



Department of Natural Resources

Division of Mining, Land and Water

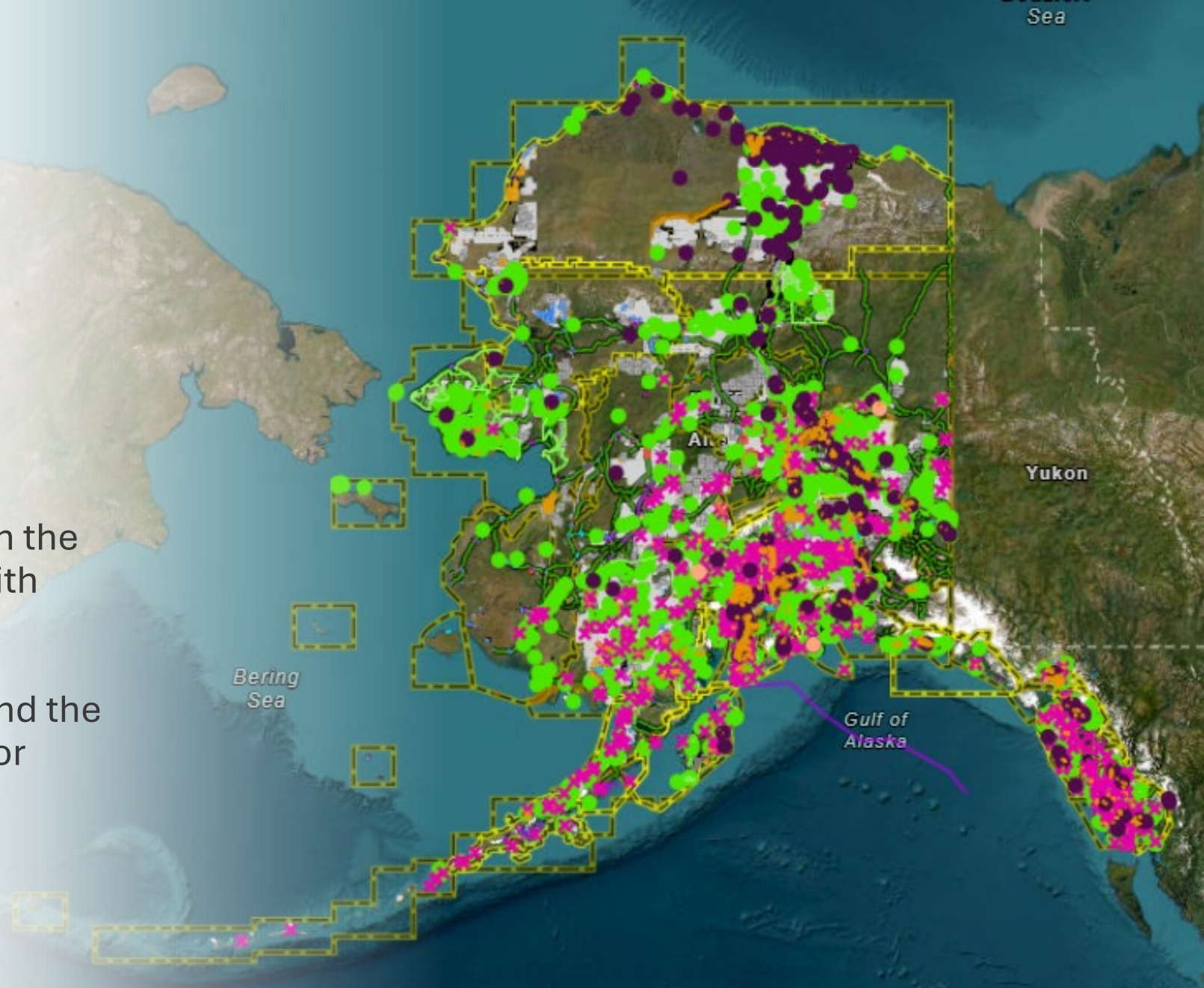


Leasing and Easement Authorization Process

It all starts with Alaska Mapper

We encourage applicants to begin the leasing and easement process with Alaska Mapper.

