

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Division of Mining, Land and Water

Administrative Decision

ADL 232734

Department of Transportation & Public Facilities

Interagency Land Management Assignment

AS 38.05.020

Requested Action

On October 4, 2022, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), received an application from the Department of Transportation & Public Facilities (DOT&PF) on State-owned, DMLW-managed shorelands near Aniak, to modify the term of an existing Runway Protection Zone Interagency Land Management Assignment (ILMA) from 25 years to indefinite.

Recommended Action

It is recommended that the term be modified as requested to reflect an indefinite term.

Scope of Decision

The scope of this decision is to determine if it is in the State's interest to extend the term of this ILMA. 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.

Statutory Authority

This application is being adjudicated pursuant to AS 38.05.020(b)(2).

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, and the casefile for the application serialized by DNR as ADL 232734.

Location Information

Geographic Location

The applicant has requested that DMLW modify the term of an existing ILMA near Aniak, Alaska.

Meridian Township Range Section

Certain submerged lands identified as Tract III within Section 2, Township 17 North, Range 57 West, Seward Meridian, as depicted on Attachment B.

Other Land Information

Municipality: N/A.

Regional Corporation: Calista Corporation.

Title

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying the tidal channel in the section(s) referenced above, on the basis of the Equal Footing Doctrine, the Submerged Lands Act of 1953, and AS 38.04.062 (Identification of State Submerged Lands).

Any State-owned, DMLW-managed lands, or State-selected lands that may be managed by DMLW in the future that are crossed by the authorization considered herein at the time of this decision, which are omitted from this list, and are subsequently identified, are included in this decision. Navigable and public water determinations are subject to change pursuant to future findings.

Third Party Interests

The project footprint is currently within the bounds of the existing ILMA to DOT&PF. No additional third-party interests are impacted by modifying the term of the authorization.

Planning & Classification

The existing ILMA serialized as ADL 232734 is not within an area plan and is not currently classified. Pursuant to 11 AAC 55.040(i)(7), classification is not required for issuance of an ILMA and no new authorization is being created by way of modifying the term of the existing ILMA.

Access

Functional legal access to this project area exists via the DOT&PF managed Aniak Airport.

Agency Review and Public Notice

Given the de minimis nature of this request, application notice was not conducted. Notice of this decision will be distributed via the Public Notice Website, and sent to the following parties:

Alaska Department of Fish & Game (ADF&G) Access Defense Program

Calista Corporation

Village of Aniak

The Kuskokwim Corporation

Kwik Incorporated

Environmental Considerations

Staff evaluate environmental factors directly related to the authorization of use of state lands, specifically whether the approval of 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 or not to approve the authorization.

Modifying the term of the existing ILMA to provide for an indefinite authorization will pose no additional environmental risk to the State submerged lands underlying the existing ILMA.

Discussion

On May 1, 2017, DMLW issued an ILMA over submerged lands associated with the Aniak airport to establish a Runway Protection Zone for a term of 25 years. On October 4, 2022, a request was submitted from DOT&PF to extend the term of several existing ILMAs to indefinite, including ADL 232734. DOT&PF's request states that that airports are federally obligated and therefore require long-term protection, stating specifically;

“Airport projects are typically funded by grants through the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) which requires the grant recipient to maintain adequate title to airport lands for public airport purposes. The cyclical nature of the construction and reconstruction of airport runways, buildings and lighting, etc., generally obligates airport property for AIP purposes as long as most airports are actively maintained for public use. While DNR land assignments are generally created without cost, DOT staff time for airport land acquisition activities is charged to AIP grants. Unlike infrastructure, AIP grant obligations for property acquisition activities persist until the FAA agrees to release said obligations in conjunction with airport closure. The broad range of DOT staff positions that charge to AIP grants, and the similar broad range of tasks performed by staff in those positions, makes accounting of work by specific acquisition parcel infeasible. The FAA therefore generally considers all lands in AIP funded airports to be obligated until the FAA concurs that the obligation is released in conjunction with airport closure irrespective of whether AIP funds have been directly used to fund the purchase of airport lands.”

DOT&PF further noted that DMLW has consistently granted indefinitely termed ILMAs for DOT&PF managed airports for the majority of statehood, with the exception of a short period from 2014 to 2017 and outlined the current request as a return to longstanding approach.

SCRO concurs that the requested term modification is necessary and appropriate given the fact pattern outlined by DOT&PF. ADL 232734 will be modified to reflect an indefinite term, with all other provisions of the original ILMA remaining unchanged.

Survey

The portion of the Aniak Airport covered by this ILMA is depicted in the attached graphic prepared by DOT&PF. No additional survey is necessary for the modification of the term of the existing ILMA.

Fees

This project is in the public interest, as it will enable the safe and orderly operation of a public airport. Per 11 AAC 05.020(b), land use fees are hereby waived.

Term

The authorization requested under ADL 232734 will be issued for an indefinite term from the effective date of this decision.

Following termination, whether by abandonment, revocation, or any other means, the applicant shall rehabilitate the site(s) to a condition that is acceptable to DMLW.

Recommendation

Based upon the information provided by the applicant, as well as review of relevant planning documents, statutes, and regulations related to this application, it is the recommendation of staff to issue an ILMA as described above, on the condition that all stipulations are followed as described in the attached authorization.

Annalee Cunningham

Annalee Cunningham, Natural Resource Specialist 2
DMLW, Southcentral Regional Land Office

04/09/2026

Date

Manager's Decision

Based on information provided by the applicant, and review of relevant planning documents, statutes, and regulations related to this application, it is the decision of the DMLW to issue an ILMA to [DOT] as recommended above. During the term of the ILMA, periodic inspections may be conducted, at the discretion of DMLW, to ensure compliance. DMLW reserves the right to issue other compatible uses within this same area.

This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance.

Brent Reynolds

Brent Reynolds, Natural Resource Manager 2
DMLW, Southcentral Regional Land Office

4/09/2026

Date

Attachments

Attachment A: Diagram or map

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:

