

# UNITED STATES DEPARTMENT OF THE INTERIOR

## DECISION RATIONALE

### for Revocation of Public Land Order No. 5150 and 5180 in the Dalton Utility Corridor North of Yukon River

January 29, 2026

#### I. DECISION

The Department of the Interior is revoking Public Land Orders (PLO) No. 5150 and 5180 within the Dalton Utility Corridor north of the Yukon River, from approximately Dalton Highway mile post 56 to mile post 300, pursuant to Executive Order 14153 and Secretary's Order 3422. Revocation of PLO No. 5150 and 5180 ("the PLOs") within the Dalton Utility Corridor will open the area to location and entry under the public land and mining laws, and to selection by the State of Alaska under the Alaska Statehood Act. This revocation will allow approximately 2,066,000 acres of "top filed" land (land previously unavailable for State selection but which the State has expressed interest in acquiring), to become effective State selections. Once top filed parcels attach and become State-selected, they would be segregated from entry under the Public Land Laws, including the Mining Law of 1872, as amended, and subject to valid existing rights. The selected lands would no longer meet the definition of public lands under the Alaska National Interest Lands Conservation Act (ANILCA); as a result, they would not qualify for federal rural subsistence priority. The remaining 61,845 acres within the Dalton Utility Corridor which have not been top filed by the State will continue to be open for federal rural subsistence priority.

#### II. COMPLIANCE AND CONFORMANCE

##### National Environmental Policy Act (NEPA)

This action was initially analyzed in the Central Yukon Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS), published in April 2024. As part of evaluating changes to the PLOs as directed by Executive Order 14153, the Bureau of Land Management completed a Determination of NEPA Adequacy (DNA), which found that that revocation of the PLOs was adequately analyzed in the Central Yukon PRMP/FEIS. The DNA documentation (DOI-BLM-AK-F030-2025-0022-DNA) is posted on the BLM's National NEPA Register at <https://eplanning.blm.gov/eplanning-ui/project/2039335/510>.

##### Federal Land Policy and Management Act (FLPMA)

Section 204 of the Federal Land Policy and Management Act (FLPMA) of 1976 gives the Secretary of the Interior authority to make, modify, extend, or revoke administrative withdrawals (43 U.S.C. 1714). This authority is distinct from the BLM's land use planning authority under FLPMA, and the Secretary may make withdrawal decisions irrespective of the BLM recommendations.

##### Alaska National Interest Lands Conservation Act (ANILCA)

As required by Section 810(a) of the ANILCA, the BLM completed an evaluation of subsistence uses and needs for all alternatives analyzed in the Central Yukon PRMP/FEIS; the ANILCA 810 subsistence evaluation is included as Appendix R of the PRMP/FEIS, posted on BLM's National NEPA Register at: <https://eplanning.blm.gov/eplanning-ui/project/2039335/510>. A summary of that evaluation is included as Attachment A of this document. It also contains new determinations for the proposed revocation of PLOs within the Dalton Utility Corridor, as required by ANILCA Section 810(a)(3).

#### Magnuson-Stevens Fishery Conservation and Management Act (MSA)

In June 2025, the BLM initiated consultation with the National Oceanic and Atmospheric Administration Fisheries, otherwise known as National Marine Fisheries Service (NMFS), regarding essential fish habitat and the revocation of the PLOs within the Dalton Utility Corridor. On August 11, 2025, the BLM wrote a letter to NMFS that described the proposed action and concluded that revocation of the PLOs would not adversely affect essential fish habitat for Pacific salmon in the project area. On August 19, 2025, the National Marine Fisheries Service agreed with the BLM's conclusion and offered no conservation recommendations.

#### National Historic Preservation Act (NHPA)

The BLM determined that a programmatic agreement (PA), as described at 36 CFR 800.14(b)(1), was the most appropriate manner to meet its Section 106 of NHPA compliance responsibilities because revocation of PLOs within the Dalton Utility Corridor would result in the transfer of land that contains historic properties out of Federal ownership without legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance pursuant to 36 CFR 800.5(a)(2)(vii).

The BLM initiated consultation under Section 106 of the NHPA on July 11, 2025, by sending letters and emails to potentially affected Tribes, Alaska Native Corporations (ANCs), municipalities, and known interested parties, inviting them to participate in the development of the PA. The BLM also notified the Alaska State Historic Preservation Office and the Advisory Council on Historic Preservation of the proposed revocation and invited them to participate in the development and review of the PA in July 2025.

The BLM held consulting party meetings on August 25, September 5, and September 19, 2025. Allakaket Village, Alatna Village, Rampart Village, Tanana Chiefs Conference, and Wiseman Community Association participated in Section 106 meetings. Arctic Slope Regional Corporation and Tanana Chiefs Conference joined as concurring parties to the PA. The PA was executed on October 24, 2025.

