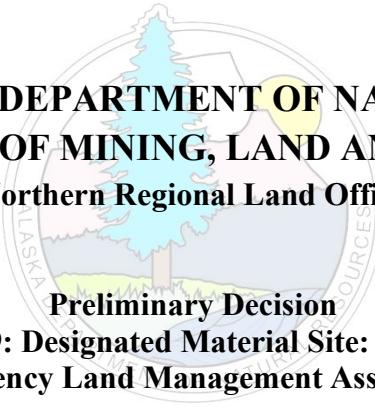


STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
Northern Regional Land Office



**Preliminary Decision**  
**ADL 422769: Designated Material Site: AS 38.05.550**  
**ADL 422767: Interagency Land Management Assignment: AS 38.05.020**

**Related Actions**  
**ADL 422768: Material Sale Contract: AS 38.05.555**

This Preliminary Decision (PD) is the State's preliminary best interest finding regarding a proposed disposal of interest in state land. The public is invited to comment on this PD. The deadline for commenting is **on February 13, 2026**. Please see the Public Notice section of this decision for requirements related to submitting comments for consideration.

**Requested Action**

The Department of Transportation and Public Facilities has submitted an application requesting the designation of a material site within the Noatak River. Additionally, they have requested an authorization for a bridge across Kuchoruk Creek (Attachment B, Tract III-B) and a runway protection zone within an unnamed lake in Section 18 (Attachment B, Tract II-B).

**Proposed Action**

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Northern Regional Land Office (NRO) proposes establishing the approximately 230 acre area as designated material site ADL 422769. This site designation would impose the following constraints on all future contracts issued pursuant to this designation:

- A plan outlining all mining, processing, and reclamation activities will be distributed to, at a minimum, the Alaska Department of Fish and Game (ADF&G), the US Army Corps of Engineers (ACOE), and the US Fish and Wildlife Service for review.

NRO also proposes issuing an Interagency Land Management Assignment (ILMA, ADL 422767) for Tract III-B for the bridge across Kuchoruk Creek. This parcel is an irregular shaped parcel with an area of approximately .14 acres, and shall be issued until no longer needed for airport purposes.

Lands within Tract II-B are not owned by the State, and DOT will need to seek authorization from the upland landowner.

Application materials also include a winter cross country travel route from the Delong Mountain Transportation System to Noatak: this is a separate action and will be considered in a separate process, LAS 35797.

## **Proposed Related Actions**

The related actions will be processed separately; however, public notice is being conducted concurrently. These include the following

ADL 422768, a material sale contract for 1,000,000 cubic yards to the Department of Transportation and Public Facilities. This action is dependent upon the site being designated pursuant to AS 38.05.550, and is not within the scope of this decision.

## **Scope of Decision**

The scope of this decision is to determine if it is in the State's best interest to designate this area as a material site (ADL 422769), and what, if any, additional operating requirements should be implemented specific to this site. The scope of this decision also is to determine if it is in the State's interest to issue an indefinite ILMA (ADL 422767), and what terms and conditions should be required. 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. All other aspects of the applicant's project are outside the scope of this decision.

## **Authority**

The file is being adjudicated pursuant Alaska Statutes AS 38.05.020 (authority and duties of the commissioner), AS 38.05.035(e) (best interest finding), AS 38.05.127 (navigable and public water), AS 38.05.550-565 (material sales), AS 38.05.945 (notice), and the Alaska Land Act as amended.

The authority to execute the Preliminary Decision and the Final Finding and Decision has been delegated to the Regional Managers of DMLW.

## **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 here-in, the 2008 Northwest Area Plan and other classification references described herein, and the casefile for the applications serialized by DNR as ADL 422769 and ADL 422767.

## **Location and Legal Description**

### **Material Site**

Location: The site is located approximately 2.5 miles downriver from Noatak.

Legal Description: Shorelands within the Noatak River in Sections 29 and 32, Township 25 North, Range 19 West, Kateel River Meridian, as depicted on Attachment A, excluding lands and interests transferred under Patents 50-2016-0064 and 50-2016-0065, containing approximately 230 acres, more or less.

#### **Bridge**

Location: The site is located approximately 1.75 miles southwest from Noatak.

