

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

RENEWAL DECISION

ADL 226281

North Pacific Rim Housing Authority

Tideland Lease

AS 38.05.070(e) and AS 38.05.810(b) – (d)

Proposed Action:

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO) has received a request from North Pacific Rim Housing Authority (NPRHA), to renew a current lease for 9.64 acres of tideland for 55 additional years located in Tatitlek, Alaska. The location of the project area is further described as being within Alaska Tidelands Survey No. 1483, containing 9.64 acres, more or less, according to the survey plat recorded in the Valdez Recording District on September 21, 1994, as plat 94-5. NPRHA uses this site to operate and maintain an oil spill response dock.

History:

The lease was first established in a Lease Agreement between DNR and the Alaska Department of Transportation and Public Facilities (DOT&PF) on October 17, 1994, for a term of 30 years, expiring October 16, 2024. On October 2, 1998, the lease was assigned from DOT&PF to NPRHA, allowing NPRHA to assume all rights, obligations, and interests in ADL 226281.

On October 11, 2024, NPRHA applied to renew the lease for 55 additional years. Per AS 38.05.070(f)(2), ADL 226281 was extended for two years to allow time for consideration of lease renewal. NPRHA is the current lessee for ADL 226281, which is set to expire on October 16, 2026.

Existing Infrastructure:

- Oil spill response dock
 - One 600-foot by 22-foot trestle
 - One 500-foot by 40-foot platform
 - One 200-foot by 54-foot two-stage ferry ramp with mooring dolphin

Lease Renewal Authority:

In 1994 the original lease had been adjudicated pursuant to AS 38.05.035(b)(1) Delegation of the Powers and Duties of the Director; AS 38.05.035(e) Written Findings; AS 38.05.810(b) – (d) Public and Charitable Use; and AS 38.05.945 Public Notice. Upon lease expiration, subsection AS 38.05.070(e) allows the Director to renew a lease previously issued under section AS 38.05.070 if the lease is in good standing and the lease renewal is determined to be in the best interest of the State.

Lease Renewal Qualifications:

In order to qualify for a renewal, a lessee must be in “good standing”. Good standing refers to the fact that the lessee’s accounts are current, that there are no outstanding compliance issues, and that the lessee maintains a healthy business relationship with the lessor. A review of the case file has shown that the lessee is in good standing.

Lease Renewal Discussion:

NPRHA operates and maintains the oil spill response dock to facilitate effective response to future oil spills. In the case of an oil spill, Ship Escort and Response Vessel Services (SERVS) and the Alyeska Pipeline Service Company (APSC) will be the primary users of the dock to deploy their oil spill response equipment. An existing one-acre staging area, located on private land north of the leasehold, will be used to store oil spill response equipment. Between oil spills, the dock will be available for use by the Alaska Marine Highways System (AMHS) to serve Tatitlek.

Renewing the lease under AS 38.05.810 (b – d) will allow the lessee and the lessor to reenter into a lease contract with minimal delays or disruptions. This lease renewal is in the best interest of the State as the tideland under lease will continue to maintain and utilize the oil response dock to readily respond to future oil spills. The renewal is consistent with the State’s Constitution as the lease provides for the utilization, development, and conservation of the natural resources belonging to the State for the maximum benefit of its people.

SCRO recommends the issuance of a 30-year tideland lease renewal to NPRHA for the continued operation and maintenance of NPRHA’s existing oil spill response dock. It is within the State’s best interest to adjudicate the renewal of this lease for an additional 30 years as it provides tideland development, timely oil spill response, and access to Tatitlek through the AMHS.

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 2007 Prince William Sound Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 226281.

Legal Description:

Located within Section 5, Township 12 South, Range 8 West, Copper River Meridian, Alaska, within Alaska Tidelands Survey No. 1483, containing 9.64 acres, more or less, according to the survey plat recorded in the Valdez Recording District on September 21, 1994, as Plat 94-5.

Title:

SCRO requested a title report from DMLW's Realty Services Section on August 20, 2024, which has not been received at the time of this decision. The tidelands have previously been determined to be state-owned in the 1994 PD.

Third-Party Interests:

There are no known third-party interests.

Planning and Classification:

The project area is subject to the 2007 Prince William Sound Area Plan, Management Unit 23: Fidalgo, Subunit 23B. The land use designation for this site is Shoreline Development, which is defined as being "any water-dependent or water-related structure or facility that is permanent and/or used for private, public, commercial, or industrial purposes" (Appendix A, pg. 7). The Management Intent for Subunit 23B states that the tidelands adjacent to Tatitlek and Ellamar be used to aid community development. The goals outlined in Chapter 2, page 2-47, of the area plan include providing for needed water-dependent and water-related uses. The authorization of continued use for NPRHA's oil spill response dock is consistent with the land use designation, goals, and management intent of providing needed shoreline development and water-related uses for community development, as stated in the Prince William Sound Area Plan.