#### Tribal Coordination

The BLM initiated government-to-government consultation with Federally recognized Tribes and invited Alaska Native Corporations to consult under the Alaska Native Claims Settlement Act in July 2025. Attachment B of the Determination of NEPA Adequacy contains a list of Tribes and Alaska Native Corporations the BLM notified and invited to consult on the revocation of the PLOs within the Dalton Utility Corridor. This is the same list of Federally recognized Tribes and invited Alaska Native Corporations that the BLM invited to participate in the NHPA process above. A follow up email was sent to the same Tribes and Alaska Native Corporations on August 6, 2025, and again on September 3, 2025. The BLM received formal requests to

consult from Doyon Limited, Stevens Village, and Allakaket Village Council. The BLM met with Doyon Limited on August 19, 2025. A meeting was scheduled for September 2, 2025, with the Stevens Village Council and the meeting was canceled at their request the morning of September 2. On September 5, 2025, the Allakaket Village Council in September requested a consultation, and the BLM held a virtual meeting on September 17, 2025, but Allakaket Village Council members did not call into the meeting.

### Rationale for Decision

In January 2025, the President issued Executive Order 14153, “Unleashing Alaska’s Extraordinary Resource Potential,” which directed the Department of the Interior (Department) to review revoking withdrawals within the Dalton Utility Corridor for the purpose of supporting the State of Alaska in their development of natural resources. In response, the BLM reviewed the Central Yukon ROD and Approved RMP as well as the Central Yukon PRMP/FEIS, which evaluated the tradeoffs between retaining and revoking the PLOs within the Dalton Utility Corridor.

The Central Yukon Approved RMP did not recommend that the Secretary revoke PLO 5150, citing a high likelihood of significant environmental and subsistence impacts if the PLO were to be revoked. Specifically, the ROD explained that revocation of the withdrawal would result in the Dalton Utility Corridor being opened to mineral entry and mineral leasing, including large portions of the Dalton Utility Corridor that would likely be conveyed to the State; at which point those lands would be open to mineral development under State law that would likely result in impacts on surface resources. Additionally, the ROD determined that the conveyance of land to the State could affect the ability of the public, and specifically subsistence users, to access public and private lands by crossing the conveyed lands because Alaska Statute § 19.40.210 does not allow the use of off-highway vehicles (OHVs) within 5 miles of the Dalton Highway. Therefore, the BLM concluded that the conveyance of lands within the Dalton Utility Corridor would restrict public access, including the access for federally qualified subsistence users to public lands.

During the process of evaluating whether to revoke the PLOs within the Dalton Utility Corridor pursuant to the President’s direction in EO 14153, the Department and the BLM determined that, consistent with this Administration’s National policy on energy and minerals, the potential economic benefits to the State of Alaska and the Nation outweigh the potential for environmental impact. As detailed in the Central Yukon PRMP/FEIS, revoking the PLOs within the Dalton Utility Corridor would provide a more favorable economic development environment to impact the growth of jobs and labor income than other action alternatives, even though it would result in additional impacts to resources, such as subsistence.

Revocation of the PLOs within Dalton Utility Corridor would allow those lands to be conveyed to the State of Alaska, which would allow the State increased management control of the Trans-Alaska Pipeline Corridor and Dalton Highway. This action also supports the way forward for the proposed Ambler Road and the Alaska Liquefied Natural Gas Pipeline project, two projects that stand to increase job opportunities and encourage Alaska’s economic growth. Furthermore, this action would secure the State access to the Ray Mountains, which contain rare earth minerals. Acquisition of rare earth elements through domestic mining and processing is vital for national defense, renewable energy technology, and modern technology, and has only become more desirable due to uncertainty around trade with China, which dominates the processing and export

of rare earth minerals. Allowing the State to select these lands under the Alaska Statehood Act will support the goals of the Alaska Statehood Act to convey lands to the State which will enhance its self-sufficiency.

Further, the Department recognizes that the loss of federal subsistence priority access, due to State selection of these lands, could, absent mitigation, inhibit access to high-use subsistence areas and increase costs to secure subsistence resources for affected communities as explained in the PRMP/FEIS and the Approved RMP. Therefore, the BLM worked with the State of Alaska to identify actions to minimize impacts to Federal subsistence uses and resources resulting from the potential revocation of the PLOs. These actions are summarized in the Memorandum of Agreement between the BLM and State of Alaska (Attachment B: Memorandum of Agreement between the U.S. Department of the Interior, Bureau of Land Management and State of Alaska). The listed mitigation measures that the State has agreed to implement would minimize impacts due to the limitation on motorized access on subsistence uses, and the Department finds these mitigations are reasonable steps to minimize the adverse impacts on subsistence uses and resources from this revocation. Additionally, affected communities will be allowed to continue to subsist on State lands following State hunting and fishing regulations.

Additionally, on December 11, 2025, the President signed Public Law 119-50, a Joint Resolution providing for congressional disapproval of the November 2024 Central Yukon ROD and Approved RMP under the Congressional Review Act, 5 U.S.C. §§ 801-808 (CRA). The Joint Resolution disapproves the 2024 Central Yukon ROD that recommended the Secretary retain PLO 5150. The Department cannot reissue the 2024 Central Yukon ROD in “substantially the same form” or issue a new ROD that is “substantially the same” as that ROD. *See id.* at § 801(b)(2). Disapproval of the ROD under the CRA confirms that the recommendations on the RMP to retain PLO 5150 are not consistent with the policy direction of Congress or this Administration and need to be changed.

Considering the current national energy emergency (Executive Order 14156), the potential benefits of increased economic opportunity and energy security, as well as this Administration’s National policy for energy and minerals (Executive Order 14241, Executive Order 14153, and Executive Order 14154) the Department and the BLM believe that revoking the PLOs within the Dalton Utility Corridor is a better balance of resource development opportunity and federal rural subsistence access needs and better responds to the current administration’s goals for Alaska than retaining the PLOs within the Dalton Utility Corridor.

### III. APPROVAL

  
\_\_\_\_\_  
Doug Burgum  
Secretary of the Interior

Feb 20, 2026  
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Date

**ATTACHMENTS:**

Attachment A: Summary of Section 810 of Alaska National Interest Lands Conservation Act Evaluation

Attachment B: Memorandum of Agreement between the U.S. Department of the Interior, Bureau of Land Management and State of Alaska

## Attachment A

### Alaska National Interest Lands Conservation Act Section 810 Evaluation of Subsistence Impacts

#### I. Introduction

Section 810(a) of the Alaska National Interest Lands Conservation Act (ANILCA), 16 United States Code (U.S.C.) 3120(a), requires that an evaluation of subsistence uses and needs be completed for any federal determination to “withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands.” The lands subject to Public Land Orders (PLOs) 5150 and 5180 are currently the BLM-managed federal public lands within the Dalton Highway Utility Corridor that extend from the Yukon River at milepost (MP) 55 north to MP 299 of the Dalton Highway.

In accordance with procedural requirements outlined under section 810(a), the BLM prepared an ANILCA section 810 evaluation concurrent with the 2024 Central Yukon PRMP/FEIS. The BLM’s section 810 evaluation included an evaluation and finding of effects on subsistence uses and needs from actions that could be undertaken under the six alternatives analyzed in the 2024 RMP/EIS and the cumulative case. The final section 810 evaluation was published in Appendix R – *ANILCA Section 810 Final Evaluation* of the 2024 PRMP/FEIS. The complete evaluation is incorporated by reference with the findings summarized below.

#### II. 2024 PRMP/FEIS Final 810 Evaluation and Findings

The BLM’s final ANILCA section 810 evaluation made the following findings based on an evaluation of each of the six alternatives analyzed in the 2024 Central Yukon PRMP/FEIS and the cumulative case:

**Alternative A (*No Action*)** – The BLM would maintain all existing withdrawals in the planning area, including withdrawals under PLOs 5150 and 5180. The Utility Corridor between MPs 55 and 299 would continue to be managed as unencumbered federal land.

1. Alternative A would not result in a significant restriction to subsistence uses.
2. The cumulative case, when taken in conjunction with Alternative A, would not result in a significant restriction to subsistence uses.

**Alternative B** – The BLM would recommend full revocation of the withdrawals under section 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA) and partial revocation of PLO 5150, which would include lands within the outer corridor (see Final PRMP/FEIS, Appendix Q, Map Q-2). Lands within the inner corridor would remain subject to PLO 5150 and would continue to be managed as unencumbered federal land.

1. Reductions in the availability of subsistence resources for Alternative B may significantly restrict<sup>1</sup> subsistence uses for the communities of Coldfoot and Wiseman.

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<sup>1</sup> The BLM’s application of this standard, and in particular the use of the word “may” here and below, derives from a statement made by the Ninth Circuit in *Kunaknana v. Clark*, 742 F.2d 1145, 1151 (9th Cir. 1984) that the agency must proceed to Tier 2 if the agency determines that a proposed action “may significantly restrict” subsistence uses. As noted above, the text of the statute uses the word *would* not *may*. See 16 U.S.C. 1320(a), which the Ninth Circuit correctly cited in a case decided in June of this year. *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*,

2. Limitations on subsistence user access for Alternative B may significantly restrict subsistence uses for the communities of Coldfoot and Wiseman.
3. The cumulative case, when taken in conjunction with Alternative B, may significantly restrict subsistence uses for the communities of Coldfoot and Wiseman.

**Alternative C1** – The BLM would also recommend full revocation of ANCSA 17(d)(1) withdrawals and partial revocation of PLO 5150 in the outer corridor under Alternative C1.

1. As under Alternative B, reductions in the availability of subsistence resources for Alternative C1 may significantly restrict subsistence uses for the communities of Coldfoot and Wiseman.
2. As under Alternative B, limitations on subsistence user access for Alternative C1 may significantly restrict subsistence uses for the communities of Coldfoot and Wiseman.
3. The cumulative case, when taken in conjunction with Alternative C1, may significantly restrict subsistence uses for the communities of Coldfoot and Wiseman.

