

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Land Office**

Final Decision
Elma Barbara May - ADL 109354
Tideland Lease
AS 38.05.075(c)

Related Action
Special Exception to the Central/Southern Southeast Area Plan
AS 38.04.065

This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated May 15, 2024, and comprise the record of decision for this disposal of interest under AS 38.05.075(c).

Summary of Agency and Public Comments Received During the Public Notice Period:

The United States Army Corps of Engineers (USACE):

Summary: USACE submitted a comment to inform all parties that a permit from USACE is required for “any discharge of fill below the high tide and/or adjacent wetland, or work that may affect navigation below the mean high water.”

DMLW Response: DMLW acknowledges the need for USACE permits in those circumstances. DMLW verified the original USACE permit issued on March 11, 1981, for the existing fill and noted this in the preliminary decision. No additional fill is authorized under ADL 109354.

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. No modifications have been made to the Preliminary Decision or Related Action. It is the finding of the Commissioner of the Department of Natural Resources that it is in the best interest of the State to proceed with this disposal of interest under the authority of AS 38.05.075(c).¹ If no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the Department on the 31st day after issuance.



Kaitlyn Raffier
Southeast Regional Manager

6/26/2024

Date

¹ Authority to sign on behalf of the Commissioner has been delegated by memorandum dated September 30, 1999, to the Director of the Division of Mining, Land and Water, and redelegated from the Director to the Regional Managers.

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.