STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER

Southeast Regional Land Office Regional Manager's Decision ADL 109416 Zachary Miller Application for Easement AS 38.05.850

Executive Summary

On November 26th, 2024, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW) received an application for a private, non-exclusive easement from Zack Miller (applicant) to install a private hydroelectric project on State-owned, DMLW-managed lands in Elfin Cove, Alaska.

The proposed easement will encompass 0.91 acres of State-owned uplands and tidelands. The State of Alaska intends to authorize this easement request. A development plan for the proposal is included as "Attachment 1".

Proposed Action

DMLW will issue an Entry Authorization (EA) for a term of three years to allow for construction and completion of a DMLW-approved survey, which is a prerequisite for issuance of the final easement. The term of the EA shall be inclusive of the total easement term of 25 years. A draft EA is included as "Attachment 2". A draft private, non-exclusive easement is included as "Attachment 3".

The project will include an 8-inch diameter water line approximately 2,000-feet long, along with a catchment system (intake), discharge pipe, and powerhouse. The applicant proposes to intake approximately 42,750 gallons of water per hour at the catchment site from a creek unofficially named "Roy's Creek". The catchment system will be composed of a cubed screened basin made of metal, on top of a platform placed within the creek. The approximate measurements of the catchment system are 6-feet long, 6-feet wide, by 6-feet high. The intake on the catchment system will have a chamber to catch debris before it enters the water line system, and a grated metal screen on top for added filtration.

The powerhouse is estimated to measure 15-feet by 25-feet and will be placed on state-owned tidelands depicted on US Survey (USS) 2946. The powerhouse will utilize concrete feet on the four corners of the building, there is no fill being proposed on state-owned tidelands, or in the overall project. The powerhouse will be constructed of wood and will utilize plywood and metal siding. Insulated floors and walls will enhance soundproofing to reduce noise disturbance to community members and wildlife. The powerhouse will house the following items that directly power the hydroelectric project: turbo turbines, valves, portion of water line, gauges, batteries, grid tie inverter system, charge controller, fire suppression equipment, tools/maintenance equipment, and surge protection devices.

The water line will run adjacent to Roy's Creek, the terrain of the surrounding environment consists of glacial silt, rocks, brush, trees and loose soils. No organic materials dug from the initial construction of the project will be removed from State land or shipped off-site.

The applicant proposes to run approximately 94-feet of water line through DNR-DMLW easement ADL 100853, a public easement issued April 6th, 1983, meant for access and utility use in Lot 15a, depicted on USS 2946. Approximately 170-feet of water line will be installed through applicant's private Lot 15, depicted on Alaska Tideland Survey (ATS) 1473 Sitka Recording District. The remaining 1,736-feet of water line will be placed on state-owned uplands flowing from the intake site within Roy's Creek, proceeding south following the natural path of Roy's Creek, terminating through the discharge pipe on state-owned tide and submerged lands.

The hydroelectric project will power the applicant's cabin rental properties, as well as the town's generator system through net metering. From late fall (October) through spring season (March), the system will generate enough power for the community to shut off the generator during maintenance periods and maintain uninterrupted power when the demand is low enough during off-seasons.

The applicant will provide long-term maintenance which includes daily monitoring of water flow and power output. Routine inspections of the water catchment system will be conducted to look for damage and debris. The water line will be inspected on alternating days, or as needed, to address potential hazards and maintain general functionality.

Statutory Authority

This easement application is being adjudicated pursuant to AS 38.05.850, the Alaska Land Act as amended, The Submerged Lands Act of 1953, and AS 38.05.127.

Administrative Record

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced herein, the *Northern Southeast Area Plan* – October 2002 (NSEAP) and other classification references described herein, and the casefile for the application serialized by DNR as ADL 109416.

Scope of Decision

The scope of this decision is to determine if it is in the State's interest to create an easement for the proposed use. The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization is in the interest of the State of Alaska.

Location Information

Geographic Location: State-owned, DMLW-managed uplands and tidelands in Elfin Cove, Alaska, approximately 87-miles northwest of Sitka, Alaska.