**Alternative C2 (Preferred Alternative - Draft PRMP/EIS)** – The BLM would recommend full revocation of ANCSA 17(d)(1) withdrawals and full revocation of PLO 5150 in the Utility Corridor under Alternative C2.

1. Reductions in the availability of subsistence resources for Alternative C2 may significantly restrict subsistence uses for the communities of Alatna, Allakaket, Anaktuvuk Pass, Coldfoot, Bettles, Evansville, Stevens Village, and Wiseman.
2. Limitations on subsistence user access for Alternative C2 may significantly restrict subsistence uses for the communities of Alatna, Allakaket, Anaktuvuk Pass, Coldfoot, Bettles, Evansville, Stevens Village, and Wiseman.
3. The cumulative case, when taken in conjunction with Alternative C2, may significantly restrict subsistence uses for the communities of Alatna, Allakaket, Anaktuvuk Pass, Coldfoot, Bettles, Evansville, Stevens Village, and Wiseman.

**Alternative D** – The BLM would also recommend full revocation of ANCSA 17(d)(1) withdrawals and full revocation of PLO 5150 in the Utility Corridor under Alternative D.

1. Reductions in the availability of subsistence resources for Alternative D may significantly restrict subsistence uses for the communities of Alatna, Allakaket, Anaktuvuk Pass, Arctic Village, Bettles, Coldfoot, Evansville, Galena, Hughes, Huslia, Kaltag, Koyukuk, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nuiqsut, Nulato, Rampart, Ruby, Stevens Village, Tanana, Venetie, and Wiseman.
2. Limitations on subsistence user access for Alternative D may significantly restrict subsistence uses for the communities of Alatna, Allakaket, Anaktuvuk Pass, Arctic Village, Bettles, Coldfoot, Evansville, Galena, Hughes, Huslia, Kaltag, Koyukuk, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nuiqsut, Nulato, Rampart, Ruby, Stevens Village, Tanana, Venetie, and Wiseman.

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141 F.4th 976, 1004-5 (9th Cir. 2025), citing *Kunaknana*, 742 F.2d at 1151 (“If the agency determines that its proposed action “*would* significantly restrict subsistence uses,” then it must proceed to step two, which imposes “notice and hearing procedures” meant to inform affected communities about the proposed agency action.”) (emphasis added). In the BLM’s view, *Center for Biological Diversity* correctly states the applicable law. In any event, as described below, the BLM has complied with Section 810 even under the broader “may significantly restrict” standard and therefore, has no need to revisit Tier 1 findings under the narrower “would significantly restrict” standard.

3. The cumulative case, when taken in conjunction with Alternative D, may significantly restrict subsistence uses for the communities of Alatna, Allakaket, Anaktuvuk Pass, Arctic Village, Bettles, Coldfoot, Evansville, Galena, Hughes, Huslia, Kaltag, Koyukuk, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nuiqsut, Nulato, Rampart, Ruby, Stevens Village, Tanana, Venetie, and Wiseman.

**Alternative E (Proposed Alternative)** – The BLM would recommend partial revocation of ANCSA 17(d)(1) withdrawals, including withdrawals under PLO 5180. PLO 5150 would remain in place under Alternative A. The Utility Corridor between MPs 55 and 299 would continue to be managed as unencumbered federal land.

1. Alternative E would not result in a significant restriction to subsistence uses.
2. The cumulative case, when taken in conjunction with Alternative E, may significantly restrict subsistence uses for the communities of Coldfoot and Wiseman.

### **Summary of impacts that resulted in positive findings:**

Positive findings for alternatives that analyzed full or partial revocation of PLO 5150 (alternatives B, C1, C2, and D) were made due to impacts to availability and access to subsistence resources. These impacts and the communities they would affect are discussed comprehensively in sections R.2.2, R.2.3, R.2.4, and R.2.5 of the Central Yukon PRMP/FEIS ANILCA Section 810 Final Evaluation (PRMP/FEIS, Appendix R) and are summarized as follows:

- Federally qualified subsistence users would no longer be able to hunt and fish under federal regulations on conveyed or encumbered lands.<sup>2</sup> They would be subject to seasons and bag limits set under State hunting and fishing regulations. Though species-specific regulations vary, State regulations often offer less opportunity (shorter seasons, smaller bag limits, antler or horn restrictions) than what is permitted under federal regulations.
- Federally qualified subsistence users would lose the ability to hunt with a firearm in portions of their traditional subsistence use areas that are within the Utility Corridor. Use of firearms for hunting within 5 miles of the Dalton Highway north of the Yukon River is prohibited under State law.<sup>3</sup> The firearm use exemption for federally qualified subsistence users under 50 CFR 100.26(n)(20)(ii)(c) does not apply to State lands or lands encumbered by State selections.
- Federally qualified subsistence users would be subject to restrictions on use of off-highway vehicles under state law on conveyed or encumbered lands.<sup>4</sup> Local residents' primary means of accessing many portions of their subsistence use areas are with highway vehicles on unmaintained roads and trails, with OHVs, and with snowmachines. If lands within the Utility Corridor become State selected or are conveyed, then qualified rural users would lose the ability to access these subsistence use areas and use for traditional means. The community of Wiseman is a resident zone community for Gates of the Arctic National Park and Preserve. Their ability to access the park in pursuit of subsistence resources would be impaired as a result of this restriction.<sup>5</sup>

