



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

Administrative Decision

ADL 234681

Department of Transportation & Public Facilities
Interagency Land Management Assignment
AS 38.05.020

Requested Action

On May 14, 2025, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), received an application for an Interagency Land Management Assignment (ILMA) from the Department of Transportation and Public Facilities (DOT&PF) for a parcel containing 8.82 acres, more or less, to be used as a Runway Protection Zone (RPZ) in support of the Red Devil, Airport.

The project consists of airspace over one parcel of submerged lands beneath the Kuskokwim River. This land in question is necessary to protect airspace within the RPZ from obstructions and hazards in accordance with Federal Aviation Administration (FAA) requirements. While no development is currently being proposed, DOT&PF also requests that the ILMA allows for construction of physical improvements such as bank armoring or barge landing, in case the need arises at a later date. However, DOT&PF does not propose to close this section of the Kuskokwim River to recreational or commercial boating, fishing, hunting, trapping, or other general recreational activities.

Recommended Action

An Interagency Land Management Assignment with the following elements should be issues:

- Grantee: Alaska Department of Transportation and Public Facilities
- Width: Variable
- Length: Variable
- Acreage: Approximately 8.82 acres overall
- Term: Indefinite

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(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 here-in, the 1998 Kuskokwim Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 234681.

Location Information

Geographic Location

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

Township Range

The applicant has applied to use state-owned, DMLW-managed uplands and submerged lands within Section 31, Township 20 North, Range 44 West, Seward Meridian, Alaska as depicted on Attachment A.

Other Land Information

Municipality: Red Devil, Unincorporated
Regional Corporation: Calista Corporation
Village Corporation: Village of Red Devil

Title

The State of Alaska holds title to lands within Section 31 of Township 20 North, Range 44 West, Seward Meridian, Alaska on April 25, 1964, under Patent Number 1235920, which is serialized by DNR as OSL 802.

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

There are no third-party interests within the boundaries of the proposed ILMA.

Planning & Classification

The requested ILMA is located within the boundaries of the 1988 Kuskokwim Area Plan, Management Unit 16: Holokuk-Oskawalik. The submerged lands of the Kuskokwim are not classified in this unit, however pursuant to 11 AAC 55.040 (i)(7), classification is not required for issuance of an ILMA at this site.

Chapter 2 of the Kuskokwim Area Plan discusses the management policies for several specific land management concerns (pg. 2-1). On page 2-24, the plan states the goals of the Public Access

section are to maintain, enhance, or provide adequate access to publicly owned land and resources. DOT&PF has applied to keep the airspace above Tract II over the Kuskokwim River clear of obstructions, therefore restricting access in the airspace. However, DOT&PF notes that the creation of the ILMA will not restrict navigation on the Kuskokwim River.

Regarding the request for future physical improvements in Tract II, the plan identifies guidelines for activities both in and along streams in section's Fish and Wildlife Habitat and Stream Corridors and Instream Flows of Chapter 2. It states that soil erosion should be kept to a minimum by restricting removal of vegetation and that structures constructed in fish habitat be designed to minimize impacts on fish. (pg 2-45; 2-10).

As requested, DOT&PF's ILMA request does not conflict with the management guidelines of the Kuskokwim Area Plan.

Access

Functional legal access exists to the proposed ILMA via an airstrip at the Red Devil Airport.

Agency Review & Public Notice

Agency Review Summary

Agency Review of the application was conducted from January 8, 2026, to February 10, 2026. The notice was sent to the following recipients:

State Agencies

- DNR Division of Oil and Gas, State Pipeline Coordinator Services
- DNR Division of Parks and Outdoor Recreation (DPOR), and Office of History and Archeology
- DNR DPOR Permitting
- DNR Alaska Mental Health Trust Land Office
- Department of Transportation and Public Facilities (DOT&PF) – Statewide Right of Way
- Alaska Department of Environmental Conservation (DEC) – Division of Water, Alaska Pollutant Discharge Elimination System Program
- DEC, Environmental Health, Drinking Water Program and Solid Waste Program
- DEC, Spill Prevention, Contaminated Sites
- Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs
- Department of Fish and Game (ADF&G) – Habitat, Southcentral
- ADF&G – Wildlife Conservation, Access Defense