Property Description: The project is proposed to be installed on State-owned uplands (NFCG 310) and tidelands (depicted on ATS 1473), within a portion of State-issued

easement (ADL 100853) in Lot 15A, and within the boundaries of applicant's Lot 15, depicted on US Survey (USS) 2946 and Alaska Tideland Survey (ATS) 1473 Sitka Recording District.

Copper River Meridian, S ½ Section 25, Township 42 South, Range 55 East, containing approximately 0.91 acres.

Width: 20-feet Length: 2,000-feet Approximate Acreage: 0.91

Other Land Information

Municipality: Hoonah-Angoon Census Area Regional Corporation: Sealaska Corporation

Village Corporation: N/A

Federally Recognized Tribe: Central Council of the Tlingit and Haida Indian Tribes of

Alaska

Title

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying Elfin Cove in the section(s) referenced above, on the basis of the Equal Footing Doctrine, and the Submerged Lands Act of 1953.

The State of Alaska received title to applicable lands within Section 25 of Township 42 South, Range 55 East, Copper River Meridian, Alaska via Patent 50-2006-0022 dated October 12th, 2005, which is serialized by DNR-DMLW as NFCG 310.

Planning and Classification

The proposed site is subject to the *Northern Southeast Area Plan* – October 2002 (NSEAP) and can be seen on map "Chichagof Island Area, Elfin Cove Detail". The project area is located within Management Unit C-01 – Elfin Cove, Uplands and CT-009 – Elfin Cove (NSEAP 3-289).

Management Unit C-01 – Elfin Cove, Uplands is designated as Public Facilities – Retain (Pr) which converts to the classification "Reserved land use".

Management Unit CT-009 – Elfin Cove is designated as Shoreline Use (Sd) and Waterfront Development (Wd) which converts to the classifications of "Settlement land" and "Waterfront development land" (NSEAP 4-4&5).

According to 11 AAC 55.040(c), "A classification identifies the primary use for which the land will be managed, subject to valid existing rights and to multiple use."

Management Intent: C-01 – Elfin Cove, Uplands

"When conveyed, parcel is to be retained by the state and is to be used for public purposes. Additional development within the community of Elfin Cove is only appropriate when sufficient community infrastructure becomes available. Until then, intensive development is not considered appropriate. The parcel should be managed for its scenic and recreational values until these conditions are met. Note: less intensive

public uses, including needed public facilities, are considered appropriate during the planning period. Such development should be concentrated within the more favorable terrain in the southern part of the parcel" (NSEAP 3-309).

Resources and Uses:

"Parcel occupies steeply sloped uplands situated at the entrance of Elfin Cove, a small fishing and tourist support community. It is heavily vegetated with spruce and Western Hemlock characteristic of the coastal rainforest; wetland areas are not apparent. A portion of the parcel is used to support a water supply system. There are no known heritage sites. The parcel was selected for community expansion and potential port development, although steepness of the terrain would make this difficult..." (NSEAP 3-309)

Management Intent: CT-009 – Elfin Cove

"Tidelands are to be managed for intensive use and are designated Waterfront Development (Wd) in SW ¼ of Section 25. Limited tidelands use (primarily docks) is appropriate in the remainder of Elfin Cove (SE ¼ Sec 25 and Sec 36) and is designated Sd" (NSEAP 3-326).

Resources and Uses:

"This unit lies adjacent to the city of Elfin Cove. Intensive tidelands use tends to predominate adjacent lodges, public docks and other marine related structures in the northern part of Elfin Cove. The remainder of Elfin Cove is used for low intensity residential uses. Many structures are sited "above" the cove on its eastern side along a state boardwalk. Because of the positioning of these structures (some distance from the Cove and above it) very limited tideland development should be expected in these areas. Development authorization should be limited to the smallest practicable area given the small size of the cove and the need to retain the residential, low intensity use characteristic of its southern part..." (NSEAP 3-326)

Designations:

Pr – Public Facilities-Retain. "These sites are reserved for a specific infrastructure to serve state interests. These units are classified Reserved Use Land and are not selectable by municipalities under state law (except under AS 38.05.810). Units designated "Public Facilities-Retain" will be retained in state ownership…" (NSEAP 3-3)

Sd – Shoreline Use. "This designation applies to areas of state tidelands or submerged lands where water-related or water-dependent facilities for personal use by the owner of an adjacent upland site may be authorized. Facilities may include small docks, boat ramps, mooring buoys, or other facilities for personal, non-commercial use. Development of facilities for commercial or industrial use will be determined on a site-specific basis. An authorized shoreline facility is considered the private property of the owner who built or maintains it, but this private property right does not extend to the surrounding tidelands, submerged lands, or waters. This land may be available for conveyance to municipalities under AS 38.05.820 and AS 38.05.825..." (NSEAP 3-5)

Wd – Waterfront Development. "Use of tidelands, submerged lands, or shorelands for water-dependent or water-related facilities, usually for industrial or commercial purposes. Waterfront development includes: piers, wharves, harbors, mineral transfer facilities, seafood processing facilities, commercial recreation facilities, and other resource development support facilities except for activities related to forestry, which is covered by the Forestry designation..." (NSEAP 3-5)

Tidelands, Submerged Lands and Shorelands: "DNR will provide reasonable access across state tidelands to upland owners. Upland access across state tidelands, including developed access facilities, may be allowed within all land use designations where DNR determines the proposed facilities are consistent with the management intent and applicable guidelines of the plan. However, state tideland use designations do not give the public access rights to adjacent private uplands" (NSEAP 3-6).

Management Guidelines: "Most state lands will be managed for multiple uses. Exceptions are lands that will be offered for private lease or ownership, and recreation sites that are less than 640 acres. For this reason, the plan establishes management guidelines that allow various uses to occur without serious conflicts. Management guidelines can direct the timing, amount, or specific location of different activities to make the permitted uses compatible. For example, the plan provide guidelines which require that land disposals must be designed to protect public access and recreational opportunities" (NSEAP 3-7).

Settlement:

Private Land Use. "Provide suitable public land for private settlement purposes. DNR will attempt to satisfy three settlement categories within the planning area:

- 1. Year-round residences for community expansion.
- 2. Seasonal residences for recreation.
- 3. Industrial or commercial development" (NSEAP 2-38).

The proposed activity is allowed per the *Northern Southeast Area Plan* – October 2002 and is consistent with the land designations (Pr), (Sd), (Wd). A small hydroelectric system will benefit the community of Elfin Cove by providing uninterrupted power in the off-season (October-March), when the town's generator needs maintenance. The proposed hydroelectric project is designed with a minimal environmental footprint, which helps preserve public access along the tidelands. The powerhouse will occupy the smallest feasible area on the tidelands, ensuring continued access for residents and visitors traveling to and from the waters of Elfin Cove. Since the project site is a designated multi-use area, the NSEAP supports responsible development within both the uplands and tidelands of Elfin Cove.

Third Party Information

Community of Elfin Cove Non-Profit Corporation

Background

DMLW received a private, non-exclusive easement application for the construction and maintenance of a small hydroelectric project submitted by Zachary Miller on November 26th,

2024. On April 1st, 2025, a Public Notice and Agency Review describing the private easement request was distributed to public contacts along with State agencies. The project is slated to begin in the summer of 2025.

Public Notice & Agency Review Agency Review Summary

An Agency Review was conducted April 1st, 2025, to May 1st, 2025. The following organizations were included in this review:

- Alaska Association of Conservation Districts (AACD)
- Department of Fish and Game (ADFG) Division of Habitat and Division of Wildlife Conservation Access Defense Program
- Department of Environmental Conservation (DEC) Commissioner's Office and Division of Water – Wastewater Discharge Authorization Program and Water Quality Standards, Assessment and Restoration
- DNR Division of Parks and Outdoor Recreation (DPOR) Office of History and Archaeology (OHA)
- Department of Transportation and Public Facilities (DOT&PF) Design and Engineering Services Right of Way Office

