



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

**Southeast Regional Land Office**

**Renewal Decision**

**ADL 107183**

**Johnson Trust dba Gull Cove Re, LLC**

Application for Lease

AS 38.05.075(e)

**Requested Action**

Johnson Trust doing business as (dba) Gull Cove Re, LLC (“applicant”), applied to the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), to renew a tideland lease for a 10-year term on March 25<sup>th</sup>, 2025. The renewal authorizes the continued use of the leasehold for a floating dock on state-owned tide and submerged lands. The continued use provides access to the commercial sport-fishing lodge on private uplands; more specifically, Lot 1 US Survey (USS) 2879 Sitka Recording District, and access to the waters of Gull Cove and Idaho Inlet.

This authorization contains a floating dock 6-feet wide by 150-feet long, which is used for access and mooring charter vessels, this includes three 8-inch diameter pilings installed on state-owned tidelands to stabilize the dock. The dock is anchored by two small anchors extending approximately 30-feet at the end of the dock. The dock remains floating at high-tide periods and grounds on the tidelands during low tides. The leasehold area measures approximately 40-feet wide by 175-feet long or 0.16 acres.

This lease renewal is subject to the DMLW-approved Development Plan labeled “Tideland Lease Diagram” dated March 22<sup>nd</sup>, 2004, included as Attachment 1.

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. The applicant has maintained the leasehold interest with no known compliance issues and is considered to be in good standing with DNR-DMLW.

DNR-DMLW will renew this lease under the authority of AS 38.05.035(b)(3), AS 38.05.070(e), and AS 38.05.075(c). The lease term will be renewed for another 10-year term.

**Authority**

Under AS 38.05.070(e), leases may only be renewed once and for a duration that is not longer than the original lease term.

## **Administrative Record**

Case file ADL 107183 is the administrative record for this case. Also incorporated by reference is the *Northern Southeast Area Plan* – October 2002 (NSEAP).

## **Scope of the Decision**

The scope of administrative review for this authorization AS 38.05.070(e) is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) the facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization will best serve the interest of the State of Alaska.

## **Description**

### **Geographic Location**

The parcel is located in Gull Cove, within Idaho Inlet, approximately 64-miles west of Juneau, Alaska. The lease area is located on State tidelands and submerged land at approximately 58°21'14" N, 136°15'44" W (WGS84).

### **Legal Description**

Copper River Meridian, Township 42 South, Range 57 East, S ½ Section 19, on approximately 0.16 acres of State-owned tide and submerged land. The tideland area is depicted on USS 2879 Sitka Recording District. The leasehold area contains approximately 0.16 acres.

### **Other Land Information**

**Municipality:** Hoonah-Angoon Census Area

**Regional Corporation:** Sealaska Corporation

**Village Corporation:** N/A

**Federally Recognized Tribe:** The Central Council of Tlingit and Haida Indian Tribes of Alaska

## **Title**

The State of Alaska owns the tidelands and submerged lands of the leasehold area certified under the Alaska Statehood Act, The Equal Footing Doctrine and The Submerged Lands Act of 1953.

## **Planning and Classification**

The proposed site is subject to the Northern Southeast Area Plan – October 2002 (NSEAP) and is located within Management Unit CT-002 – Idaho Inlet. The designated land use is Habitat (Ha) and Harvest (Hv) which converts to “Wildlife habitat land” as the land classification.

Ha – Habitat: “This designation applies to areas of varied size for fish and wildlife species during a sensitive life-history stage where alteration of the habitat or human disturbance could result in a permanent loss of a population or sustained yield of a species. This land will remain in state ownership except for areas where a tidelands conveyance to a municipality is allowed under AS 38.05.820 and AS 38.05.825. This designation applies to uplands, tidelands, and submerged lands.

Hv – Harvest: Fish and wildlife harvest areas are subsistence, recreational and/or community harvest of varied size where alteration of habitat could permanently limit sustained yield to traditional users; or are areas of intense harvest where the level of harvest has reached, or is projected to reach, the harvestable surplus for the resource. This land will remain in state ownership except for areas eligible for a tidelands conveyance to a municipality under AS 38.05.820 and AS 38.05.825. This designation applies to uplands, tidelands and submerged lands (NSEAP 3-3).”