Federal Agencies

- U.S. Army Corps of Engineers
- Federal Aviation Administration

Agency Review Comment & Response

A total of three (3) comments were received during the agency review and are summarized below:

Comment: On January 8, 2026, the U.S. Army Corp of Engineers stated they have no specific comments regarding this proposal; however, they did provide the following information:

Department of the Army authorization is required if anyone proposes to place dredged and/or fill material into waters of the U.S., including wetlands and/or perform work in navigable waters of the U.S. A copy of the DA permit application can be found online at www.poa.usace.army.mil/Missions/Regulatory. Sample drawings can also be found on our website at www.poa.usace.army.mil/Portals/34/docs/regulatory/guidetodrawings2012.pdf. Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified by the Alaska District. Aquaculture structures and work would require Section 10 Authorization. You [or the owner] are welcome to submit a preapplication meeting request, a jurisdictional determination request, or a permit application directly to our general mailbox (regpagemaster@usace.army.mil) and you will be assigned a project manager to assist you. Please feel free to contact our main line if you have any questions or concerns at 907-753-2712.

Response: SCRO acknowledges the information provided and has passed it along to the applicant.

Comment: On February 5, 2026, ADF&G stated they have no objection to the issuance of this ILMA; however, they offered the following comment:

Various activities on fish-bearing water bodies can require a fish habitat permit, such as bridges, culverts, water withdrawals, stream crossings, or bank modifications. If any activities occur in the future, please contact the ADF&G Habitat office at (907) 267-2342 or dfg.hab.infoanc@alaska.gov.

Response: SCRO acknowledges the information provided and has passed it along to the applicant.

Comment: On February 10, 2026, DEC provided a comment regarding an active contaminated site near the ILMA. Per DEC, “I manage the active contaminated site identified as the Red Devil Corporation Fuel Tank Farm (ADEC File No. 2442.38.002). The property is known to the U.S. Bureau of Land Management (BLM) as the Middle Kuskokwim Electric Cooperative, Inc. (MKEC) Fuel Tank Farm and is located on Lot 3, United States Survey 3771, Red Devil, Alaska (the

Property). The property is approximately 600 feet southwest of Tract II. This active contaminated site has documented soil and groundwater contamination and has not been fully delineated. The tank farm utilizes a pipeline that exits the northeast side of the tank farm and runs along the northeast side of the property. This pipeline is used to transfer fuel between barges on the river and the tank farm. If any soil disturbance is planned in the vicinity of the pipeline, coordination with DEC and MKEC will be necessary, and a soil management plan may be required.”

Response: SCRO acknowledges the information provided and has passed it along to the applicant.

Public Notice Summary

Public Notice of the application was conducted from January 8, 2026, to February 10, 2026. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Red Devil Post Office and Jack Egnaty Elementary School. The notice was also sent to the following recipients:

- The Kuskokwim Corporation
- The City of Bethel; Planning
- Association of Village Council Presidents
- Village of Red Devil

Public Notice Comment & Response

No comments were received during the public notice period.

Discussion

Staff recommend that an ILMA be issued for the submerged lands of Tract II beneath the Kuskokwim River for an indefinite period of time from the effective date of this decision for the purpose of restricting the airspace from obstructions that penetrate or may penetrate the area. Additionally, Staff recommend that DOT&PF be allowed to construct physical improvements such as bank armoring or a barge landing if the need arises.

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.

Survey

A DMLW approved as-built survey is unnecessary for land management purposes of this ILMA, as the ILMA footprint is locatable and clearly depicted as Tract II of the attached exhibit.

Fees

Per 11 AAC 05.020(b), staff recommend that interim and one-time issuance fee(s) for this authorization are waived as the request is in the public interest. Staff further recommend that the ILMA document be sent to the Recorder "State Business - No Charge" as the applicant is a state agency.

Term

The authorization requested under ADL 234681 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 Resource Specialist 2
DMLW, Southcentral Regional Office

05/13/2026
Date

Manager's Decision

Based on information provided by the applicant, agency and public review, 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 ADOT&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 31st calendar day after issuance.

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

5/13/2026
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>.