Agency Review Comments

Summary: ADFG has no objection to the issuance of this easement; however, have the following recommendations:

- 1. Marine Mammal Considerations:
 - a. There is no marine mammal critical habitat designated within the project area. There are several marine mammals within the ranges overlapping with the project area, including humpback whale, Steller sea lion, Dall's porpoise, gray whale, harbor porpoise, harbor seal, killer whale, minke whale, Pacific white-sided dolphin, and northern sea otter. ADFG suggests consulting with National Marine Fisheries Service and USFWS about marine mammal presence in the area. Email akr.prd.section7@noaa.gov. For information about sea otters, email fw7 ak marine mammals@fws.gov or call 800-362-5148.
 - b. If the lessee documents any negative mammal interactions, we request to be kept informed of them. Please direct information to dfg.dwc.mmcomments@alaska.gov. Report injured, entangled, or dead marine mammals to the NOAA Fisheries Alaska Statewide 24-hour Stranding Hotline: 877-925-7773. If the stranded animal is a sea otter, please call the USFWS (1-800-362-5148, business hours) or the Alaska SeaLife Center Hotline (1-888-774-7325, 24 hours)
- 2. The activites associated with this project should not impede public access to state land.
- 3. Project activities may affect species listed under the Endangered Species Act (ESA) and other sensitive resources, such as migratory birds, which are managed by the USFWS. For further details, contact the Southern Alaska Fish and Wildlife Field Office at 907-271-2888.

"OHA has reviewed the project ADL 109416 for conflicts with cultural resources pursuant to Section 41.35.070 of the Alaska Historic Preservation Act. Following our review, OHA agrees that it is unlikely that significant cultural resource sites would be affected by the proposed actions pursuant to AS 41.35.070 and that a finding of no historic properties affected is appropriate for the project. This comment serves as our office's official correspondence for the purposes of Alaska Historic Preservation Act compliance. Please note that our office may need to re-evaluate our concurrence if changes are made to the project's scope or design. Should inadvertent discoveries of cultural resources occur during the duration of the project, our office should be notified so that we may evaluate whether the resources should be preserved in the public interest (AS 41.35.70[d])".

DMLW Response: There will be a stipulation included in the Easement Agreement that requires the applicant to contact DMLW and OHA if historic or cultural artifacts are found upon construction of the proposed project.

Public Notice Summary

Notice of this application was posted on the Alaska Online Public Notice website from April 1st, 2025, to May 1st, 2025, and sent to the following known interested parties:

- US Post Office Elfin Cove
- Community of Elfin Cove Non-Profit Corporation
- Elfin Cove Community Association
- Alaska Association of Conservation Districts (AACD)
- Southeast Alaska Conservation Council (SEACC)
- Sealaska Corporation
- Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA)
- US Army Corps of Engineers (USACE)
- US Fish and Wildlife Service (USFWS)
- US Forest Service (USFS)

Adjacent landowners were also notified during Public Notice:

- Jaques and Nicole Norvell
- Northern Star Lodge, LLC
- Kent Adams and Nancy Kniivila
- Shari Gross
- Robert Koski
- Fishmaster's Inn

No comments from the public were received.

Access

Physical and Legal Access: The applicant may access the site over state tide and submerged lands underlying Elfin Cove, a navigable water body.

Legal access to the proposed site is provided through applicant's private Lot 15, and State-issued Easement labeled ADL 100853 through Lot 15a, depicted on USS 2496 and USS 2497.

Access to and along Public Waters: Elfin Cove is a navigable, public water body. Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Public access across this easement shall not be restricted in any manner. Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Public access across this easement will not be restricted in any manner. The proposed hydroelectric project will not impede public access to state land. The pipeline that will be used for the proposed project is 8-inches in diameter.

Environmental Considerations

DMLW considers the environmental factors directly related to authorizing the use of State lands as part of its determination of whether approving the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest, while informing the overall decision of whether to approve the authorization. The applicant is responsible for determining site suitability.