Legal Description: Shorelands within Kuchoruk Creek within Section 19, Township 25 North, Range 19 West, Kateel River Meridian, as depicted as Tract III-B on Attachment B, containing approximately .14 acres, more or less.

Borough/Municipality: The site is located within the Northwest Arctic Borough.

Regional Corporation: The site is located within NANA boundaries. NANA is the successor in interest to Noatak Napaaktukmeut Corporation, the local Village Corporation. Corporation owned lands within the exterior boundaries of the proposed project area are excluded from designation and any future material sale contracts.

#### **Title**

The State of Alaska holds title to lands beneath navigable waterways within its jurisdiction, including lands underlying the Noatak River, Kuchoruk Creek on the basis of the Equal Footing Doctrine, the Submerged Lands Act of 1953 and AS 38.04.062 (Identification of State Submerged Lands).

In 1992, the Bureau of Land Management determined that while the unnamed lake partially within Tract II-B was greater than 50 acres and thus subject to parcel segregation from the uplands (i.e. meandering), it was not navigable for title purposes. While the lakebed is not specifically included in the patents of the surrounding uplands, the lakebed belongs to upland owners through riparian rights.

#### **Adjacent Landowners**

NANA owns lands (surface and subsurface) adjacent to, or partially surrounded by, the proposed material site. The northwest section of the site is adjacent to a native allotment, USS 6765. Nana owns the uplands adjacent to Tract III-B (Kuchoruk Creek).

#### **Third Party Interests**

RST 122 crosses within the boundaries of ADL 422769.

## **Background**

The Noatak airport is located near the Noatak River, which has seen accelerated riverbank erosion towards the airport property in recent decades. Studies and analysis assessing Noatak Riverbank Erosion were conducted in 2003, 2013 and 2015 and concluded that Noatak Riverbank erosion will continue for the foreseeable future. While exact erosion timelines are difficult to predict with accuracy, continued erosion is a virtual certainty. 2025's Typhoon Halong accelerated erosion and now imminently threatens core airport facilities and therefore also jeopardizes the Noatak community which relies on safe and reliable air transportation service.

## **Planning and Classification**

These proposed actions are located within the Northwest Area Plan, although they are not in any designated planning unit. Rather, they are Navigable waterbodies not within State-owned or State-selected land.

The Noatak River is navigable, and thus the shorelands proposed for the material site are designated Habitat. Lands designated Habitat "will be maintained in an undisturbed, natural state except for improvements related to public health, safety ...". This designation is crucial to facilitate the Noatak Airport relocation project to ensure continued access to medical facilities and importation of crucial supplies. This project is clearly related to public health and safety.

Kuchoruk Creek is not anadromous and thus is designated General Use. These lands are to be managed to allow a diversity of uses consistent with those allowed on the surrounding uplands. The proposed use is not only consistent with, but actually necessitated by, the upland use of an access road to an airport.

The proposed actions are consistent with the Northwest Area Plan management intent, designation, and applicable classifications.

## **Traditional Use Finding**

The proposed project is entirely within the Northwest Arctic Borough, therefore a Traditional Use Finding is not required.

## **Access**

The proposed material site is accessible with landowner permission via the uplands; public access is available via the Noatak River.

Tract III Parcel B will be accessible via DOT&PF acquired authorizations.

## **Waterbodies**

The Public Access Assertion and Defense Section has determined this project is located exclusively within navigable waters.

### **Access Along Navigable and Public Waters**

AS 38.05.127 requires that when the department is disposing of any interest in state land, DNR identify navigable and public waters, and easements necessary to ensure access along the water is to be reserved unless regulating or limiting access is necessary for other public purposes.

Noatak River: PAAD has determined the Noatak River is navigable in this location. In these locations, all lands will be retained in State ownership. During periods of active winter mining, traffic may shift to other areas of the Noatak River. During periods of open water, travel likely occurs in the thalweg of the river and is unlikely to be impacted by mining. There is no need to establish a .127 in this location to ensure continued access. It is noted that RST 122 crosses through this site. During periods of active extraction, public access will likely need to be restricted for safety reasons. However, the existing route utilizes both uplands, gravel bars, and main channels. We believe winter users could relatively easily reroute around the active operations.

