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 **December 2, 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

Conservation Planning Assistance (CPA) team for technical guidance and to obtain an eagle take permit before operations may resume; this requirement is waived upon implementation of USFWS recommendations. Please email USFWS at ak_fisheries@fws.gov or call the Field Office: (907) 456-0203.

- Wetlands: If expansion of the working area is part of a project's scope, DNR must consult with USACE to determine if a Section 404 permit is required.
- No mine zone: A 100' no mine zone will be reserved along all sides of the ponds and lakes present within the material site

DNR additionally proposes issuing an indefinite 100-foot-wide Private Non-Exclusive access easement, ADL 422874, to protect access to this site.

Proposed Related Actions

The related actions will be processed separately; however, public notice is being conducted concurrently. These include the following

ADL 422875, a material sale contract for 50,000 cubic yards to the Department of Transportation and Public Facilities. This action is dependent upon the site being designated pursuant to AS 38.05.550.

Scope of Decision

The scope of this decision is to determine if it is in the State's best interest to designate this area as a material site (ADL 422627), and what, if any, additional operating requirements should be implemented specific to this site. The scope of this decision also is to determine if it is in the State's interest to issue an indefinite Private Non-Exclusive access easement (ADL 422874), and what terms and conditions should be required. 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.

Authority

The file is being adjudicated pursuant Alaska Statutes AS 38.05.035(e) (best interest finding), AS 38.05.127 (navigable and public water), AS 38.05.550-565 (material sales), AS 38.05.850 (permits), AS 38.05.945 (notice), AS 27.19 (reclamation), and the Alaska Land Act as amended.

The authority to execute the Preliminary Decision and the Final Finding and Decision has been delegated to the Regional Managers of DMLW.

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

subsequently transferred to the State on May 5, 2026.

The proposed material site is adjacent to a State Selected mining claim (ADL 805131) and a pending coal prospecting application (ADL 422587) to the East. Likewise, the proposed material site overlaps with State Selected mining claim (ADL 805122) and a pending coal prospecting application (ADL 422586) to the South. Both mining claims were located on September 26, 2025.

Planning and Classification

This material site is located entirely within Northeast Alaska Area Plan (NEAAP) Unit D-03 and is designated Materials (classification of Material Land) and Habitat (classification of Wildlife Habitat Land). Unit D-03 is a discontinuous unit encompassing material sites within the Dalton Highway Corridor. Lands within Unit D-03 are to be managed for its material values and resources and is noted that the primary use for these lands is for material extraction. Caribou habitat is present in the northern portion of the Dalton Highway Corridor, and preferred bear habitat is present in the Coldfoot area.

This site is currently active and existed prior to adoption of NEAAP; this action is merely intended to allow continued use of the site as it transitions from Federal ownership to State ownership. The Alaska Department of Fish and Game (ADF&G) was consulted during Agency Review, and no concerns were raised regarding impacts to caribou or bears. DNR does not anticipate a significant change in type of activities conducted within this site due to the designation.

AS 19.40.200 prohibits disposal of interest in this location except for a limited number of exceptions, including for oil and gas transportation purposes, utility purposes, and certain material sales. Designation of this site is critical to the operation of the overall operation of the Dalton Highway Corridor, supporting oil and gas transportation purposes, utility purposes, and maintenance and operation of the Dalton highway itself.

Designation of this material site as proposed is consistent with NEAAP management intent, the land use classification, and legislative restrictions imposed by AS 19.40.200.

Traditional Use Finding

The area is not within an incorporated borough or municipality and therefore a traditional use finding is required under AS 38.05.830.

Continued operation of a material site in this location is not expected to adversely affect subsistence resources or known traditional uses which may include hunting and gathering related activities. Additional traditional uses may be identified during the public notice period. If further traditional uses that may be impacted by the material sites become known, they will be discussed in the final finding and decision.

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.

Adherence to standard material sale contract operating requirements for fuel and hazardous substances will minimize the risk of leaks or spills resultant from operations.