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**

“Protect Pacific herring over-wintering area. Protect anadromous stream and estuarine areas where brown bears concentrate. These resources occur at specific locations within this unit. Contact ADFG for site specific locations of sensitive habitats authorizing development (NSEAP 3-323).”

### **Resources and Uses**

Pacific herring utilize this unit as an overwintering area. Sea otters have been reported in this unit. Juvenile and adult coho, pink, and chum salmon rear, school, spawn, and migrate through this unit...Commercial harvest of Dungeness, tanner, and both brown and red King crab occur within this unit. Commercial harvest of Pacific herring occur in this unit. Significant harvest of demersal shelf rockfish, lingcod, pollock, sablefish, Pacific cod, flounder, and other rock and ground fish are commercially harvested in statistical area 365804 which is located in this unit. Subsistence fishing also occurs in this area for salmon... (NSEAP 3-323).

11 AAC 55.230. “Wildlife Habitat Land. Land classified wildlife habitat is land which is primarily valuable for:

- A. Fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or
- B. A unique or rare assemblage of a single or multiple species of regional, state, or national significance (NSEAP 4-3).”

### **Fish and Wildlife Habitat and Harvest Areas Goals**

“Ensure access to public lands and waters to promote or enhance the responsible public use and enjoyment of fish and wildlife resources. When resource development projects occur, avoid or minimize reduction in the quality and quantity of fish and wildlife habitat. Contribute to Alaska’s economy by protecting the fish and wildlife resources which contribute directly or indirectly to local, regional and state economies through commercial, subsistence, sport and non-consumptive uses (NSEAP 2-10).”

#### Management Guidelines: Habitat Areas

“All land use activities will be conducted with appropriate planning and implementation to avoid or minimize adverse effects on fish, wildlife, or their habitats (NSEAP 2-10).”

#### Management Guidelines: Harvest Areas

“Parcels designated harvest are to be managed to ensure minimal disturbance to the harvest resources identified for a given area (NSEAP 2-15).”

“Uses adjacent to intensively used commercial, recreation, community, or subsistence harvest areas will not preclude access to harvest activities during the harvest or use season (NSEAP 2-17).”

Per the NSEAP, the applicant’s continued use of the dock is consistent with the designated land uses in the area which include Habitat (Ha) and Harvest (Hv). The leasehold is in a remote area; the floating dock has a minimal footprint on state-owned tide and submerged lands and is seasonally used from May through September. The dock does not impede access to state tidelands or submerged lands.

#### **Mineral Orders**

The proposed leasehold does not fall within the areas delineated in Administrative Mineral Closing Order (MCO) No. 770 (NSEAP, Appendix B – B-1). Neither a MCO nor a leasehold location order is necessary to or appropriate for this proposed leasehold.

#### **Local Planning**

Gull Cove is not an organized municipality. The lease area is within an unorganized borough, and not subject to local planning zoning ordinances.

#### **Traditional Use Finding**

Pursuant to AS 38.05.830, and after due consideration, we find that renewal of this lease is likely to have little or no effect on the density of the population in the immediate vicinity and that there is little potential for conflict with the known traditional uses of the land.

### **Access**

#### **Physical and Legal Access**

Physical access to the lease site is via state-owned tide and submerged lands in Gull Cove. Additional access to the leasehold is through applicant’s private upland Lot 1, depicted on USS 2879 Sitka Recording District.

#### **Access To and Along Public Waters:**

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. Under 11 AAC 51.045 and AS 38.05.127, DMLW is required to reserve specific public-access easements to and along these waters. Unless comments and other information submitted to DMLW provide

justifiable and convincing evidence to do otherwise, this disposal of state interest will be subject to a 50-foot public-access easement seaward of the line of mean high water.