Mapper helps locate state land and the appropriate regional land office for applicants to contact



Mining, Land, & Water Regions



Northern

- The Northern Region covers roughly the northern half of the State, including Fairbanks, Barrow, Nome, and St. Lawrence Island.

South Central

- The Southcentral Region covers roughly the southern half of the State, excluding the southeast "panhandle". This region includes the Aleutian Chain, the Kenai Peninsula, Kodiak, the Pribilof Islands, and Anchorage.

Southeast

- The Southeast Region consists of the Alaska "panhandle", and includes Yakutat, Sitka, Juneau, and Ketchikan.

Application Requirements



Application



Development
Plan



Environmental
Risk
Questionnaire



Application
Fee





What is a Lease?

Leases are also known as *public land leases*

They are limited property rights on state land, granted by the Division of Mining, Land, and Water (DMLW) in the Department of Natural Resources (DNR)



Types of Leases



General Commercial/Industrial



Commercial Recreation and Tourism



Tideland, Shoreland, Submerged Land



Public and Charitable



Agricultural and Grazing

How long can state lands be leased?

LONG-TERM

11+ years

A long-term lease, by state law, requires a survey and appraisal

Long term leases (unless statute states otherwise) go through the competitive lease process

Survey not required by state law. Lease can be issued after Final Finding and Decision is effective, and deliverables received

10 years or less

SHORT-TERM

General Leasing Process

Competitive

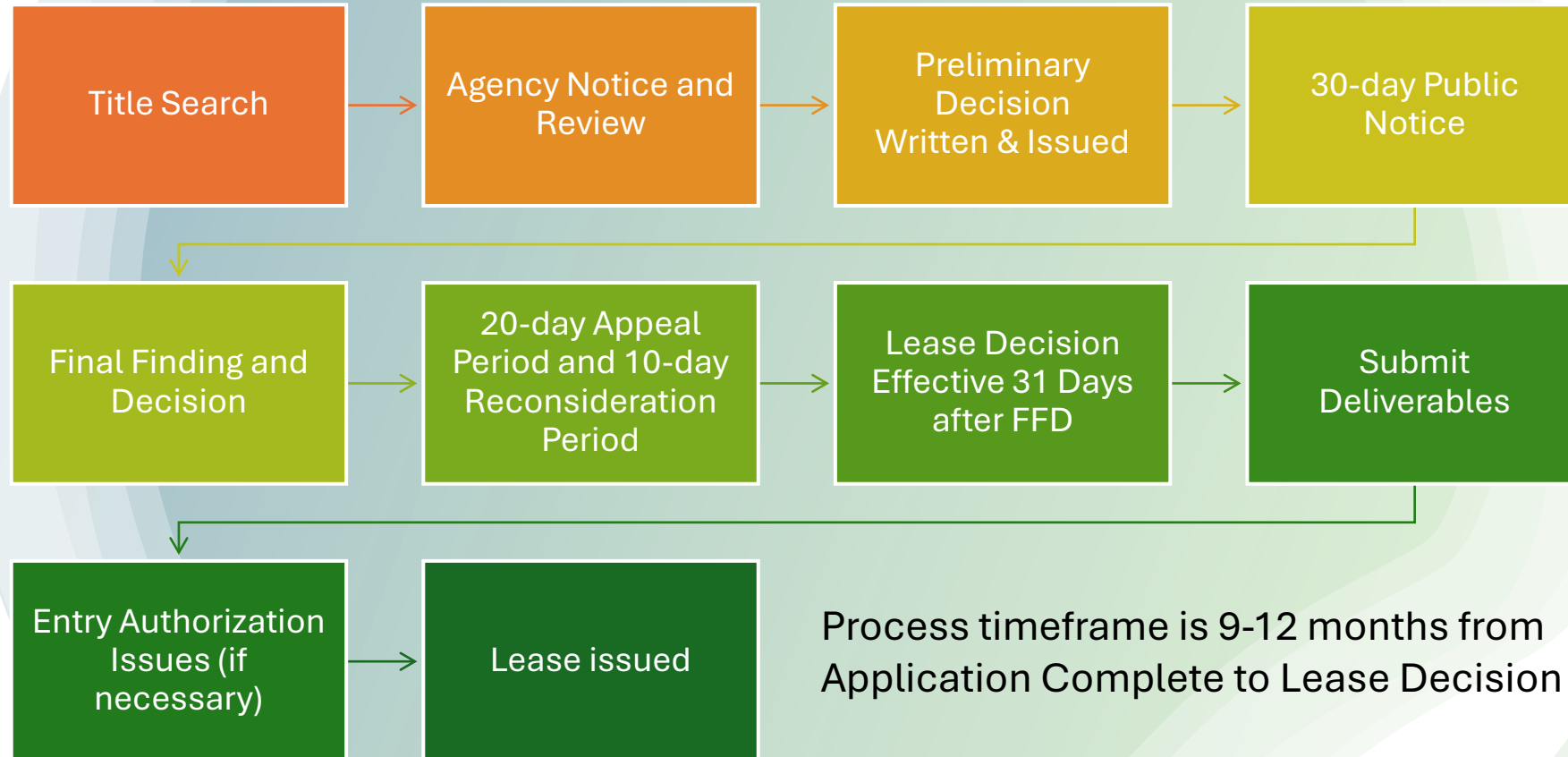
Competitive leases require a solicitation of interest – if no interest is received, process proceeds as essentially a non-competitive process.