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<sup>2</sup> See 50 CFR 100.26 and 100.26

<sup>3</sup> AS 16.05.789

<sup>4</sup> AS 19.40.210

<sup>5</sup> The State amended AS 19.40.210 in 2024 to allow rights of way to be granted to adjacent Federal lands, however no such rights of way have currently been granted.

### III. Public Notice and Hearings

The BLM found that Alternatives B, C1, C2, D, and the Cumulative Case may significantly restrict subsistence uses. The BLM conducted the notice and hearing procedures required by ANILCA section 810(a)(1) and (2). It notified the appropriate State agency and local committees and regional councils of the findings of significant restriction to subsistence resources as evaluated in Appendix R. The BLM held three virtual<sup>6</sup> 810 hearings concurrent with public meetings on the draft RMP/EIS on January 28, February 4, and February 9, 2021. During the hearings, residents of affected communities expressed support for Alternative A and opposition to alternatives that considered full or partial revocation of PLO 5150. They discussed the implications of lifting the PLO on legal access to subsistence resources. See Appendix R Section R.3 for further summary of the hearings.

### IV. Determinations

The Section 810 analysis is two-fold. The first step, called the “Tier 1” determination, requires the agency to determine whether the proposed action “would significantly restrict subsistence uses” after consideration of three factors: (1) “the effect of [the proposed action] on subsistence uses and needs;” (2) “the availability of other lands for the purposes sought to be achieved;” and (3) “other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.”<sup>7</sup> If the agency determines that its proposed action “would significantly restrict subsistence uses,” the Agency is required to give notice to the appropriate State of Alaska agency and appropriate local and regional subsistence committees, as well as give notice of and hold a hearing. In order to proceed with the proposed action, the agency must then make a set of specific findings.

The previous ANILCA 810 evaluation did not provide the Tier 1 final determination for alternatives that included a recommendation to revoke PLOs 5150 and 5180 within the Dalton Utility Corridor because the BLM did not select an alternative that included that recommendation for the Central Yukon PRMP/FEIS. A reduction in the availability of subsistence resources and limitations on subsistence user access, due to revoking PLOs 5150 and 5180 within the Dalton Utility Corridor, may significantly restrict subsistence uses for the communities of Alatna, Allakaket, Anaktuvuk Pass, Coldfoot, Bettles, Evansville, Stevens Village, and Wiseman. As summarized under B-3, *Public Notice and Hearings*, the BLM already notified the appropriate State agency and local committees and regional councils of the findings of significant restriction to subsistence resources as evaluated in Appendix R of the Central Yukon PRMP/FEIS and conducted the notice and hearing procedures required by ANILCA section 810(a)(1) and (2). In accordance with ANILCA section 810(a)(3)(A), (B), and (C), the BLM has prepared the Tier 1 determination that responds to the revocation of PLOs 5150 and 5180 within the Dalton Utility Corridor are included below.

- 1) *The significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands.*

Section 202 of the Federal Lands Management Policy Act requires the BLM to develop, maintain, and revise land use plans for public lands. The Act mandates a multiple-use management approach and recognizes the need for both ecological preservation and resource extraction. In April 2024, the BLM published the Central Yukon PRMP/FEIS, which evaluated several alternatives that could serve as a framework for management and use of the Central Yukon Planning area. Action alternatives C and D analyzed the revocation of PLOs within the Dalton Utility Corridor to allow revocation of withdrawals within the Dalton Utility Corridor for the purpose of allowing the State of Alaska top filed lands to become effective selections where they exist on 2.1 million acres of land currently withdrawal under the

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<sup>6</sup> The meetings were held virtually due to the Covid-19 pandemic.

<sup>7</sup> 16 U.S.C. 1320(a).

PLOs. The alternatives that evaluated the revocation of the PLOs within the Dalton Utility Corridor were reasonable alternatives that aimed to support current and future resource development and increase development potential in the planning area, consistent with sound management principles for the utilization of public lands. The revocation within the Dalton Utility Corridor also responded to ANILCA by addressing implementation of the Alaska Statehood Act, which provides a clear need and legal right for the State to select and obtain title to lands that are available for conveyance.

