

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Northern Regional Land Office

Regional Manager's Decision

ADL 420817 Amendment 1
San Diego State University
Public Access Easement
AS 38.05.850

On July 31, 2017, this office issued a Final Finding and Decision authorizing issuance of a public access easement to San Diego State University. The term of this easement was set at 25 years.

PROPOSED ACTION

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), proposes to amend this easement in three ways:

- Increase the term from 25 years to “In Perpetuity”
- Change the recipient from San Diego State University to DNR
- Remove survey requirements for easement issuance.

SCOPE OF DECISION

The scope of this decision is to determine if it is in the State’s interest to amend the terms and conditions of ADL 420817 as noted above. 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 amendment 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 here-in, the 2021 North Slope Area Plan and other classification references described herein, and the casefiles serialized by DNR as ADLs 420816 and 421817.

PLANNING & CLASSIFICATION

In 2021, the North Slope Area Plan became effective and classified the area.

The easement is located within state-owned uplands within boundaries of the 2021 North Slope Area Plan (the Plan), Management Unit B (Brooks Foothills Region), Subunit B-02 (East Fork Etivuluk River). This subunit is designated as Resource Management (Rm), which converts to a classification of Resource Management Land. Per 11 AAC 55.200, land that is classified as Resource Management Land is either: land that might have a number of important resources but for which a specific resource allocation decision is not possible because of a lack of adequate resource, economic, or other relevant information, or is not necessary because the land is presently inaccessible and remote and development is not likely to occur within the next 10 years; or land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use.

The management intent for Subunit B-02 is to manage the unit for “multiple resources and uses,” emphasizing the retention of the “natural character of the area, maintaining wildlife habitat and harvest opportunities” (the Plan, 3-83). Additionally, the Plan indicates that the management intent of the lands in Subunit B-02 are “available for lease, permit, or other less-than-fee disposal” (the Plan, 3-83).

The resources and uses listed on the Resource Allocation Table for the Brooks Foothills Region for Subunit B-02 includes the public access easement under ADL 420817 (the Plan, 3-83). The Plan describes Subunit B-02 as an area that includes state-owned lands and a small amount of state selections and top filed lands. The area is remote, relatively flat, with vegetation consisting of tussock tundra, shrublands, wet meadows; the area also includes the East Fork of the Etivuluk River “running through the middle” of the unit (the Plan, 3-83). Other resources and uses include moose, musk ox, caribou (including the Western Arctic Caribou Herd); additionally, dispersed subsistence harvest occurs throughout the unit, and the East Fork of the Etivuluk River provides public reaction opportunities (the Plan 3-83). Heritage sites were also reported in or around the subunit.

The easement is consistent with the classification and management intent of the area.

ACCESS

This easement is intended to serve as legal access to ADL 420816, a long-term lease. Within the North Slope Borough, a long-term lease must be surveyed and segregated (subdivided) from the surrounding lands. These newly created parcels must have perpetual legal public access; a 25-year termed public access easement is insufficient. This decision would amend the term of the easement to “in perpetuity” to provide the legal access necessary to create the lease parcel.

Per the Public Access Assertion and Defense Section, there are no public or navigable waters within the project area.

PUBLIC NOTICE & AGENCY REVIEW

This is a remote airstrip currently available for public use. Changing the term should not impact usage of the strip nor the surrounding lands. Likewise, changing the grantee from San Diego State University to the Department of Natural Resources will not impact usage. As such, pre-decision public notice and agency review were not conducted. Notice of the decision will be distributed to previous commentors, posted to the public notice website, and sent out to agencies.

DISCUSSION

On July 13, 2017, a Preliminary Finding and Final Finding Document was issued. This decision authorized issuance of a lease, ADL 420816, as well as a public access easement for an adjacent airstrip and access from the airstrip to the lease parcel, ADL 420817, to SDSU.

The decision document states that an Alaska State Land Survey (ASLS) is required prior to issuance of the lease or easement. On October 8, 2025, DMLW was informed that the North Slope Borough's platting office would not approve any plats, including ASLS 2018-42, until the easement was established by the Department of Natural Resources. Typically, DMLW requires a survey prior to issuing an easement. DNR is amending this requirement and will issue the easement based on a legal description provided by the Survey Section.

The term of ADL 420817 was initially set at 25 years to match the term of the ADL 420816, and was to be issued to SDSU. This easement is intended to serve as legal access to the parcel created by ASLS 2018-42; once created, this parcel will continue to exist after the term of ADL 420816. Granting the easement with an indefinite term from the effective date of this decision will allow access to this newly created parcel in perpetuity. Additionally, we are changing the grantee to DNR as the need for access will continue to exist after SDSU's lease expires.

These changes will ensure ASLS 2018-42 has protected legal access, and meets all platting requirements. Public access easements created by DMLW may be vacated if equal or better access is subsequently provided.

PERFORMANCE GUARANTY

The requirement for provision of a performance guaranty in accordance with 11 AAC 96.060 is met because the grantee is a state agency.

INSURANCE

The requirement for provision of insurance in accordance with 11 AAC 96.065 is met because the grantee is a state agency.

SURVEY

This easement will be issued based on the following legal description:

Beginning at the Southeast section corner of Section 24, Township 11 South, Range 17 West, Umiat Meridian; thence North 65°33'30" West 2806.18 feet to the True Point of Beginning of the herein described easement;

Thence North 60°44'46" West 150.00 feet; thence North 29°15'14" East 5167.59 feet; thence South 60°44'46" East 150.00 feet; thence South 29°15'14" West 895.59 feet; thence South 60°44'46" East approximately 215.41 feet to a point on the westerly boundary of ADL 420816, as shown on Alaska State Land Survey No. 2018-42; thence South 11°44'26" West along the westerly

boundary of the aforementioned ADL 420816 26.22 feet; thence North 60°44'46" West 223.30 feet; thence South 29°15'14" West approximately 4247.00 feet to the True Point of Beginning.

FEES

Per 11 AAC 05.020(b), the Division's land-use fees for this authorization are waived because it is in the public interest. Additionally, the easement document will be filed at the Recorder's Office as "State Business – No Charge" because the grantee is a state agency.

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.



Megan Byers, Natural Resource Specialist 3
DMLW Northern Regional Land Office

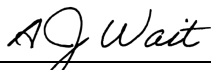
September 15, 2026

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.



AJ Wait, Natural Resource Manager 2
DMLW Northern Regional Land Office

September 15, 2026

Date

ATTACHMENTS

- 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>.