Environmental impacts posed by this project are anticipated to be minimal. The only hazardous items proposed in the project are batteries (size and quantity will be determined during installation), which will be stored within the walls of the powerhouse. No other hazardous materials are proposed. Any electrical power that will be used to construct and install the project will be provided within the applicant's private lot boundaries.

All scrap materials produced from this project that won't be useful in other projects around the Elfin Cove community, will be shipped out of Elfin Cove and disposed of at DEC-approved locations in Juneau or Hoonah. Organic materials will be reused during project construction. There is an existing discharge pipe currently unauthorized and abandoned on state tidelands. The applicant will dispose of the abandoned pipe and replace it with an adequately sized discharge pipe that is the appropriate size for the proposed hydroelectric project, which is included in the approved development plan. The applicant is working with DNR-DMLW – Water Section to obtain water rights for this project.

Economic Benefit and Development of State Resources

In accordance with AS 38.05.850, DMLW considers three criteria to determine if this project provides the greatest economic benefit to the State and the development of its natural resources: direct economic benefit to the State, indirect economic benefit to the State, and encouraging development of the State's resources.

The proposed easement will provide a direct economic benefit to the State in the form of annual use fees. The project benefits the state indirectly by supplying the community of Elfin Cove with a secondary source of power, facilitating a low-cost, low-maintenance power generation system for the applicant's private, commercial cabins, as well as being able to provide power, as needed, to the Elfin Cove community generator. The proposed project has a small environmental footprint and would disturb a minimal amount of state-owned land, protecting state resources while providing uninterrupted power to the community, if needed. This project will be a benefit for the State, the applicant, and the community of Elfin Cove.

Discussion

Based upon the information provided by the applicant, as well as review of the relevant planning documents, comments from Agency Review, review of applicable statutes, regulations, environmental, and economic considerations related to this application; DMLW finds that the proposed easement is in the best interest of the State.

Performance Guaranty

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

Performance Guaranty Narrative: The applicant is required to submit a performance guaranty in the amount of \$3,750.00 to ensure completion of Entry Authorization (EA) requirements. These funds will also serve as a survey deposit (per AS 38.05.860) and may be reduced one time during the term of the EA by an amount equal to payments made by the applicant to a licensed surveyor under contract for completion of a survey of ADL 109416 in accordance with survey instructions issued by the DMLW Survey Section as described herein. This performance guaranty shall remain in place during the term of the EA and will be subject to release upon the acceptance of a DMLW-approved survey and the fulfillment of all conditions and stipulations of this decision and the EA. The guaranty may also be adjusted to reflect updates and changes in the associated project, and the applicant may be required to furnish an additional performance guaranty if DMLW determines there to be additional risk to the State. The guaranty may be utilized by DMLW to cover actual costs incurred by the State to pay for necessary corrective actions in the event the applicant does not comply with site utilization and restoration requirements and other stipulations contained in the EA. An additional performance guaranty may be required for an extension of the EA beyond the initial term proposed under this decision.

Insurance

Consistent with AS 38.05.850, to protect the State from liability associated with the use of the site, the applicant shall provide and maintain a comprehensive general liability insurance policy with the State of Alaska named as an additional insured party per the stipulations of the easement agreement. The applicant shall secure or purchase at its own expense and maintain in force at all times during the term of this easement, liability coverage and limits consistent with what is professionally recommended as adequate to protect the applicant and the State, its officers, agents and employees from the liability exposures of all the insured's operations on state land. The insurance requirement may be adjusted periodically.

Survey

A DMLW-approved survey is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands. The area shown on Attachment 1 is the basis for the survey. The applicant must acquire survey

instructions and coordinate with the DMLW Survey Section during the survey process. A survey instruction fee may be applicable. A draft must be submitted to the Survey Section prior to the expiration of the EA and a final survey must be approved by DMLW before the issuance of the final easement.

Fees

Entry Authorization: In accordance with 11 AAC 05.070(d)(2)(I), the fee for an Entry Authorization for an approved easement or right-of-way for site development is \$240.00 annually for up to two acres, and \$120.00 annually for each acre above two. The annual fee for this Entry Authorization will be \$240.00.

