



To: Department of Natural Resources
Division of Mining, Land and Water
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Anchorage, AK 99501
Attn: Daniel Jenkins

On behalf of the Alaska Outdoor Access Alliance (AOAA) and the citizens of Alaska, we submit these comments regarding the proposed conveyance of approximately 19,950 acres of State land near Houston to the Alaska Industrial Development and Export Authority (AIDEA) under ADL 234762.

AOAA opposes the conveyance in its current form.

AOAA does not see responsible economic development as being compatible with continued public access and traditional recreational use. However, as the conveyance is currently proposed, we see no clear or enforceable provision that adequately protects those existing public uses. Without such protections being expressly incorporated into the recorded conveyance before title changes hands, AOAA cannot support the transfer of nearly 20,000 acres of State land to AIDEA.

Alaska Law Supports Protecting the Public Interest

AS 38.04.015 expressly recognizes the public interest in retaining State lands for uses including hunting, fishing, hiking, snowmobiling, and other recreational activities. AS 38.04.005 further recognizes the importance of accessible public recreation lands and consideration of the needs of future generations.

More importantly, this conveyance is proceeding under AS 38.05.810(a), which requires the Commissioner to ensure, through deed restriction, covenant, regulation, or other means, that the conveyance serves a public purpose and remains in the public interest.

AOAA believes that authority should be used here.

DNR has already recognized that this conveyance may result in loss of public access to State land and reduced access to trails and areas traditionally used for travel and outdoor recreation. Those impacts should not simply be acknowledged; they should be addressed through enforceable protections before the land is conveyed.

Protect More Than Existing Trails

AOAA's concern extends far beyond preserving existing RS 2477 rights-of-way, section-line easements, recorded trails, and other established access corridors.

Protecting a trail through the property is not the same as protecting the public-land access that exists today.

Hunters, trappers, anglers, snowmachine and ORV users, campers, hikers, and other Alaskans depend upon the ability to leave established routes, travel across undeveloped State land, connect between trails, reach surrounding lands and waters, and participate in traditional outdoor activities.

AOAA therefore requests that continued lawful public use remain protected throughout undeveloped portions of the conveyance area unless a specific restriction becomes reasonably necessary because of actual development, public safety, protection of property, or another legitimate and identified purpose.

Put the Protection in the Recorded Conveyance

If DNR proceeds with the proposed conveyance to AIDEA, AOAA requests that DNR identify and provide the exact language of all proposed public-use and access protections before final approval. These protections should not be left to future interpretation, policy, or subsequent negotiation.

The specific language protecting continued public use and access should be incorporated directly into the patent, deed, covenant, reservation, or other recorded conveyance instrument and be legally enforceable after title changes hands.

AOAA is not requesting a general statement that public access will be “considered” or “protected.” We are requesting specific, written, enforceable language clearly identifying what public uses are protected, where those protections apply, who is bound by them, under what circumstances they may be restricted, and what process is required before those protections can be changed or removed.

At minimum, if the conveyance proceeds, the final recorded instrument should:

1. Preserve all existing legal rights-of-way, RS 2477 routes, section-line easements, historic trails, and other established public access.
2. Preserve continued lawful public recreation, travel, hunting-related activities, fishing, trapping, camping, snowmachine and ORV use, and similar traditional uses on lands not actually required for development.

3. Ensure those protections are not limited solely to existing roads and trail corridors.
4. Make the protections binding upon AIDEA and, where legally appropriate, future lessees, developers, successors, assigns, and subsequent purchasers.
5. Require future restrictions to be narrowly limited to areas where closure is reasonably necessary because of actual development, safety, or another legitimate and identified purpose.
6. Establish an enforceable process so these public-use protections cannot later be eliminated or materially diminished without appropriate State review and public process.
7. Clearly define “continued lawful public use and access” to include the same general categories of lawful access, travel, recreation, hunting-related activities, fishing, trapping, camping, snowmachine and ORV use, hiking, and other traditional outdoor uses presently available on comparable State lands, except where specific restrictions are reasonably necessary because of actual development, public safety, protection of property, or another legitimate and identified purpose.

Reversionary Interest

AOAA is also concerned with DNR's proposed waiver of the reversionary interest addressed in AS 38.05.810(g).

If the State intends to waive an important safeguard in order to provide AIDEA, future tenants, financiers, and developers greater certainty, then the public should receive comparable certainty that its access and traditional uses will remain protected.

AOAA therefore requests that DNR not waive the State's reversionary interest until the public-use protections applicable to this conveyance have been clearly identified and legally secured.

AOAA's Position

Nearly 20,000 acres of State land should not be permanently transferred first and the details of public access figured out later.

Once title is transferred, leased, financed, developed, subdivided, or conveyed again, recovering lost public access becomes substantially more difficult.

The protections must come before the conveyance—not after it.

AOAA supports responsible development, but development and public use do not have to be mutually exclusive. Areas actually needed for industrial development can be managed accordingly while undeveloped lands remain available for continued lawful public use.

Until the exact protections and enforceable language that will be incorporated into the recorded conveyance are identified, **AOAA cannot support ADL 234762 in its current form.**

AOAA respectfully requests that DNR withhold final approval, or condition approval as necessary, until enforceable protections are established preserving existing public rights, established access, traditional recreational opportunities, and continued lawful public use of lands not reasonably required for actual development.

Respectfully,



Alaska Outdoor Access Alliance

Board of Directors