Non-competitive

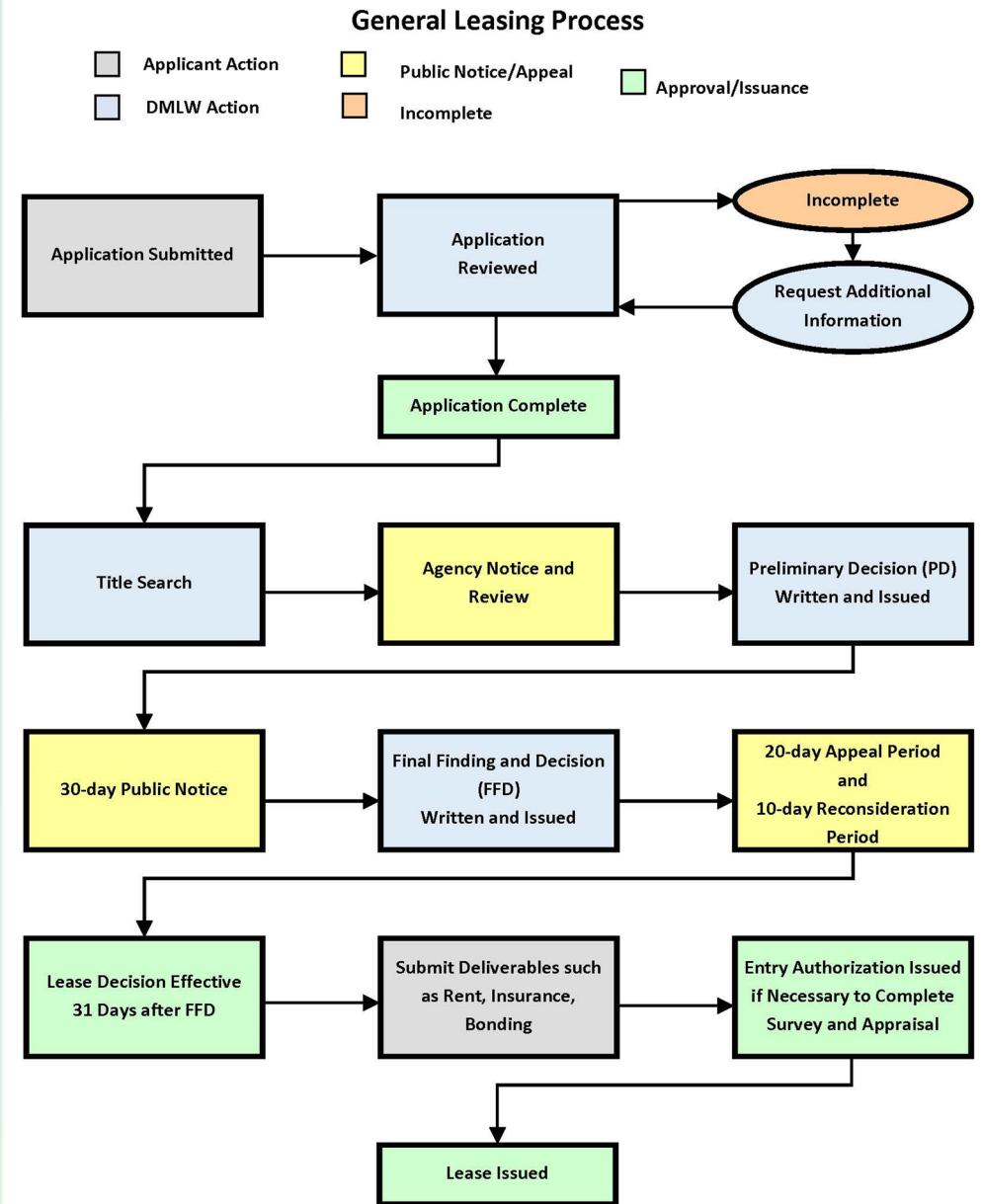
Public utilities and common carriers typically qualify for non-competitive leases under AS 38.05.810(e)

