

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

**Administrative Decision**

ADL 230224

Department of Transportation & Public Facilities  
Interagency Land Management Assignment

AS 38.05.020

**Requested Action**

On December 07, 2007, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Southcentral Regional Land Office (SCRO) issued a decision of approval for an Interagency Land Management Assignment (ILMA) to Department of Transportation & Public Facilities (DOT&PF; the applicant) serialized as ADL 230224. The purpose of the ILMA was to protect airspace within the Runway Protection Zones (RPZ) for the Nightmute Airport from obstructions and hazards over the submerged lands in Tract VII, Parcels A, B, and C over the Toksook River. On December 27, 2023, DNR DMLW SCRO received an application from DOT&PF for the amendment of the existing ILMA to allow for construction of a barge landing, as the original authorization stated that no development or construction will be allowable on the submerged lands of Tract VII, Parcels A, B, and C.

**Recommended Action**

DMLW recommends the ILMA be amended to eliminate language precluding development<sup>1</sup> within the ILMA to allow for construction of a barge landing in support of the Nightmute Airport.

**Scope of Decision**

The scope of this decision is to determine if it is in the State's interest to create an ILMA for the proposed use. 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 ILMA application is being adjudicated pursuant to AS 38.05.020.

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<sup>1</sup> ADL 230224 ILMA, Page 1, Paragraph 3

## **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, and the casefile for the application serialized by DNR as ADL 230224.

## **Location Information**

### **Geographic Location**

The applicant has requested that DMLW authorize an ILMA near Nightmute, Alaska.

### **Township Range**

The applicant has applied to use state-owned, DMLW-managed shorelands within Sections 34, Township 5 North, Range 88 West, Seward Meridian, Alaska as depicted on Attachment A.

### **Other Land Information**

Regional Corporation: Calista Corporation

Village Corporation: Chinuruk Incorporated

Federally Recognized Tribe: Native Village of Nightmute

## **Title**

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying Toksook River 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).

## **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 State-owned lands affected by the ILMA are encompassed within an area that currently does not have an Area Plan. 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 Nightmute Airport.

## **Agency Review & Public Notice**

### **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, as well as sent to the following parties:

- Alaska Department of Fish & Game (ADF&G) Access Defense Program
- Calista Corporation
- Chinuruk Incorporated

### **Environmental Consideration**

This decision considers the environmental factors directly related to the authorization for 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.

Environmental contamination risk associated with this proposed ILMA is minimal. Fuel, lubricants, and other hazardous materials will be restricted to those necessary and will be contained within vehicles and vegetation clearing equipment when such equipment is necessary for right-of-way maintenance. No fuel or other hazardous materials will be stored on site. There are no other known environmental considerations or constraints in this location. The applicant is ultimately responsible for determination of site suitability.

### **Discussion**

The original ILMA issued to DOT&PF stated that no development or construction will take place on the submerged lands of Tract VII, Parcels A, B, and C. Per this decision, ADL 230224 is hereby amended to allow construction of a barge landing on the bank of the Toksook River in Tract VII, Parcel B. There are no other changes to the boundaries, term, or intent of the ILMA as originally issued on January 25, 2008.

### **Survey**

The portion of the Nightmute 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**

There are no fees associated with this amendment request.

### **Term**

The authorization under ADL 230224 will be issued for an indefinite term. 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 Sims*

Annalee Sims, Natural Resources Specialist 2  
DMLW, Southcentral Regional Land Office

04/14/2026

Date

## 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 amend the ILMA currently issued to DOT&PF 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 first business day after the twentieth calendar day after signature.

*Brent Reynolds*

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

4/14/2026

Date

## Attachments

A: Nightmute Airport Survey

## 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](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>.