### **Environmental Risk**

It is DMLWs management responsibility to protect the overall public interest if there is a reasonable expectation that a hazardous condition, or hazardous, toxic or radiological material or contamination from such material exists or is known to exist on the land being disposed of. No hazardous material or contamination from hazardous material is known to exist on the land proposed for lease authorization. Environmental risk associated with this proposed authorization and mitigation measures will be included within the stipulations of this lease agreement.

The applicant does not transport any fuel and/or hazardous substances via the floating dock and no gear storage occurs. Per ADFG Agency Review comment, grounding of the dock on the tidelands of Gull Cove is not of concern for this authorization.

### **Background**

- March 22<sup>nd</sup>, 2004 – Application received for a tideland lease for a floating dock in Gull Cove, Alaska
- June 1<sup>st</sup>, 2015 – 10-year Lease Agreement issued to Gull Cove Re, LLC, expires May 30<sup>th</sup>, 2025
- March 25<sup>th</sup>, 2025 – Renewal application received
- September 11<sup>th</sup>, 2025 – Active adjudication begins

### **Application Reviews**

#### **Agency Review**

An Agency Review was conducted from September 30<sup>th</sup>, 2025, to October 30<sup>th</sup>, 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
- 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 Comment and Response**

##### **ADFG – Access Defense Program**

**Summary:** ADFG has no objection to the authorization of this lease renewal; however, offer the following comments and recommendations:

1. ADFG generally recommends including provisions regarding the construction of private-use docks and breakwaters to ensure that no portion of any dock or

walkway grounds at any tidal stage, and that appropriate materials are used for dock construction. However, since this is a lease renewal, and while ADFG would have potential concerns if the site were in better Dungeness crab habitat, we do not have those grounding concerns for Idaho Inlet.

2. Ensure that spill response equipment, including absorbent pads, is readily available and maintained on-site.
3. Marine Mammals
  - a. If the lessee has documented any negative marine mammal interactions, we request to be kept informed of them. Please direct any relevant information to ADFG's Marine Mammal Program at [dfg.dwc.mmcomments@alaska.gov](mailto:dfg.dwc.mmcomments@alaska.gov) Report an injured, entangled, or dead marine mammal to the NOAA Fisheries Alaska Statewide 24-hour Stranding Hotline: 877-925-7773. For sea otters, contact the US Fish and Wildlife Service 1-800-362-5148 (business hours) or the Alaska SeaLife Center Hotline 1-888-774-7325 (24-hours).
  - b. To reduce risks:
    - i. Keep lines used to tether vessels taut and out of the water whenever possible to reduce the risk of entanglement.
    - ii. Dispose of food waste and garbage properly to avoid attracting marine mammals to the area.
    - iii. Store fuel securely to prevent entry into the marine environment. A spill kit should be kept on-site for any potential spills.
4. Avoiding Conflict with Wildlife
  - a. Wildlife Safety and Attractants: All fuel, trash, food, and other potential wildlife attractants (including petroleum-based products) must be properly stored. Using bear-resistant containers, electric fences, and maintaining a clean site will help reduce the likelihood of conflicts with bears and other wildlife. Attractants should not be left on site if no one is there overnight.
  - b. Guidance on staying safe in bear country and avoiding negative interactions can be found on ADFG's website.
  - c. Any human-wildlife conflicts should be reported to ADFG's Division of Wildlife Conservation.
  - d. Disposing of Fish Remains:
    - i. If cleaning fish on-site, chop remains into small pieces and discard them in fast-moving water.
    - ii. If processing fish elsewhere, dispose of waste at a waste transfer station or landfill, or freeze to eliminate odors and place in trash.
    - iii. Do not dispose of waste in slow-moving or still water.
    - iv. Use bear-resistant containers and follow local waste disposal guidelines.