The BLM ultimately selected Alternative E as the Approved Resource Management Plan, which did not include revoking the PLOs within the Dalton Utility Corridor, in part as a reflection of national policy considerations at the time. Since the ROD/RMP was published, Executive Order 14153 and Secretary Order 3422, were issued both titled “Unleashing Alaska's Extraordinary Resource Potential,” which explicitly emphasize the revocation of Public Land Orders (PLOs) 5150 and 5150 within the Dalton Utility Corridor for the purpose of supporting the State of Alaska’s development of natural resources. Opening these lands would increase the development of natural resources, including the rare-earth elements in the Ray Mountains and give the State of Alaska control in the approval of the proposed Ambler Road project, which would give access to a mineral rich area for future mining projects. Thus, revocation of PLOs within the Dalton Utility Corridor would progress the goals and objectives laid out in Executive Order 14153 and Secretary Order 3422, and no other actions would achieve the same outcomes.

- 2) *The proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition.*

The proposed action would revoke all PLOs within the Dalton Utility Corridor allowing the State of Alaska top filed lands to become effective selections where they occur on 2.1 million acres of land currently withdrawn under the PLOs. The amount of land the State can receive is defined by the Alaska Statehood Act, and no actions taken by the Secretary can reduce or eliminate that disposition of the public lands, but this action would shift those conveyances into the decision area. The use and occupancy of lands that remain in Federal management would be managed consistent with the Central Yukon Approved RMP; the primary change in use and occupancy of these lands would be allowance of mineral entry and non-discretionary public land laws, such as the conveyance of State-selected lands. On lands that are not top filed by the State, the land would also be open to mineral leasing where allowable under the applicable RMP.

The proposed revocation would allow these lands to be conveyed to the State of Alaska and provide the State increased management control of the Trans-Alaska Pipeline Corridor and Dalton Highway. Revocation of PLOs within the Dalton Utility Corridor will support development of the proposed Ambler Road and the Alaska Liquified Natural Gas Pipeline project and provide the State with access to develop adjacent State lands. This is the minimal amount of public lands necessary to accomplish the proposed use and disposition.

- 3) *Reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.*

Once PLOs are revoked and State selections attach, the lands would no longer meet the definition of “public lands” in Section 102(3) of ANILCA, and Federal rural subsistence would no longer be afforded priority under Title VIII of ANILCA. As summarized in the findings, this would result in significant restrictions to subsistence uses. The BLM will have no discretion in conveying the land to the State after the PLOs are revoked and will not have the authority to minimize adverse impacts after conveyance. However, the State does allow hunting and gathering activities within the lands to be conveyed pursuant to State law and federally qualified subsistence users will still have access to the resources despite the loss of priority.

The revocation will also result in the restrictions to motorized access to the remaining public lands under Alaska Statute 19.40.210. The State has agreed to develop and implement a process to address the impacts to access (Decision Rational, Attachment B: Memorandum of Agreement between the U.S. Department of the Interior, Bureau of Land Management and State of Alaska). The BLM is relying on these commitments in its determination that reasonable steps will be taken to minimize the adverse impacts upon Federal subsistence uses. These commitments are documented in the attached Memorandum of Agreement between the Department of the Interior, Bureau of Land Management and the State of Alaska and listed below.

Mitigation 1 – The Commissioner of DNR will authorize motorized use on public easements under AS 19.40.210 for each valid, existing RS 2477 routes identified by the State as soon as practicable but not later than 30 days following tentative approval.

Mitigation 2 – As soon as practicable, and prior to the conveyance of the lands within the corridor, the State will initiate a robust public process to engage stakeholders including Federal subsistence users and to identify facilities, access roads, or easements that may be necessary to access adjacent Federal, Alaska Native corporation lands, and Native allotments, pursuant to existing authority to establish easements under AS 19.40.210.

Mitigation 3 – The public process identified in Mitigation 2 will identify and prioritize the survey of appropriate Section Line Easements pursuant to AS 19.40.210 to provide motorized access to adjacent Federal public land, Native allotments, and Alaska Native corporation lands.

In performing these mitigations, any decisions that the State makes under AS 19.40.210 will facilitate access, and any denials will not unreasonably interfere with motorized access for users, including federally qualified subsistence users.

The BLM recognizes that adverse impacts upon subsistence uses and resources from revoking the PLOs within the Dalton Utility Corridor cannot be entirely avoided, however, the listed mitigation measures that the State has agreed to implement would minimize impacts due to the limitation on motorized access on subsistence uses. The BLM finds these mitigations are reasonable steps to minimize the adverse impacts on subsistence uses and resources from this proposed revocation that can be minimized.

**MEMORANDUM OF AGREEMENT**  
**between the**  
**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
**and**  
**STATE OF ALASKA**

**SUBJECT:** Developing reasonable steps to minimize impacts to Federal subsistence uses within the Dalton Utility Corridor by providing motorized access to Federal Public Lands adjacent thereto.

