESS

Functional legal access to the state land discussed herein exists via Airport Access Road and Nunaliak Street boat ramp, Karluk.

The authorization proposed herein will not impair public access; therefore, 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.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public Notice and Agency Review was not conducted given that a notice period was performed during the original application timeframe. As such, no recent comments were received.

ENVIRONMENTAL CONSIDERATIONS

Staff evaluate environmental factors directly related to the authorization of 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. Staff recommend that fuel, lubricants, and other hazardous materials be restricted to those necessary and be contained within tools and vehicles when equipment is necessary for construction and maintenance activities. Staff further recommend that no fuel or other hazardous materials are authorized to be stored on site. There are no other known environmental considerations or constraints in this location.

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 of the public utility system. In consideration of these factors, and because there are no competing requests for authorization, staff advise that approval of this easement will provide the greatest economic benefit to the State.

DISCUSSION

Staff recommend that the easement considered herein be granted for an indefinite term from the effective date of this decision as the need for this easement can be expected to exist as long as the adjoining land requires utilities serviced by telephone cables. The easement will be issued as and converted to a Public Utility Easement from a Private Non-Exclusive easement.

PERFORMANCE GUARANTY

In consideration of the low risk associated with the proposed authorization and ACS' known history of compliance, SCRO recommends that a performance guaranty not be required at this time. DMLW reserves the right to require a performance guaranty during the term of the easement.

INSURANCE

In consideration of the low risk associated with the proposed authorization and the applicant's known history of compliance, staff recommend that insurance not be required at this time. DMLW reserves the right to require insurance during the term of the easement.

SURVEY

The DMLW Survey Section approved an as-built survey of the easement on November 2, 1995, which was later recorded on October 24, 1997, recorded as document number 1999-001106-0 in the Kodiak Recording District.

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. All fees shall accrue from the effective date of the decision.

- The applicant shall pay a one-time fee of \$0.56 per linear foot, totaling \$286.72, per 11 AAC (d)(2)(C).

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. SCRO recommends waiving the entry authorization as the constructed submerged telephone cables have been in use since 1987.

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 reissue an easement as described above, on the condition that all stipulations are followed as described in the attached authorization.



Channing Buckmaster, Natural Resource
Specialist 2
DMLW Southcentral Regional Land Office

07/13/2026

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 best 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

7/13/2026

Date

ATTACHMENTS

- 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>.