- e. Defense of Life or Property (DLP): Shooting bears that access supplies stored on site is not considered a Defense of Life or Property action unless all attractants have been properly secured.
  - f. Feeding wildlife is illegal in Alaska and creates serious safety risks. Doing so to get pictures or for any other reason is strictly against the law. It can lead to aggressive animal behavior and often results in the animal being killed.
  - g. Responsible Wildlife Viewing: For guidance on responsible wildlife viewing, please refer to ADFG's Wildlife Viewing Ethics Page.
5. Eelgrass beds along the project area shoreline are ecologically sensitive habitats. To minimize disturbance, anchoring should be avoided and vessel access restricted in shallow areas.
  6. The activity at the floating dock should not interfere with public use of state waters for recreation, fishing, or access.
  7. 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 US Fish and Wildlife Service (USFWS). We recommend using the IPaC tool (<https://ipac.ecosphere.fws.gov/>) to identify USFWS trust resources that may be present within the project boundary, including determining the probability of presence during project activities.

**DMLW Response:** The applicant will be notified of all information within the ADFG comment.

## Discussion

This lease renewal is in the best interest of the State as the land under lease will continue to enhance public recreation and enjoyment of Alaska's waters for fishing and recreation. The floating dock continues to provide access to and from private uplands to state-owned tide and submerged lands. The applicant is in good standing and has a positive working relationship with DNR-DMLW.

The dock grounds on the tidelands at low tide periods. ADFG was notified during Agency Review and provided a comment stating that grounding of the floating dock will be allowed to continue at low tide within Gull Cove for this specific renewal. Any negative interactions with marine mammal or endangered species should immediately be reported to ADFG or USFWS.

## Recommendation and Preliminary Decision

### Authorization Type and Term

As provided by AS 38.05.070(e), DMLW has determined that it is appropriate to renew the expired lease issued to Johnson Trust dba Gull Cove Re, LLC, for a consecutive 10-year term, subject to the terms and conditions of the Lease Agreement (Attachment 2) and the following.

**Performance Guaranty**

Performance guaranties (PG) are means to encourage compliance with the terms and conditions of a lease and provide for a way to pay for corrective action should the user of state-owned land fail to meet those requirements. The amount of a PG should equal the possible costs the state would incur to terminate an agreement authorizing use of state land, and return the land to marketable and environmentally sound condition.

DNR-DMLW received a PG for \$4,500.00 in the form of cash bond. This PG is held throughout the life of the authorization and is accepted by DMLW for the renewal term.

**Insurance**

The applicant holds and maintains an insurance policy serialized as: GC1408147 that meets DNR-DMLW requirements, as required by Condition #24 and Additional Stipulation #12 of the lease document.

**Compensation and Appraisal****Annual Land Use Fee**

The original land use fee was \$1,000.00. DMLW received a Minimum Rent Determination from DNR – Appraisals Unit on October 7<sup>th</sup>, 2025, indicating the annual use fee will remain the same.

Annual Use Fee for Renewal: \$1,000.00 per year

**Periodic Rate Adjustment**

In accordance with AS 38.05.105, the annual rent payment will be subject to adjustment at five-year intervals after the issuance of the lease renewal.

**Reclamation**

In accordance with AS 38.05.090, the leasehold must be restored to a “good and marketable condition” as determined by DMLW within 120 days after termination of the lease.

**Survey**

DNR-DMLW accepted a development diagram dated March 22<sup>nd</sup>, 2004, for the issuance of the original lease in 2015. The same development diagram will be used for this re-issuance.

**Adjudicator Recommendation**

Based on the information provided by the applicant and other agencies, as well as review of planning documents, statutes, and regulations, I recommend approving a renewed lease.

  
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Quinn McClurg, Natural Resource Specialist III

12/9/25  
\_\_\_\_\_  
Date

**Unit Manager Concurrence**

The file has been reviewed and found to be complete. It is the finding of the Division of Mining, Land and Water, Southeast Regional Land Manager, that the renewal of this lease is appropriate. 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 31<sup>st</sup> day after issuance.

Mason Auger  
Mason Auger, Natural Resource Manager II

12/9/2025  
Date

**ATTACHMENTS:**

Attachment 1. Development Plan  
Attachment 2. Standard Lease Agreement

**PUBLIC NOTICE AND APPEAL PROCESS:**

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](mailto: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>.