Once an application is deemed complete:

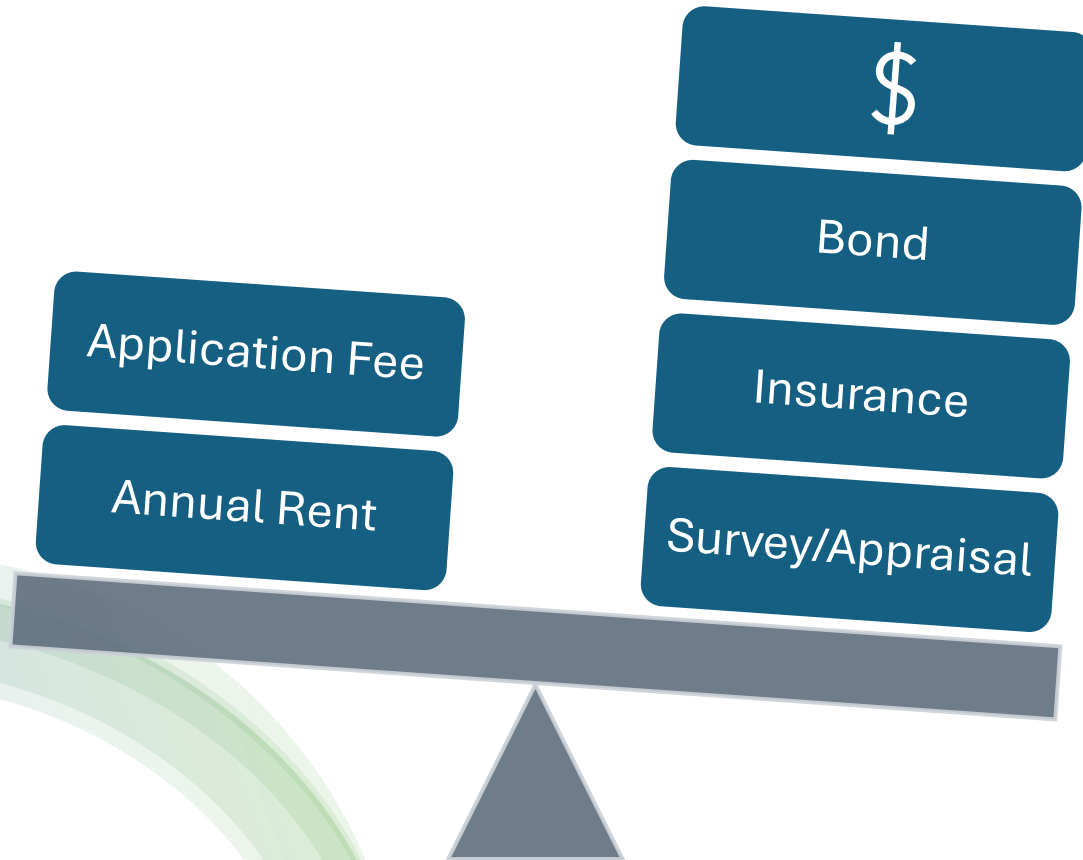
Competitive process begins with 30-day Solicitation of Interest period.



