

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Northern Regional Land Office**

Preliminary Decision

**ADL 422627: Designated Material Site: AS 38.05.550
ADL 422874 Private Non-Exclusive Easement: AS 38.05.850**

Related Actions

ADL 422875: Material Sale Contract: AS 38.05.555

This Preliminary Decision (PD) is the State's preliminary best interest finding regarding a proposed disposal of interest in state land. The public is invited to comment on this PD. The deadline for commenting is **November 30, 2026**. Please see the Public Notice section of this decision for requirements related to submitting comments for consideration.

Proposed Action

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Northern Regional Land Office (NRO) proposes establishing the 320-acre area as designated material site ADL 422627. This site designation would impose the following constraints on all future contracts issued pursuant to this designation:

- Coordination: Contractors within the site shall coordinate with all current users within the site prior to material extraction.
- Migratory Birds: Vegetation clearing will follow, within practicable limits, Migratory Bird Treaty Act-based recommendations by USFWS regarding migratory bird nesting and rearing windows. The majority of clearing and other activities likely to disturb nests or displace chicks must occur outside of the peak nesting season for avian protection unless specifically approved in writing by the seller. Peak nesting season dates can be obtained from <https://www.fws.gov/alaska-bird-nesting-season>.
- Peregrine Falcons and Swallows: If any birds are found nesting in or on rock faces or material stockpiles, please email USFWS at ak_fisheries@fws.gov or call the Field Office: (907) 456-0203. At the end of each season, buyer shall remove any vertical faces and slope all sides of any stockpiles to the natural angle of repose or 70 degrees, whichever is lesser.
- Take: If birds are accidentally taken during project activities, contact the Field Office: (907) 456-0203. If non-game migratory birds are intentionally taken, please report the incident to the local USFWS Office of Law Enforcement (907) 456-2335.
- Eagle Nests: If an eagle nest is identified within one-half mile of the material site footprint and other project activities, buyer shall halt operations and contact the USFWS

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 2026 Northeast Alaska Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 422627

Location and Legal Description

Location: The site is located at approximately MP 165 of the Dalton Highway, as depicted in Attachment A, Site Map.

Legal Description: Within the SE ¼ of Section 23 and the E½ of Section 26, Township 27 North, Range 13 West, Fairbanks Meridian, containing approximately 320 acres, more or less.

Borough/Municipality: The site is not located within a municipality or an organized borough.

Regional Corporation: The site is located within the Doyon, Limited Regional Corporation boundaries. No corporation lands are involved.

Village Corporation: There are no village corporations located within 25 miles of the project location.

Title

On May 5, 2026, equitable title to approximately 1.4 million acres of land, including those within this site was granted, to the state via Tentative Approval (TA). Our title is subject to a number of authorizations, and administration of other authorizations were excepted and reserved. Please refer to TA 2026-0002 issued on May 5, 2026 for specific reservations and subject to's. The majority of third-party interests are not within this proposed site boundary. All site users, including third party interest, will be required to coordinate to minimize potential conflict.

Background

On December 30, 1971, a Utility Corridor was established by Public Land Order (PLO) 5150 to protect the route of the Trans-Alaska Pipeline. PLO 5150 withdrew lands to the federal government and caused them to be unavailable for conveyance. On February 25th, 2026, Public Land Order 7966 partially revoked PLO 5150; equitable title to the subject land were

Access

The state will be subject to existing easements and ADL 422874 will provide continued access to this site for other users.

Waterbodies

This site has a pond entirely within the site and another partially within the southwest portion which the Public Access Assertion and Defense Section (PAAD) has determined is public water per AS 38.05.127 and 11 AAC 51.035.

Access Along Navigable and Public Waters

AS 38.05.127 requires that when the department is disposing of any interest in state land, DNR identify navigable and public waters, and easements necessary to ensure access along the water is to be reserved unless regulating or limiting access is necessary for other public purposes.

While both ponds have been deemed public water bodies by PAAD; no easements will be created and reserved pursuant to AS 38.05.127, due to the creation of the 100' vegetative no mine buffer around the entirety of both water bodies. The vegetative no mine buffer will prohibit extraction and allow for members of the public to use public water bodies without the need to traverse through industrial activities. Therefore, DNR has determined that reserving an easement is not necessary for the continued access to the water bodies adjacent to the pit.