Access:

The site is accessed via a DOT&PF maintained route, Copper Mountain Street, that is located to the north of the site. The site can also be accessed by boat.

Public Access:

Copper Mountain Street is a public road, however, the dock will be primarily used by SERV S and APSC in the case of an oil spill, and by the AMHS as needed.

Authorization and Term Length:

Pursuant to AS 38.05.070(e) leases may only be renewed once and for a duration no longer than the original lease term. As such, this renewal lease will be issued for an additional 30-year term. Unless an appeal is received, the lease term will begin upon October 17, 2026.

Compensation and Appraisal:

In accordance with AS 38.05.840, state-owned land may only be leased if it has been appraised within two years before lease issuance. SCRO has coordinated with DMLW's Appraisal Unit, and NPRHA has provided an appraisal of the lease site. The annual lease fee will be set at \$4,031, which has been determined to be the fair market value of the proposed lease site. Furthermore, in accordance with AS 38.05.105, the proposed EA and lease will be subject to reappraisal at five-year intervals after the issuance of the proposed authorization.

Periodic Rate Adjustment:

In accordance with AS 38.05.105, the proposed lease will be subject to reappraisal at five-year intervals after the issuance of the proposed authorization.

Bonding:

A performance bond of \$10,000 will be sufficient to satisfy 11 AAC 96.060 for this tideland lease. This bond will remain in place for the life of the proposed lease. The bond amount is based upon the level of development, amounts of hazardous material/substances on site, and the perceived liability to the State. This bond will be used to ensure the applicant's compliance with the terms and conditions of the lease issued for their project. This bond amount will be subject to periodic adjustments and may be adjusted upon approval of any amendments, assignments, reappraisals, changes in the development plan, changes in the activities conducted, or changes in the performance of operations conducted on the authorized premises, and as a result of any violations to one or more of the authorizations associated with this project.

Reclamation Bond:

SCRO reserves the right to require a reclamation bond in the event of noncompliance issues during the term of the lease or near the end of the life of the project.

Insurance:

NPRHA will be required to submit proof of liability insurance to SCRO, with the State of Alaska listed as a "NAMED" insured party. NPRHA will be responsible for maintaining such insurance throughout the term of the renewed lease.

Public Trust Doctrine:

Pursuant to AS 38.05.126 all authorizations for this site will be subject to the principles of the Public Trust Doctrine; specifically, the right of the public to use navigable waterways and the land beneath them for navigation, commerce, fishing, hunting, protection of areas for ecological studies, and other purposes. These rights must be protected to the maximum extent practicable while allowing for the development of this project. As such, SCRO is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

Signature page follows

Recommendation:

SCRO has completed a review of the information provided by the applicant, examined the relevant land management documents, and found the proposed lease is consistent with all applicable statutes and regulations. SCRO recommends the issuance of another 30-year lease to support NPRHA's oil spill response activities as they provide opportunity to facilitate response to future oil spills, and moorage to the AMHS, as described in the following attachments:

Attachment A: Development Plan

Attachment B: Location Maps

Audrey Gilroy

11/13/2025

Audrey Gilroy, Natural Resource Specialist 2

Date

Division of Mining, Land and Water, Southcentral Regional Land Office

Decision:

The findings presented above have been reviewed and considered. The case file has been found to be complete and the requirements of all applicable statutes and regulations have been satisfied. SCRO finds that it is in the best interests of the State to renew this lease as described under the authority of AS 38.05.070(e).

Cinnamon Micelotta

11/13/2025

Cinnamon Micelotta, Natural Resource Manager 1

Date

Division of Mining, Land and Water, Southcentral Regional Land Office

Appeal:

An eligible person affected by this decision may appeal 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>.

Attachment A

Development Plan

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DOT FACILITIES

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ATTACHMENT B
ADL 226281

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Valdez Recording District

TATITLEK DOCK AND EQUIPMENT FACILITIES
PROJECT NO. 50727
24 JUNE 1994

DEVELOPMENT PLAN

1. PURPOSE OF DOCK AND POSSIBLE FUTURE EXPANSION

The Tatitlek Dock is being built primarily as an oil spill response dock in the event of another oil spill similar to the one that happened on March 1989. Oil spill response equipment will be stored in connex containers that will be relocated to the one acre staging area from their present location. During an oil spill the dock will be used mainly by Ship Escort and Response Vessel Services (SERVS) and Alyeska Pipeline Service Company in deploying their oil spill equipment.