Flowchart and process overview can be found at <https://dnr.alaska.gov/mlw/lands/leasing/>



What does it cost to lease state land?



There is a non-refundable application fee that is based on the size (number of acres) of the requested lease area. Other associated costs may include survey and/or appraisal, insurance and bonding.

Application fee ranges from \$1,200-\$2,000

Can I assign or sublease my lease?



- Upon DMLW approval
- Lessee must be eligible under the statute that the lease was issued.
- Lessee must be in good standing with the State.
- Subleases are subjected to additional fees

A decorative graphic on the left side of the slide, consisting of a network of thin, light green lines and small circles, resembling a circuit board or a stylized tree structure, set against a dark green background.

WHAT IS AN EASEMENT?

EASEMENTS ARE...



A right to use land owned by another party for a specific and limited purpose, without granting the right to land ownership.



Non-possessory, the underlying land-owner retains the right of possession and ultimate control.



An easement is required when...

There is a long term need to use, access or cross state land, including for installation of infrastructure.



TYPES OF EASEMENTS

Public Easement

- Most Common/Default authorization
 - Primary method for authorizing fiber optic lines
- Generally serve a public purpose, such as public access across state lands, or for utilities (water, sewer, electrical, and telecommunication)
- Fees (11 AAC 05.070)
 - Public Access = \$120/acre, one time
 - Public Utility = \$0.56/linear foot, one time

Private Non-Exclusive Easement

- Fees (\$240/acre, \$480 minimum (annually))
- Prior to change of policy in 2020, this was the type of easement used to authorize fiber optic lines. Conversions to public Utility easements are available.

Private Exclusive Easement

- Rare, typically when there are safety issues.
- Fees (Fair Market Value)

TYPES OF EASEMENTS...


- **Development/Maintenance** (easement within an easement)
 - This authorization allows a third party to develop or maintain infrastructure in a preexisting easement. These are becoming more common as more land is being authorized for use.
- These include:
 - Public Utility Easements
 - Easements reserved under revised statute 2477 (Historic routes)
 - Easements created by a plat but not transferred to the local platting authority.
 - Easements reserved by a conveyance document
 - Platted easements in the unorganized borough
 - Easements granted to DMLW

- Utility lines are typically adjudicated as public utility easements. This now includes fiber optic lines, per the 2020 change in policy.
- Fees are currently:
 - Application: \$480 - \$1,200
 - \$0.56 per linear foot of easement
- Public Utility Easement = Public
 - Other utilities may locate infrastructure within them in the future (development/ maintenance)
- Typically 30 feet in width
 - Widths can and will be adjusted to include all installed infrastructure, land uses, and the conditions under which the infrastructure is to be installed.

PUBLIC UTILITY EASEMENTS

HOW DO I GET A PUBLIC UTILITY EASEMENT?

Figure out your approximate route, whose land it crosses, and whether there are any easements that might already apply. Make a map or shapefile so that you can show people (including DNR) where it is. It doesn't have to be perfect to get the conversation started.



Review easement process: <https://dnr.alaska.gov/mlw/lands/easements/>



Call the Regional DNR Office where the easement you want is located, and Call us early! We want to save you time and may recognize red flags that might not be obvious.