Agency Comments

The DMLW conducted an agency review from March 12, 2026, through June 2. 2026. The following agencies were solicited for comments regarding this proposed material site designation and material sale:

Rachel Longacre, Director's Office, Division of Mining, Land and Water (DMLW), DNR
Realty Services Section (RSS), DMLW, DNR
Public Access Assertion & Defense (PAAD), DMLW, DNR
Resource Assessment & Development Section (RADS), DMLW, DNR
Statewide Abatement of Impaired Lands (SAIL) Section, DMLW, DNR
Mining Section, DMLW, DNR
Mineral Property Management, DMLW, DNR
State Pipeline Coordinator's Section (SPCS), DNR
Office of History and Archeology (OHA). Division of Parks, DNR
Heather O'Claray, Statewide Right-of-way (ROW) Chief, Alaska Department of Transportation & Public Facilities (DOT&PF)
Kahlil Wilson, Right-of-way Section, DOT&PF
Dan Jordan, Property Management Section, DOT&PF
Audra Brase, Regional Supervisor-Fairbanks, Habitat Division, Alaska Department of Fish and Game (ADFG)
Jonathan Kirsch, Habitat Biologist, Habitat Division, ADFG
United States Fish and Wildlife Service (USFWS)
United States Army Corps of Engineers (USACE)

The following comments were received:

ADF&G Comment: ADF&G recommends retaining a 100' buffer around both adjacent ponds to maintain wetlands habitat for fish and wildlife.

DMLW Response: Comment noted. DNR will impose a 100' vegetive no mine buffer along all water bodies

U.S Army Corp of Engineers Comment: USACE stated that the National Wetlands Inventory Mapper shows aquatic resources within the site boundary. USACE indicated that if this site is expanded or developed, a Section 404 permit may be needed.

DMLW Response: The comments have been documented in the case file and will be available for future adjudications associated with the site. DNR has also imposed a condition on this site designation, and any following contracts, that states that: prior to development or expansion of the development footprint of Material Site 422627, USACE will be consulted to determine if a 404 permit is required.

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 December 2, 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

The project area has been identified by DOT as an important material site referred to as "Material Site 65-9-103-2". While the initial development date is unknown, the pit was originally developed for the construction of the Dalton Highway and the Alyeska Pipeline in the 1970's. A site inspection on August 20, 2025, indicates the site remains in use today with both signs of active use as well as sorted stockpiles present.

Both DOT&PF and Alyeska have had recent material sale contracts from this site. The area within Alyeska's contracts has typically been 240 acres, while DOT contracts have been issued for 40 acres. It is unclear why there is this discrepancy; to ensure sufficient operational space and material quantities, we are designating approximately 320 acres.

Additionally, the land within the site is subject to several Right-of-Way grants issued to Alyeska, including the Trans Alaska pipeline (FF-012505) and a storage yard (FF-096884). Any authorized users of the material site must first coordinate with Alyeska before extraction.

This site is not directly adjacent to the Dalton Highway and is accessible via a road named 96-APL/AMS-3; there is no apparent easement for this road. This road is gated at the Dalton Highway. Authorized site users have keys to open the gate. To ensure and protect continued access on this road, we propose reserving a Private Non-Exclusive Easement. The purpose of this easement would be to protect access for governmental purposes, material sale contracts, pipeline and utility management purposes, and other uses not prohibited by AS 19.40. AS 19.40.200 prohibits disposal of interest in this location except for a limited number of exceptions, including for oil and gas transportation purposes, utility purposes, and certain material sales. Notwithstanding the disposal prohibitions in AS.19.40.200, AS 19.40.210(c) allows for motorized easements to be granted to access federal lands, native allotments, and native corporation lands.

A general public access easement allowing motorized use would be contrary to statute, as it would be accessing exclusively State land. A Private Non-Exclusive Easement would comply with statutory restrictions by protecting and guaranteeing only those uses allowable under statute. Additionally, some of the uses occurring within material sites along the Dalton Highway require site control to protect public safety as well as to protect privately owned resources/materials staged in storage areas for efficient deployment. The width of this easement is set at 100' to ensure adequate width for the equipment associated with DOT and pipeline operations.

To ensure continued material availability necessary for the Dalton Highway, TAPS, and other uses, designation of this site as described above is the site's highest and best use.

Designation of the above referenced material site serves the best interest of the state and public by ensuring continued material availability while maximizing efficiency and minimizing the need to transport materials on public roadways.

Material Site Designation

The material site is being designated under disposal of material statutes AS 38.05.550 and AS 38.05.555. This decision will designate this site as a material site for the long-term sale and

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 — Date 10-30-26
Natural Resource Specialist

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 — Date 10/31/26
Natural Resource Manager 2

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