Public Trust Doctrine

Pursuant to AS 38.05.126, all authorizations within this site will be subject to the principles of the Public Trust Doctrine; specifically, the right of the public to use navigable waterways and the land beneath them for: navigation, commerce, fishing, hunting, protection of areas for ecological studies, and other purposes. These rights must be protected to the maximum extent practicable while allowing for the development of this project. As such, DMLW is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

Mineral Orders

Mineral Order 1309 closes to locatable mineral entry all lands within the proposed material site. Mineral orders (closing), where established, close an area to new exploration and development of locatable minerals. Such mineral orders do not apply to leasable minerals (such as oil, gas, coal, etc.), or exploration licensing for such, nor do they preclude reasonable surface access to these resources.

Environmental Risk

There are no known environmental contaminants within the subject material site.

Public Notice

Pursuant to AS 38.05.945, this PD will be advertised for a 30-day public comment period, starting on October 30, 2026. In addition, the Coldfoot post office located near the proposed material site designation will be requested to post the notice pursuant to AS 38.05.945(b)(3)(C). The notice will also be posted on the State of Alaska Online Public Notice website pursuant to AS 38.05.945(b)(3)(B) located at: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>

In accordance with AS 38.05.946, Doyon, Ltd. is a corporation entitled to receive notice under AS 38.05.945(c), and may hold a hearing within 30 days after the receipt of the notice.

The public is invited to comment on this PD. All comments received during the public comment period will be considered in the FFD. A copy of the FFD, along with instructions on filing an appeal, will be sent to all persons who comment on the PD. If public comments result in significant changes to the PD, additional public notice may be given.

To be eligible to appeal, a person affected by the FFD must provide written comments during the public comment period per AS 38.05.035(i).

Written comments about this project must be received in this office no later than on November 30, 2026 to be considered.

To submit comments please choose one of the following methods:

Mail: Department of Natural Resources
Division of Mining, Land and Water
Northern Region Office
ATTN: Alex Wynne
3700 Airport Way
Fairbanks, Alaska 99709
Email: alex.wynne-ballard@alaska.gov
Fax: (907) 451-2751

Questions about this project can be directed to Alex Wynne at (907) 451-3010.

Survey

A survey for this material site is not required per AS 38.04.045. DNR may require a survey in the future, should conditions arise that warrant a survey. If a survey is required, the applicant will be responsible for the costs of the survey.

Discussion

ADL 422627 Material Site Designation
ADL 422874 Private Non-Exclusive Easement

extraction of materials until closed by DMLW. DMLW must ensure that state land and natural resources be available for the maximum use consistent with the public interest. To that end, DMLW will continue to carefully review individual sale requests and operation plans once sites have been designated, to ensure resource consideration and multiple use issues are appropriately evaluated. The following requirements are routinely incorporated in a material sale contract issued to a private party: insurance and performance guaranty.

Recommendation

Based upon available information, as well as review of relevant planning documents, statutes, regulations, and case files related to this application, the DNR, DMLW, NRO proposes designating ADL 422627 material site, as well as granting a Private Non-Exclusive Easement ADL 422874 to access the site. This decision considers ownership of the site, the need for reasonable access to material sources in the region and the project site, and agency concerns. The designation of this material site and subsequent contract issuances will assist with the management of the Dalton Highway transportation corridor.



Alex Wynne
Natural Resource Specialist

Date 10-30-26

Preliminary Decision

I find that the proposed action as recommended above may be in the state's best interest and is hereby approved to proceed to public notice. Additional operating requirements identified during the public comment period may be included in the Final Finding and Decision and subsequent authorization.



AJ Wait
Natural Resource Manager 2

Date 10/30/26

Attachments

Attachment A—Site Map
Attachment B—Example Mining and Reclamation Plan
Attachment C—Example Public and Charitable Use Contract
Attachment D—Example Commercial Use Contract
Attachment E—Example Private Non-Exclusive Easement

ADL 422627 Material Site Designation

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