Between oil spills the dock will be available to be used by the Alaska Marine Highways System (AMHS) which currently serves Tatitlek. Dual ramps will be constructed to accommodate the rear loading ferries at two different tide levels. The bullrail of the 300 foot face contains a removable section to accommodate the side loading ferries. The use of the dock by larger and longer ships would be limited to those drafting 30 feet of water or less. Future modifications to the dock could required:

1. Extension of the dock, and/or
2. Installation of mooring dolphins
3. Construction of small boat harbor

The likelihood of the need for dock extension is remote, but would be necessary if four ships drafting more than 30 feet were to use the dock. The mooring dolphins would be necessary to accommodate these longer and larger vessels to protect the dock from damage during docking operations. The village has long needed a small boat harbor for their fishing vessel and a there is a study underway by the Corps of Engineers to see if one can be located to the east of the dock. A crescent shaped breakwater would be built to protect the harbor basin from wave action. The dock and small boat harbor will have the tidal area, staging area and the seaside access in common.

The following modifications to the dock will be made in the future whether or not it is extended, the small boat harbor built and/or the dolphins installed:

1. Installation of fuel lines to service the Tatitlek Village tank farm.
2. Install additional lighting and electrical power on the dock.
3. Installation of a water line.

2. DOCK OWNERSHIP

The State of Alaska, Department of Transportation and Public Facilities will own the dock and all appurtenances.

3. LAND OWNERSHIP

Right-of-Way personnel from the Department of Transportation and Public Facilities (ADOT&PF) are currently negotiating with the Tatitlek Village IRA Council who is the landowner of the land on which the one acre staging area and the roadway will be located, to transfer ownership of the land to the State of Alaska. The proper documentation will be provided as soon as it is available.

Attachment A

Development Plan

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4. DOCK MAINTENANCE AND OPERATION

The maintenance and operation of the dock, staging area and the roadway will be under the direction of the Alaska Department of Transportation and Public Facilities. ADOT&PF has received \$275,000 from the legislature to set up a maintenance fund for the dock, staging area and roadway. DOT&PF will negotiate a contract with the village corporation to provide the necessary maintenance and operations.

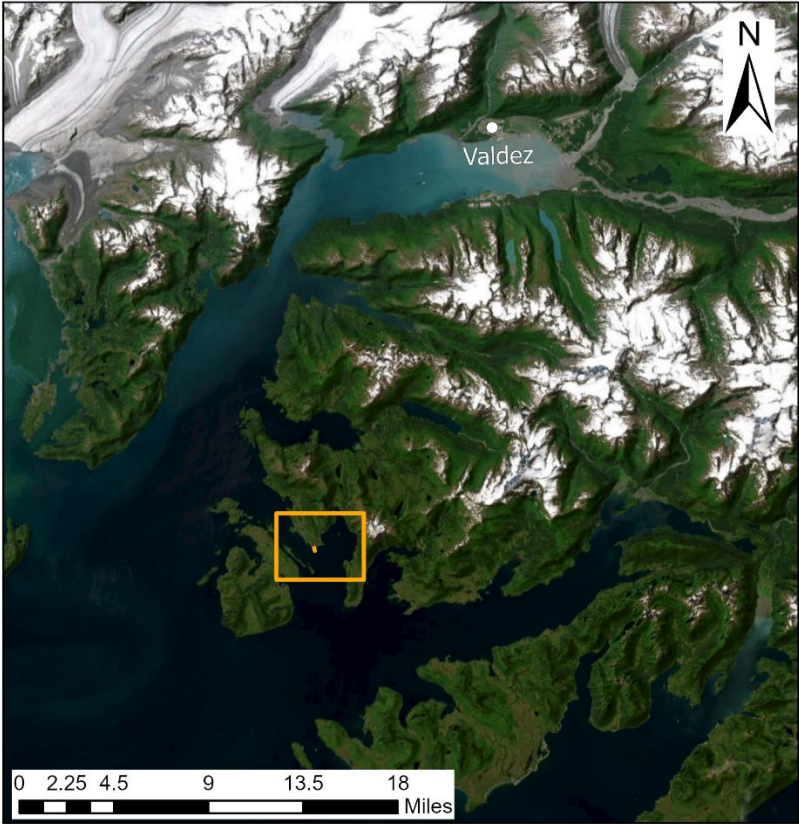
5. INDEMNIFICATION AND INSURANCE

The State of Alaska is self-insured, therefore, it will indemnify all against any liabilities and damages incurred during the operations of the dock, staging area and roadway.

94-1455

RECORDED - FILED N/C	
VALDEZ REC. DIST.	
DATE	11/2 1994
TIME	1:55 PM
Requested by	AS/DNR
Address	

Attachment B
Location Maps



North Pacific Rim Housing Authority
Tideland Lease
ADL 226281



NOTE: This map provides a graphical representation of the lease site and has been provided as a general reference. Exact location of the lease site may be adjusted prior to lease issuance. This map is not intended for navigational purposes.

Legend

 Lease Area