Kuchoruk Creek: PAAD has determined the Kuchoruk Creek is navigable in this location. There is currently no public access easement to or along the river; any public access usage is likely to be within the bed of the river where access is protected under AS 38.05.126. There is no need to establish a .127 in this location to ensure continued access.

### **Public Trust Doctrine**

Pursuant to AS 38.05.126, all authorizations within 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, DMLW is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

### **Mineral Orders**

Mineral orders (closing), where established, close an area to new exploration and development of locatable minerals. Such mineral orders do not apply to leasable minerals (such as oil, gas, coal, etc.), or exploration licensing for such, nor do they preclude reasonable surface access to these resources. There are no mineral claims in the vicinity of the project, and this office believes the risk of any potential conflict is low. A Mineral order (closing) is not required at this time.

### **Environmental Risk**

There are no known environmental contaminants within the subject lands.

## Agency Comments

Because of the urgent nature of this request, as well as the extensive agency coordination done during the Environmental Assessment process, Agency Review is being conducted concurrently with Public Notice and will be sent to the following:

Rachel Longacre, Director's Office, Division of Mining, Land and Water (DMLW), DNR  
Realty Services Section (RSS), DMLW, DNR  
Public Access Assertion & Defense (PAAD), DMLW, DNR  
Resource Assessment & Development Section (RADS), DMLW, DNR  
Office of History and Archeology (OHA). Division of Parks, DNR  
Heather O'Claray, Statewide Right-of-way (ROW) Chief, Alaska Department of Transportation & Public Facilities (DOT&PF)  
Audra Brase, Regional Supervisor-Fairbanks, Habitat Division, Alaska Department of Fish and Game (ADFG)  
ADFG Access Defense  
United States Fish and Wildlife Service (USFWS)  
United States Army Corps of Engineers (USACE)

## Public Notice

Pursuant to AS 38.05.945, this PD will be advertised for a 30-day public comment period, starting on January 14, 2026. In addition, the Noatak post office located near the proposed material site designation will be requested to post the notice pursuant to AS 38.05.945(b)(3)(C). The notice will also be posted on the State of Alaska Online Public Notice website pursuant to AS 38.05.945(b)(3)(B) located at: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>

In accordance with AS 38.05.946, the Northwest Arctic Borough is a municipality entitled to receive notice under AS 38.05.945(c), and may hold a hearing within 30 days after the receipt of the notice.

The public is invited to comment on this PD. All comments received during the public comment period will be considered in the FFD. A copy of the FFD, along with instructions on filing an appeal, will be sent to all persons who comment on the PD. If public comments result in significant changes to the PD, additional public notice may be given.

To be eligible to appeal, a person affected by the FFD must provide written comments during the public comment period per AS 38.05.035(i).

**Written comments about this project must be received in this office no later than  
on February 13, 2025 to be considered.**

To submit comments please choose one of the following methods:

Mail: Department of Natural Resources  
Division of Mining, Land and Water  
Northern Region Office  
ATTN: AJ Wait  
3700 Airport Way  
Fairbanks, Alaska 99709  
Email: nro.lands@alaska.gov  
Fax: (907) 451-2751

Questions about this project can be directed to AJ Wait at (907) 451-2740.

### **Survey and Appraisal**

ADL 422769: A survey for this material site is not required per AS 38.04.045. DMLW may require a survey in the future, should conditions arise that warrant a survey. If a survey is required, the future contract applicant will be responsible for the costs of the survey.

ADL 422767: DOT&PF has provided a parcel map for Tract III Parcel B. This map is sufficient to locate the parcel and no additional survey is required.

### **Discussion**

This decision is for two distinct actions related to the Noatak Airport relocation project:

- ADL 422769: A material site designation
- ADL 422767: An Interagency Land Management Assignment for a bridge across Kuchoruk Creek as part of the access road to the new airport.

The Noatak River is a dynamic river and erosion has been an ongoing issue for the community. The first known erosion control structure was constructed in the 1960's and several more have followed. Erosion continues to occur: a 2013 study estimated an average loss of 20 feet per year at the airport. This erosion now poses an existential threat to the functionality of the airport itself, with the apron significantly impacted. The runway itself has not been impacted yet, but it is anticipated to reach the runway sometime in the next two years. DOT&PF is taking active measures to protect the runway from erosion until the new airport is constructed.