**I. PURPOSE**

This Memorandum of Agreement (MOA) serves to identify actions to minimize impacts to Federal subsistence use to ensure the United States Department of Interior (USDOI), Bureau of Land Management (BLM) compliance pursuant to the Alaska National Interest Lands Conservation Act (ANILCA) Section 810(a)(3)(C). These actions are intended by BLM to minimize adverse impacts upon subsistence uses and resources resulting from the potential revocation of Public Land Orders (PLO) 5150 and PLO 5180. As outlined below, the BLM finds these commitments will afford access to Federal lands for federally qualified subsistence users once State of Alaska (State) top-filed lands are conveyed to the State.

**II. BACKGROUND**

In January 2025, President Trump issued Executive Order (EO) 14153, “Unleashing Alaska’s Extraordinary Resource Potential,” which, among other things, directed the Secretary of the Interior (Secretary) to evaluate changes to, including the potential rescission of, PLO 5150. In response, the U.S. Department of the Interior (DOI) BLM is analyzing the revocation of PLOs 5150 and 5180 for Federal lands within the Dalton Utility Corridor north of the Yukon River.

Revocation of these PLOs for these Federal lands will allow approximately 2,066,000 acres of State “top filed” land selections under ANILCA Section 906(e) to become effective selections by the State. Once the selections attach, the lands will no longer meet the definition of “public lands” in Section 102(3) of ANILCA, and therefore provisions of ANILCA Title VIII will no longer apply. While these lands will still be available for subsistence use and general hunting and fishing for all Alaskans consistent with Alaska Department of Fish and Game (ADF&G) statutes and regulations, BLM finds that the loss of Federal subsistence priority under ANILCA as to these lands is an adverse impact of this action that must be minimized pursuant to ANILCA 810(a)(3)(C). Because the nature of this action leads to conveying these lands out of Federal ownership and to the State, the “adverse impact” identified by BLM to be minimized is access to federal lands that currently exists under Section 811 of ANILCA.

Provisions under AS 19.40.210 establish limits on the use of off-highway vehicles within five miles of the Dalton Highway, though it grants authority to the Commissioner of the Department of Natural Resources (DNR) to allow motorized access to adjacent Federal lands, Native allotments, and lands conveyed to and held by Alaska Native corporations under the Alaska Native Claims Settlement Act (ANCSA). Additionally, the State statute grants authority for the Commissioner of the Department of Transportation and Public Facilities (DOT&PF) to authorize facilities and access roads in the highway right-of-way to achieve these purposes.

Section 810 of ANILCA provides that no public land uses which would significantly restrict Federal subsistence uses shall be effected until the Federal agency gives the required notice and holds a hearing in accordance with ANILCA Section 810(a)(1) and (2) and makes the three determinations required by ANILCA Section 810(a)(3)(A), (B), and (C). The three determinations that must be made are:

1. Such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands;
2. The proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other such disposition; and
3. Reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

The Central Yukon Resource Management Plan (CYRMP) Environmental Impact Statement (EIS) considered revocation of PLOs within the Dalton Utility Corridor within the range of alternatives. As part of that planning process, the BLM completed an evaluation of Federal subsistence uses and needs for all alternatives, consistent with the requirements of ANILCA Section 810(a), and these evaluations were published as Appendix R of the Final EIS for the CYRMP. However, the BLM only made determinations for the proposed plan, which did not recommend revoking the PLOs. The BLM is in the process of making new, separate ANILCA 810(a)(3) determinations for the revocation of PLOs within the Dalton Utility Corridor, and the commitments made in this MOA are intended to support that process.

The BLM identified access to ANILCA-defined public lands for Federal subsistence uses as one of the major issues to be addressed during the CYRMP planning process in its Section 810 evaluation. Because the land is under Federal management, the State has no current easements allowing motorized access for purposes of accessing Federal lands for Federal subsistence use and the conveyance of land to the State will effectively block motorized access to ANILCA-defined public lands unless the State grants an easement under AS 19.40.210, and other applicable authorities.

The commitments in this agreement address the need to minimize the adverse impacts of access through State processes.

### III. PARTIES

This MOA is hereby entered into by and between the USDO/BLM and the State; jointly referred to as the “Party” or “Parties.”

### IV. THE PARTIES AGREE:

1. Section 810(d) states “After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.”
2. Once the PLOs are revoked and the State selections become effective for the lands within the Dalton Utility Corridor, the BLM has no discretion in conveying the lands to the State

pursuant to the Alaska Statehood Act.

3. Once the land is conveyed to the State, motorized access within and across the Dalton Utility Corridor to access Federal lands will be allowed when the Commissioner of DOT&PF or DNR authorizes a facility, access road, or easement pursuant to AS 19.40.210 or applicable authorities.
4. Due to the nature of this action and the change in land ownership that results, the primary opportunity to minimize impacts centers on access to the public lands, as defined in ANILCA, that will remain within and/or bordering the Dalton Utility Corridor after revocation and subsequent land conveyance are complete.
5. Consistent with existing authorities, any person, group, agency, or entity may apply to DNR or DOT&PF for an easement, facility, or access road for public or private use.
6. In order for BLM to comply with ANILCA Section 810(a)(3)(C) and take reasonable steps to minimize potential adverse impacts to Federal subsistence uses, while implementing the direction in EO 14153, the parties will develop and implement a process to facilitate access to adjacent Federal public lands pursuant to this agreement.