Easement: In accordance with 11 AAC 05.070(d)(2)(A)(i), the fee for a private, non-exclusive easement containing approximately 0.91 acres is \$480.00. The total <u>annual fee is \$480.00</u>.

As a measure of incentivizing applicants to complete the required as-built survey, both the entry authorization and the easement fee will apply during the term of the entry authorization. The annual total fee during the term of the entry authorization will be: \$720.00. After the easement is granted, only the annual easement fee of \$480.00 will apply.

<u>Survey:</u> Fees for survey instruction, review, and recording will be required and administered through the Survey Section.

Entry Authorization

The Entry Authorization (EA) is an interim authorization issued when a survey is necessary prior to easement issuance. Staff recommend that an EA be issued for a term ending in three (3) years from the effective date of this decision for the purpose of constructing, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a private, non-exclusive easement. The EA may be revoked if the applicant has not supplied DMLW with a draft survey within three years of receiving survey instructions. An extension of the EA may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW and may be subject to applicable fees. If an extension is required, the applicant must contact DMLW no later than 30 days prior to the expiration of the EA and certify there have been no changes to the approved development plan. Staff recommend that EA not be granted until the following deliverables have been provided to DMLW, as described or recommended above:

- Payment of the Entry Authorization fee \$240.00
- Payment of the Easement fee \$480.00
- Performance Guaranty in the amount of \$3,750.00
- Request for Survey Instructions to the DMLW Survey Section
- Certificate of Insurance
- Evidence of having applied for permits and/or correspondence with other authorizations such as DEC, DMLW – Water Section, or other applicable State or Federal agencies

Easement Term

The authorization requested under ADL 109416 will be issued for a term of 25 years from the effective date of this decision.

Term Discussion

Easements issued under AS 38.05.850 may be revoked for cause if the area described is no longer used for the purpose intended or if a higher and better use of the land is established as determined by DMLW. Following termination an easement, whether by abandonment, revocation, or other means, a grantee shall restore the site to a condition that is acceptable to DMLW. A grantee's planned site restoration activities, including either removal or abandonment of installed improvements, must be described in writing and present to DMLW prior to termination of the easement. DMLW may require compliance with additional conditions specific to the site restoration effort that were not required for the construction, maintenance, or operation of described improvements. Should a grantee or refuse to perform approved site-restoration activities within the time allotted by DMLW, the improvements may become property of DNR. However, a grantee shall not be relieved of the cost of restoring the area to a condition that is acceptable to DMLW.

Recommendation

In consideration of all events and criteria described above, it is my determination that this project is consistent with the overall classification and management intent for this land and would be a benefit to the State of Alaska. Therefore, I recommend the issuance of a private, non-exclusive easement to Zachary Miller, pursuant to AS 38.05.850, upon satisfactory completion of the project in conformance with all the terms and conditions of this decision and the EA. The easement will be issued for a term of 25 years from the effective date of this decision that may be terminated if a higher and better economic use for the project area is established as determined by DMLW Director, if the land is no longer used for the above stated purpose, or is revoked for cause.

Quinn McClurg	5/19/2025
Quinn McClurg, Natural Resource Specialist III	Date

Regional Manager's Decision

When adjudicating an easement authorization pursuant to AS 38.05.850, DNR seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with the public interest. In consideration of all events and criteria listed above, DMLW has determined that the authorizations to be granted under ADL 109416 are consistent with DNR's mission. It is my decision that this project is consistent with the overall classification and management intent for this land. DMLW will issue a private, non-exclusive easement, pursuant to AS 38.05.850, once the applicant has conformed to all terms and conditions of this decision and the EA.

Mason Auger	5/19/2025
Mason Auger, Natural Resource Manager II	Date

Attachments:

Attachment 1. Development Diagram Attachment 2. Draft Entry Authorization

Attachment 3. Draft Easement

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). Review of the applicable statutes regarding appeals can be found here: https://www.akleg.gov/basis/aac.asp#11.02