

Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Molly Benson, Natural Resource Specialist
Department of Natural Resources

FROM: April Simpson, Alaska Administrative Code Coordinator 
Office of the Lieutenant Governor

DATE: September 10, 2026

RE: Filed Permanent Regulations: Department of Natural Resources

Department of Natural Resources Easements and rights-of-way fees (11 AAC 05.070, .900)

Attorney General File:	2025200539
Regulation Filed:	9/10/2026
Effective Date:	10/10/2026
Print:	260, January 2027

cc with enclosures: Beth Parsons, Paralegal
Department of Law

Lisa Gorman, Alaska Legal Analyst
LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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September 9, 2026

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: Approval and Submission of Regulations for Filing
11 AAC 05.070, 11 AAC 05.900: DNR - Easement and right-of-way fees

Our file: 2025200539

Dear Lieutenant Governor Dahlstrom:

Pursuant to AS 44.62.060, the Department of Law has reviewed the enclosed regulations adopted by the Department of Natural Resources concerning changes to the department's fee calculations for certain utility easements, entry authorizations, and related definitions.

Our review examined each regulation for legality, existence of statutory authority, clarity, compliance with the *Drafting Manual for Administrative Regulations*, and conformance with the procedural requirements of AS 44.62.010 - 44.62.290.

Based upon this review, the Department of Law approves each regulation as to form and legality. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to accept the regulations for filing.

We hereby submit the regulations to you for filing under AS 44.62.040 on behalf of the Department of Natural Resources.

Sincerely,

CORI MILLS
ACTING ATTORNEY GENERAL

By: Rebecca C Polizzotto
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C Polizzotto
Date: 2026.09.09
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RCP/AHR/bhp

Enclosures: 4

CC w/enclosure: Rachel Longacre
Division Operations Manager
Department of Natural Resources

Molly Benson
Natural Resource Specialist
Department of Natural Resources

Dana Burke
Senior Assistant Attorney General
Department of Law

Amy Robinson
Senior Assistant Attorney General
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF NATURAL RESOURCES

The attached regulations, dealing with fees charged to public utilities for surface land use for easements and rights-of-way, are adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 38.05.020 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Natural Resources paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 9/3/2026



John Crowther, Commissioner
Alaska Department of Natural Resources

April Simpson, for
↓

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

September 10, 2026, at 1:35 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective: October 10, 2026

Register: 260, January 2027.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

11 AAC 05.070(d)(2)(C) is amended to read:

(C) a public easement or right-of-way for a utility, a one-time fee of 70 cents each linear foot **for the first 100 miles and 10 cents each linear foot of each additional mile;**

11 AAC 05.070(d)(2)(I) is amended to read:

(I) an entry authorization for an approved easement or right-of-way for site development for

(i) authorizations addressed in **(A), (B), (F)(ii) - (iv), (G), and (H) of this paragraph** [(d)(2)(A) THROUGH (d)(2)(C), (d)(2)(F)(ii) THROUGH (iv), AND (d)(2)(G) THROUGH (d)(2)(H) OF THIS SECTION], \$300 annually, plus \$150 annually for each acre above two;

(ii) authorizations addressed in (C) of this paragraph, 70 cents each linear foot annually, not to exceed \$20,000;

11 AAC 05.070(e) is amended to read:

(e) In addition to the fee provided for under (d)(1) of this section, for a private or public easement or right-of-way issued to authorize an unauthorized use, **the applicant shall** [A DIRECTOR'S ORDER ESTABLISHING FEES MAY REQUIRE THE APPLICANT TO] pay the fee prescribed under **(d)(2)(A), (D), (E), (F)(ii) - (iv), and (I)** [(d)(2)(A) — (G)] of this section for each year the applicant occupied the installation on state land prior to the approval of the easement or right-of-way; this provision may be waived if the department determines the improvements are in the public interest or if the improvements predate the applicant's ownership.

Register 260, January 2027 NATURAL RESOURCES

(Eff. 7/1/2018, Register 227; am 10 / 10 / 2026, Register 260)

Authority:	AS 37.10.050	AS 38.05.035	AS 38.35.020
	AS 37.10.058	AS 38.05.565	AS 38.35.050
	AS 38.04.058	AS 38.05.810	AS 38.35.140
	AS 38.04.200	AS 38.05.850	AS 44.37.020
	AS 38.05.020		

((Publisher: Nothing in the authority citation has changed but it has been reordered to match drafting conventions for authority citations in regulations.)))

11 AAC 05.900(11) is repealed:

(11) repealed 10 / 10 / 2026;

11 AAC 05.900(12) is repealed:

(12) repealed 10 / 10 / 2026. (Eff. 1/1/86, Register 96; am 12/13/95, Register 136; am 8/23/2001, Register 159; am 12/7/2002, Register 164; am 7/1/2018, Register 227; am 10 / 10 / 2026, Register 260)

Authority:	AS 03.10.020	AS 38.05.850	AS 41.21.020
	AS 27.21.030	AS 38.09.110	AS 41.23.440
	AS 38.04.045	AS 38.35.020	AS 44.37.020
	AS 38.05.020	AS 38.35.050	AS 44.37.025
	AS 38.05.035	AS 38.50.160	AS 45.50.315
	AS 38.05.295	AS 41.06.020	AS 46.15.020