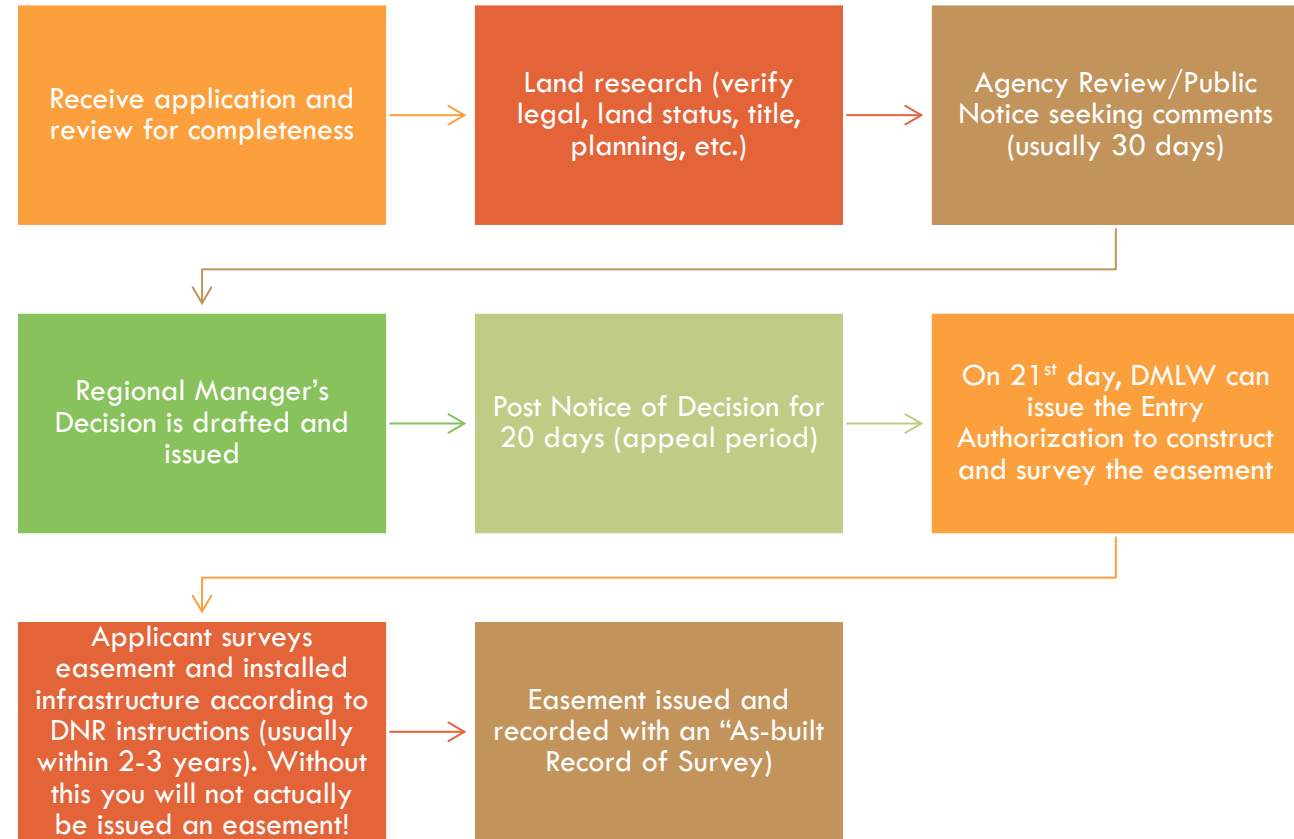


Refine route and application. <https://dnr.alaska.gov/mlw/cdn/pdf/forms/Easement-Application-Packet.pdf>



Our goal is to issue most decisions within 8 months of receiving a complete application. Some projects that are highly controversial or complex may take longer. It may also take time to initially establish a complete application (i.e. applicant knows the route and has no further changes.) Allowing 1 year is typically a good rule of thumb for your Entry Authorization to be issued and your construction to begin.

GENERAL EASEMENT PROCESS



Key Differences Between Easements and Leases

- Easements are not possessory interests vs. leases which are typically an exclusive possessory interest.
- Easements are a one-step decision vs. leases which are two-step decisions
 - Under statute, if land is not classified a classification has to be done before an easement or lease can be issued.
 - A classification decision is a two-step process, so it meshes well with a lease.
- Easements cannot be subleased. Leases can be subleased.
- Easements tend to be lineal.
- Leases tend to be spot sites (i.e. communication towers).

Resources



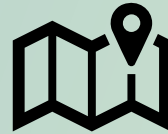
DMLW Webpage

<https://dnr.alaska.gov/mlw/lands/>

- links to both Easements and Leasing pages

Easements:

<https://dnr.alaska.gov/mlw/lands/easements/>



Alaska Mapper

<https://mapper.dnr.alaska.gov/>

Web mapping application which graphically shows (most) DNR authorizations.

Leases:

<https://dnr.alaska.gov/mlw/lands/leasing/>



LAS

<https://dnr.alaska.gov/projects/las/>

Public facing system showing what DMLW adjudicates.