Commitments in this agreement will inform the BLM's ANILCA Section 810 determination that reasonable steps will be taken to minimize the adverse impacts upon Federal subsistence uses.

## V. AUTHORITIES

The BLM enters this agreement pursuant to the following authorities:

- Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, 94 Stat. 2371 (1980);
- 307(b) of the Federal Land Policy and Management Act of 1976, 43 USC § 1737(b).

The State enters this agreement pursuant to the following authorities:

- Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, 94 Stat. 2371 (1980);
- Alaska Statehood Act, Pub. L. 85-508, § 6, 72 Stat. 339 (1958);
- AS 19.40.210(c).

## VI. AGENCY RESPONSIBILITIES

1. The State agrees:
  - i. It is a fundamental responsibility of the state government to provide access for Alaskans, including development and maintenance of infrastructure, as well as the enhancement of local and state economies. Thus, the State is best positioned to – and herein commits to – take steps to ensure motorized access for uses, including Federal subsistence use, to lands within, adjacent to, and beyond the corridor. This responsibility will rest with the State once the land has been conveyed to the State.
  - ii. The Commissioner of DNR will authorize motorized use on public easements under AS 19.40.210 for each valid, existing RS 2477 routes identified by the State as soon as practicable, but not later than 30 days, following tentative approval.
  - iii. As soon as practicable, and prior to the conveyance of the lands within the corridor, the State will initiate a robust public process to engage stakeholders including Federal

- subsistence users and to identify facilities, access roads, or easements that may be necessary to access adjacent Federal, Alaska Native corporation lands, and Native allotments, pursuant to existing authority to establish easements under AS 19.40.210.
- iv. The public process identified in subsection VI(1)(iii) will identify and prioritize the survey of appropriate Section Line Easements (SLEs) pursuant to AS 19.40.210 to provide motorized access to adjacent Federal public land, Native allotments, and Alaska Native corporation lands.
  - v. Decisions that the State makes under AS 19.40.210 will facilitate access, and any denials will not unreasonably interfere with motorized access for users, including Federally qualified subsistence users.
2. The BLM agrees:
- i. To share with the State notes and records from the tribal consultation process for the CYRMP referenced above to help the State identify local issues and inform its proposed public process.
  - ii. To provide the State with all subsistence use data and analyses for the subject lands.
  - iii. To prioritize timely conveyance of title to lands requested by the State upon revocation of PLOs 5150 and 5180, and subsequent opening order which would allow top-filed selections to become effective selections.
  - iv. After title transfer, BLM will survey the lands in accordance with the Alaska Statehood Act and the Manual of Surveying Instructions 2009, and section lines in the interior of the selection will be protracted on the survey plats.

## VII. TERM

The MOA becomes effective upon the date last signed and executed by the duly authorized representative of the Parties to this MOA. The MOA shall remain in effect until the access provisions herein are established on the ground unless terminated.

Either Party may terminate the MOA by providing thirty (30) days written notice to the other Parties, provided that the Parties will consult during the period prior to termination to seek agreement on amendments or other action that would avoid termination in order to ensure compliance with the terms the MOA.

## VIII. GENERAL PROVISIONS

1. The BLM and the State, including their respective officials, employees, agents, and representatives, will carry out the terms of this MOA in good faith and shall make reasonable efforts to accomplish the purposes of this MOA.
2. Nothing in this MOA alters, amends, or affects in any way the statutory authority of the BLM or the State. It also does not expand nor is in derogation of those powers and authorities vested in the Parties by applicable law.
3. Nothing in this MOA, in and of itself, obligates the BLM or the State to expend appropriations or to enter into any contract, assistance agreement, or interagency agreement, or to incur financial obligations.
4. Any transaction involving transfers of funds between the parties to this MOA will be handled in accordance with applicable laws, regulations, and procedures under separate

written agreements.

5. This MOA is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any person or party against the United States or the State, their agencies, their officers, or any other person.

IX. COUNTERPARTS

This MOA may be executed in counterparts, and each copy will have the same force and effect as if signed by all Parties.

X. SIGNATURES

 10/9/2025

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**Kevin J. Pendergast**  
State Director, Alaska State Office  
Bureau of Land Management  
U.S. Department of the Interior



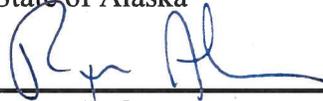
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**Doug Vincent-Lang**  
Commissioner  
Department of Fish and Game  
State of Alaska



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**John C. Boyle, III**  
Commissioner  
Department of Natural Resources  
State of Alaska



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**Ryan Anderson**  
Commissioner  
Department of Transportation and Public Facilities  
State of Alaska