

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

Final Decision

ADL 108541

Red Oak Valley, LLC dba Calder Mountain Lodge

Application for Lease

AS 38.05.070

This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated October 21st, 2025, and comprise the record of decision for this disposal of interest under AS 38.05.070(c).

Public Comment Received During Public Notice Period

The Point Baker Community Association would like to comment on the tideland lease application by Red Oak Valley, LLC, operating as Calder Mountain Lodge. Our Association, at its November 18th, 2025, meeting, voted to oppose the issuance of this lease.

Presently Calder Mountain Lodge rents approximately 24 skiffs to hundreds of clients in the course of the summer season. The community of Point Baker has about 20 residents that consist of commercial fishers, subsistence harvesters and retirees. Calder Mountain Lodge has a significant impact on the quality of life in Point Baker in the following ways:

- Depletion of local subsistence resources, mostly halibut and rockfish.
- An increase in local disturbances, dozens of skiffs entering and exiting the harbor from early morning until evening and generators running constantly.
- Congestion in our narrow harbor entrance which can be a hazard to incoming floatplanes.
- Buying available real estate which increases property values making purchase by potential year-long residents unaffordable.

Point Baker has no city government and thus has no ability to place limitations on lodge activities or control their expansion. Small rural communities such as ours must rely on the State's regulatory power through DNR along with leasing processes to have some control over activity in our harbor which is crucial to our community wellbeing. The opportunity to comment on proposed leases is very important to us.

The tidelands and submerged lands that are proposed for the lease already contain infrastructure. It appears to us that as this is a proposed lease and not a renewal, the existing infrastructure was built with no lease in place. We recognize that Red Oak Valley, LLC has apparently purchased the upland property without an existing lease in place, and we recognize that they are attempting to come into compliance with DNR requirements. However, we believe that granting a lease retroactively sets a bad precedent for how development proceeds in rural communities. The opportunity to comment on development activities which significantly affect our community is vitally important to us.

Should this lease be approved, Calder Mountain Lodge could potentially double the number of rental boats operating out of our community. This would greatly increase all of the impacts previously mentioned in this letter.

DMLW Response

The Division of Mining, Land and Water (DMLW) recognizes the importance of public review and the ability to comment on decisions proposed and authorized by the Department of Natural Resources (DNR). DMLW enables and encourages responsible development on state uplands, tidelands, and submerged lands after due consideration of comments received in Agency Review and Public Notice.

DMLW is adjudicating the tideland lease for the floating dock for Sunny Point Lodge (ADL 108541); however, the commenter discusses skiff congestion in relation to Calder Mountain Lodge and its associated, currently authorized dock (ADL 106202). The commenter also discusses property resale pertaining to Sunny Point Lodge (ADL 108541).

Concerns stated in Public Notice comment:

1. Increase of local disturbances, congestion of narrow harbor entrance
2. Depletion of local subsistence resources; rockfish and halibut
3. DMLW management authority

1. Increase of local disturbances, congestion of narrow harbor entrance

Calder Mountain Lodge's (ADL 106202) skiff rental in relation to the proposed lease for Sunny Point Lodge (ADL 108541) does not directly affect the Preliminary Decision and Final Finding and Decision for ADL 108541. However, DMLW will discuss skiff rental in relation to the overall density of Point Baker and mitigation strategies to reduce negative impacts that may be implemented for ADL 108541.

According to the owner of Calder Mountain Lodge and Sunny Point Lodge, a total of 24 skiffs is rented to lodge guests (Calder Mountain Lodge = 14-18 skiffs; Sunny Point Lodge = 6 skiffs). A total of 24 skiffs is used between both lodges; Sunny Point Lodge (ADL 108541) does not add an additional 14-18 skiffs; the number of boats will not double if the lease for Sunny Point Lodge is authorized.

The narrow entrance of Point Baker is a factor that DMLW was not aware of during the Preliminary Decision. This factor was stated as a concern during the Public Notice period. DMLW will consider all factors for traditional use under AS 38.05.830 "Before a sale, lease under AS 38.05.070 – 38.05.105, or other disposal of state land in the unorganized borough, the commissioner shall consider the effect that the sale, lease, or other disposal may be expected to have on the density of the population in the vicinity of the land, and potential for conflicts with the traditional uses of the land..."

DMLW will include a stipulation in the lease agreement that requires the lessee to provide information to lodge guests of Sunny Point Lodge operating rented skiffs on boater safety measures while navigating near floatplanes and narrow areas of Point Baker Anchorage. The lessee and lodge guests will be informed of the following: "Navigation Rules – US Coast Guard", "Alaska Boater Handbook" and "The Navigation Rules of the Road – A Reference Guide for Recreational Boats in Alaska".

Point Baker receives mail via floatplane once a week (Tue, Wed, Thur, or Fri), these days vary due to weather factors. Lodge guests arrive via floatplane; however, these are chartered flights and do not always have specific arrival times. Sunny Point Lodge and its guests are responsible for using safety measures mentioned in the boating safety handbooks mentioned above when operating near floatplanes and navigating the narrow entrance of Point Baker.

2. Depletion of local subsistence resources; rockfish and halibut

Subsistence fishing in the surrounding Point Baker area has a long-established history and is important for all residents of Point Baker. Subsistence fishing is a traditional use of the submerged lands surrounding Point Baker.

Alaska Department of Fish and Game (ADFG) manages state water subsistence halibut fishing, while NOAA handles the core federal subsistence program for rural residents. ADFG did not raise concerns about halibut or rockfish harvest/mortality numbers during Agency Review. NOAA did not comment on this Public Notice. DMLW conducted further coordination with ADFG to gain information on subsistence and sport fishing numbers for the specified species of fish: halibut and rockfish. However, the last household harvest data for rockfish was conducted in 1996, meaning there is no recent data to compare these surveys to. There were harvest numbers collected through the Subsistence Halibut Registration Certificate (SHARC) survey, however, that effort ended in 2014 and no new data has been collected.

Due to limited reporting and survey constraints, underlying causes for decline in harvest numbers in Southeast Alaska remain unclear. ADFG stated the decline in numbers could have multiple contributing factors but are not limited to: 1. Biological decline in fish populations; 2. Reduced allocation or quota changes in data; or 3. Decreased fishing efforts within Point Baker areas. The data obtained does not point to any one single cause, and it does not support the notion that increased efforts from a small number of fishing lodges are driving the trend.

3. DMLW management authority

Private property ownership and private property market values are outside the scope of DMLW's authority and the application for ADL 108541. Activities on private uplands, such as the use of generators, are outside the scope of this decision.

The applicant's leasehold currently contains infrastructure that has been installed since at least 2007, but the property has changed hands over the years making compliance and enforcement difficult. DMLW does not control when or how an applicant acquires private property. If there is an unauthorized existing infrastructure that requires authorization through the DMLW office on state land when purchased, DMLW works diligently with applicants to procure authorization. The current applicant is working to gain compliance with all DNR-DMLW and State of Alaska regulations. DMLW understands that authorizing a leasehold with existing infrastructure may not be preferred; however, DMLW is still within its authority to issue the lease at this time.

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. 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 38.05.070.¹ 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

12/24/25

Date

Appeal

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>.

¹ Authority to sign on behalf of the Commissioner has been delegated by memorandum dated 9/28/2001 to the Director of the Division of Mining, Land and Water, and redelegated from the Director to the Regional Managers.