



RE: Opposition to Proposed Conveyance of Approximately 19,950 Acres to AIDEA – ADL 234762

To the Alaska Department of Natural Resources:

The Alaska Snowmachine Alliance (ASA) represents snowmachine clubs and trail users throughout Alaska. ASA works statewide to protect public access, winter travel routes, groomed trail systems, and the continued use of Alaska's public lands for recreational, transportation, and utilitarian snowmachine use, as well as all forms of motorized access.

ASA opposes the proposed conveyance of approximately 19,950 acres of State land to the Alaska Industrial Development and Export Authority (AIDEA) under ADL 234762.

This proposed conveyance directly concerns ASA because it would permanently remove more than 31 square miles from State ownership in an area containing established trails, RS 2477 trails, traditional travel routes, and access to surrounding public lands and waters. The proposed development remains largely undefined. Future projects, tenants, development footprints, and impacts are not yet known, yet the State is being asked to permanently convey the land.

AS 38.04.015 — Public Interest in Retaining State Land in Public Ownership

Alaska law directly addresses the public interest in retaining State land. **AS 38.04.015** states that one of the primary public interests is making State land available on a sustained-yield basis for beneficial uses including **subsistence, energy development, sport hunting and fishing, hiking, snowmobiling, skiing**, and other activities that can generally be made available to more people and conducted more successfully when the land is **“in public rather than private ownership.”**

The statute also recognizes retaining State land to protect areas of recreational concern and to guide development in a manner that minimizes public costs and maximizes social and economic benefits.

This statute goes directly to ADL 234762. The Legislature expressly placed **energy development and snowmobiling** among the beneficial uses served by public ownership. Development does not eliminate the public interest in snowmobiling, motorized recreation, motorized transportation, trail access, and other forms of motorized use simply because the land also has industrial value.

Article VIII, Section 1 of the Alaska Constitution further requires Alaska's resources to be developed, used, and conserved for the **maximum benefit of its people**, while Article VIII, Section 8 recognizes reasonable concurrent uses.



Before nearly 20,000 acres are permanently removed from State ownership, DNR must evaluate both the public benefits claimed for the conveyance and the existing public access that would be diminished or lost. That evaluation must include snowmachine travel, motorized recreation and transportation, established and traditional travel routes, trail connectivity, and access to surrounding public lands and waters. **Speculative future benefits should not outweigh the certain and permanent loss of State ownership without a clear showing that the conveyance serves the greater public interest.**

AS 38.05.810(a) — Public Purpose and Public Interest

Under **AS 38.05.810(a)**, the Commissioner must ensure, through regulation, deed restriction, covenant, or otherwise, *that a disposal serves a public purpose and is in the public interest.*

Here, the State proposes to convey nearly 20,000 acres without compensation for the land itself, even though the specific uses, tenants, development footprints, and resulting impacts have not yet been fully identified. DNR has acknowledged that some impacts cannot be evaluated with reasonable accuracy until tenant-specific development plans are available.

Before title is transferred, DNR should clearly identify the enforceable conditions, protections, and continuing obligations that will apply to the property and its future occupants. Those conditions must be sufficient to demonstrate, as required by AS 38.05.810(a), that the conveyance serves a defined *public purpose* and remains in the *public interest*.

AS 38.05.810(g) — The Reversionary Interest

AS 38.05.810(g) requires the Commissioner to retain a reversionary interest unless a written determination is made that *waiver is in the public interest*.

DNR proposes to waive that safeguard in part because of concerns regarding long-term ownership certainty, bonding, financing, and confidence among potential tenants, financiers, and investors.

Those interests do not supersede the State's obligation to protect the public interest.

If DNR waives the reverter, the public deserves to know what enforceable protection will replace it and whether that protection will bind future tenants, lessees, lenders, successors, and transferees.

A statutory safeguard should not be surrendered for financing convenience without an equivalent protection for the public.



Public Access Cannot Be Protected on Paper Alone

ASA's members depend upon Alaska's public lands for snowmachine travel, utilitarian snowmachine use, recreation, cabin access, and travel to surrounding public lands and waters.

RS 2477 rights-of-way, section-line easements, historic trails, and existing public routes must remain protected. However, maintaining a trail easement does not maintain the public-land access that exists while the surrounding land remains publicly owned.

A trail may remain legally open while access beyond it becomes restricted, affecting the ability to reach cabins, connect to other trails, and travel across the winter landscape.

A trail easement through restricted land is not the equivalent of a trail through public land.

Nearly 20,000 Acres Demands a Higher Standard

ASA requests that DNR identify comparable noncompetitive conveyances under AS 38.05.810(a), including their acreage, public purpose, restrictions, and treatment of the State's reversionary interest.

If there is no comparable conveyance of this magnitude, that absence of precedent should be addressed in the Final Finding.

The scale of this proposal, the uncertainty of future development, and the proposed waiver of a statutory safeguard require more than a general finding of economic benefit.

The greater and more permanent the disposal, the greater the justification and protection owed to the public.

ASA's Position

The Alaska Snowmachine Alliance requests that DNR **not approve ADL 234762.**

The State should not permanently dispose of nearly 20,000 acres before it has demonstrated that the conveyance satisfies Alaska's constitutional and statutory public-interest requirements and that meaningful protections for public access and continued public use will remain in place.



Existing RS 2477 rights-of-way, section-line easements, historic trails, winter travel routes, trail connectivity, and meaningful access to surrounding public lands and waters must also be protected.

Development alone is not the legal standard. The question is whether permanently removing more than 31 square miles from State ownership is justified under Alaska law and serves the long-term public interest of Alaskans.

Respectfully,

Alaska Snowmachine Alliance Board of Directors