Noatak is not accessible by road or barge. The authorizations contemplated in this decision are part of the overall airport relocation project in a safer location. An extensive Environmental Analysis addressing multiple alternatives was completed in 2024.

DMLW proposes to grant an ILMA for a bridge across Kuchoruk Creek until no longer needed for airport purposes under ADL 422767. This will ensure DOT&PF has sufficient site control to meet Federal Aviation Administration (FAA) funding requirements.

The parcel has an irregular shape, but is approximately 300' wide and 20' long. It is exclusively between the banks of Kuchoruk Creek. The proposed clear-span bridge would have an

approximate 5.5' clearance between the bottom of the superstructure and the Ordinary High Watermark of the creek (low chord height). There has historically been a bridge across the creek approximately ¼ miles upstream of this location. The low chord height is unknown, but based on photos provided by DOT&PF this historic bridge had less clearance than the currently proposed bridge. This office received no complaints regarding that bridge restricting boats, and no concerns regarding bridge height of the currently proposed bridge during the Environmental Analysis process. Based on this, while a low chord height of 5.5' might be problematic in other locations, it is sufficient in this location.

While infrastructure such as bridges are predominantly authorized by an easement, in this case an ILMA was determined to be a more appropriate authorization type. It is anticipated that an ILMA transferring full surface management of these lands to DOT&PF will better match the rights acquired from the surrounding landowners, as well as compliance with FAA funding requirements that this parcel be used exclusively or primarily for airport purposes.

The proposed action is the designation of an approximately 230 acre material site. This airport will require significant quantities of material, currently estimated at one million cubic yards. There are currently no developed upland material sources in the vicinity of Noatak; there is one small designation site at Noatak itself (ADL 419744), but that site is only approximately 13 acres and is incapable of producing the required quantities of material. Designation of this new larger site would enable the current airport relocation project, as well as other future community projects. The urgent nature of this request means there remains significant coordination required to identify appropriate mitigation measures for mining operations within this site. Additionally, the dynamic nature of the river means site conditions and mitigation measures may change over time. As such we are imposing the following requirement on all contracts issued from this site.

- A plan outlining all mining, processing, and reclamation activities will be distributed to, at a minimum, the Alaska Department of Fish and Game (ADF&G), the US Army Corps of Engineers (ACOE), and the US Fish and Wildlife Service for review.

The designation of this material site as well as authorizing a bridge across Kokoruk Creek are both necessary for the airport relocation project. This project itself is necessary to ensure reliable year-round transportation to and from Noatak. Because of the importance and urgency of this project to the community, no alternatives were considered.

## **Material Site Designation**

The material site is being designated under disposal of material statutes AS 38.05.550 and AS 38.05.555. This decision will designate this site as a material site for the long-term sale and extraction of materials until closed by DMLW. Once this designation is effective, DMLW intends to sell material to DOT&PF.

Although DMLW may continuously sell materials without further finding or notice once the site is designated, the DMLW must also ensure that state land and natural resources be available for maximum use consistent with the public interest. To that end, DMLW will continue to carefully

review individual sale requests and operation plans once sites have been designated, to ensure resource consideration and multiple use issues are appropriately evaluated.

### **Preliminary Decision**

Based upon available information, as well as review of relevant planning documents, statutes, regulations, and case files related to this application, I find that designating ADL 422769 material site, as well as granting an ILMA, ADL 422767, may be in the state's best interest. This decision considers ownership of the site, the need for reasonable access to material sources in the region and the project site, and agency concerns. This project will help meet transportation needs for the community of Noatak. It is approved to proceed to public notice. Additional operating requirements identified during the Agency Review and public comment period may be included in the Final Finding and Decision and subsequent authorization.

Once designated, individual contracts may be issued from this site without additional public notice. Material extraction activities in the site will be consistent with mining and reclamation guidelines approved by DNR which will incorporate any site-specific operating requirements outlined in this document.

  
AJ Wait  
Natural Resource Manager 2

1/26/2026

Date

### **Attachments**

Attachment A—Site Map

Attachment B—ILMA Location

Attachment C— Sample Mining and Reclamation Plan

Attachment D— Sample Material Sale Contract