Flowchart 3-AK-b:
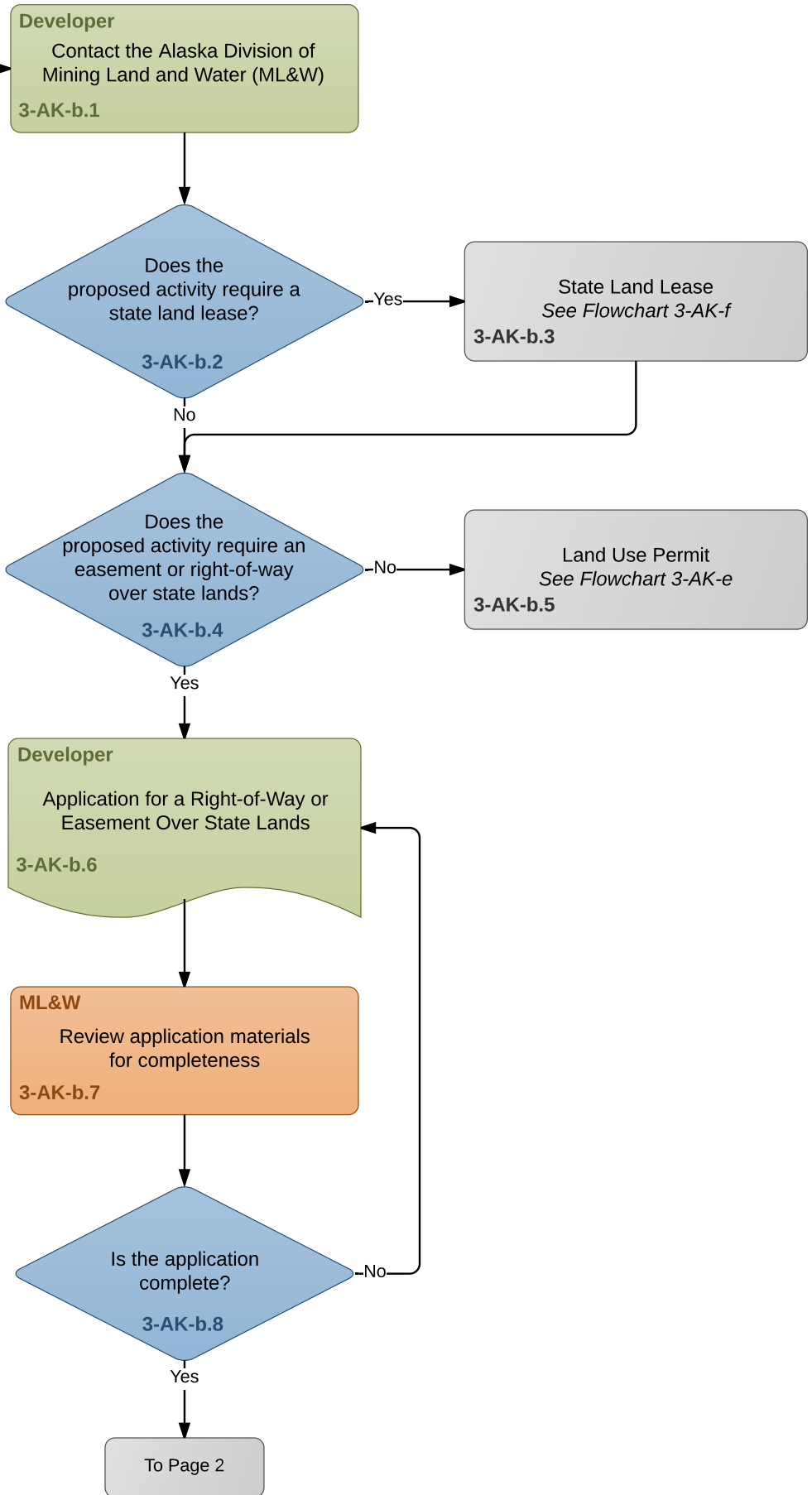## State Right-of-Way Process

Version: 25 August 2016

From Flowcharts:
3 - Land Access Overview

Developer
Contact the Alaska Division of Mining Land and Water (ML&W)
3-AK-b.1

Does the proposed activity require a state land lease?
3-AK-b.2

—Yes→

State Land Lease
See Flowchart 3-AK-f
3-AK-b.3

No

Does the proposed activity require an easement or right-of-way over state lands?
3-AK-b.4

—No→

Land Use Permit
See Flowchart 3-AK-e
3-AK-b.5

Yes

Developer
Application for a Right-of-Way or Easement Over State Lands
3-AK-b.6

ML&W
Review application materials for completeness
3-AK-b.7

Is the application complete?
3-AK-b.8

—No

Yes

To Page 2

Color Key

Developer	
Agency	
Other	
Public	

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From Page 1

ML&W
Notify upland owner for the use of adjacent tideland or submerged land
3-AK-b.9

Will the nature and duration of the developer's proposed use be functionally revocable?
3-AK-b.10

—No→

ML&W
Provide public notice
3-AK-b.11

Yes

ML&W
Review developer's application and public comments (if applicable)
3-AK-b.12

Complete Best Interest Finding Process
See Flowchart 3-AK-i - Best Interest Finding Process
3-AK-b.13

Will the interests of the state be best served by the issuance of a Right-of-Way?
3-AK-b.14

—No→ **END**

Yes

To Page 3

Color Key

| Developer |
| Agency |
| Other |
| Public |

From Page 2

Does the director of ML&W approve the developer's application for an easement or right-of-way?
3-AK-b.15

—No→

Developer
Request reconsideration of ML&W's decision (optional)
3-AK-b.17

Does the Commissioner affirm, modify or remand the matter to the Director for further proceedings?
3-AK-b.18

—Remand

—Modify—

Affirm

Developer
Appeal final administrative order to the Superior Court (optional)
3-AK-b.19

Is the developer's request for an easement or right-of-way approved?
3-AK-b.20

No

—Yes→

ML&W
Permit, Easement or Right-of-Way Document
3-AK-b.16

Yes

END

Color Key

Developer

Agency

Other

Public

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