

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

Southcentral Regional Land Office

Memorandum of Decision

LAS 28980

DMLW SOUTHCENTRAL REGIONAL LAND OFFICE

Application for Land Use Permit

AS 38.05.850

Proposed Action

The Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW), Southcentral Regional Land Office (SCRO) proposes to offer, by lottery, one Kasilof River Mooring Buoy Permit designated as buoy number 117. The successful awardee will receive a 5-year permit for commercial use of the buoy, serialized as LAS 28980.

Scope of Decision

The scope of this decision is limited to determining if it is appropriate for the Department of Natural Resources (DNR) to offer by lottery a land use authorization for the proposed land use activity.

Statutory Authority

This permit is being adjudicated pursuant to AS 38.05.850.

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, the Kasilof River Mooring Buoy General Permit serialized as ADL 231317, and Kasilof River Mooring Buoy Permit casefile LAS 28980.

Location Information

Geographic Location: Located within the lower Kasilof River at buoy site 117, approx. 3 river miles from the mouth of the river.

Latitude: 60.3721° N **Longitude:** 151.2878° W **Datum:** NAD83

Legal Description: SE1/4SW1/4 of Section 1, Township 3 North, Range 12 West, Seward Meridian

Other Land Information

Borough/Municipality: Kenai Peninsula Borough

Regional Corporation: Cook Inlet Region, Inc.

Federally Recognized Tribe: Ninilchik Traditional Council (South of Kasilof River) &

Kenaitze Indian Tribe (North of the Kasilof River)

Title

The acquisition authority for tide and submerged lands is found under the Submerged Lands Act of 1953 and the Equal Footing Doctrine.

The Kasilof River and the lands underlying, from the mouth upstream 13 miles are state-owned and have been determined as a state navigable waterway through a Recordable Disclaimer of Interest serialized as AA-085446 on August 15, 2005.

Planning & Classification

Kenai Area Plan (KAP), January 7, 2000; Region 6 (Kasilof River Drainage). The KAP designates this area as Wildlife Habitat, Public Recreation and Tourism, and Waterfront Development.

Kasilof River Special Use Area (KARSUA), May 26, 2011; KARSUA is serialized as ADL 230992 located in the Lower Kasilof River Unit KT.

Third Party Interests

Third-party interests related to this activity and the Kasilof River mooring buoys include the U.S. Army Corps of Engineers, which holds jurisdiction in this area under Section 10 of the Rivers and Harbors Act of 1899.

Public Notice & Agency Review

Agency Review Summary

An agency review is not being conducted for the awarding of buoy 117 via lottery as the Kasilof River Mooring Buoys are authorized as general permits issued “over the counter”.

Public Notice Summary

A 14-day public notice and solicitation of interest is being conducted starting on May 27, 2026 and ending on June 10, 2026. The solicitation of interest is to provide the public with information regarding the lottery process.

Environmental Considerations

The environmental risk associated with seasonal mooring buoys is minimal. General permit stipulations address potential risks such as site disturbance, spill notification, and the applicant’s use of the buoy.

Discussion

SCRO determined that Kasilof River Mooring Buoy numbers 105, 113, 116 and 117 were vacant and could be made available for permitting. Subsequently, three separate interested parties expressed interest in obtaining permits for these four buoys, which resulted in a greater demand than the number of available buoys. Since there were four available buoys and three interested parties, SCRO offered one buoy permit to each interested party. The three buoys that were offered included buoys 105, 113, and 116.

For buoy 117, SCRO has determined that this permit will be offered through a lottery drawing process in an effort to make it available to the interested parties in an equitable manner. This decision is supported in regulation under 11 AAC 96.030(f) which states “*if the number of qualified applicants exceeds the number of land use permits allowed under (e) of this section, and the department decides to issue one or more permits, the department will award permits using a competitive process including public outcry auction or sealed bid auction using one of the land use fees or visitor day use fees applicable to the permit under [11 AAC 05.180\(d\)\(2\)](#) as a bid variable, or by lot.*”

Further information and guidelines on the lottery will be listed in the final lottery brochure and public notice.

Performance Guaranty and Insurance

SCRO will not require permit applicants to furnish a performance guaranty (11 AAC 96.060) or insurance (11 AAC 96.065) prior to permit issuance due to the limited risk and temporary nature of this activity. General permit stipulations will reserve SCRO’s ability to require a performance guaranty or insurance at any time it is if determined to be in the best interest of the State.

Permit Fees

The general permit is subject to an application fee for every issuance and an annual use fee of each year authorized under the permit. The annual permit fee is required for (F) land use permit under [AS 38.05.850](#) for commercial use of a structure or facility not covered by (G) of this paragraph, such as a commercial mooring buoy, fish holding pen, log storage, A-frame logging, or equipment staging area for a construction project, \$750 annually for the first acre, plus \$300 for each additional acre. As per the Director’s Fee Order No. 3, the fee amount is reduced to \$600 annually for the first acre, plus \$240 for each additional acre.

Filing Fee: \$240.00, every five years

Use Fee: \$600.00 per year

Relevant Fee Regulation(s): 11 AAC 05.180(d)(1)(c), 11 AAC 05.180(d)(2)(F)

Permit Term

Effective use dates: Up to five years

Seasonal use dates: Mooring buoys and anchors may not be set in the Kasilof River prior to April 1 of each authorized year and shall be completely removed by November 1 of each year.

Recommendation

Based upon the review of the relevant planning documents, statutes, and regulations, it is my recommendation to award a Kasilof River Mooring Buoy Permit for buoy number 117 serialized as LAS 28980 to a qualified applicant through a lottery drawing process.

Christian Gehman
Christian Gehman
Natural Resource Specialist

5/26/2026
Date

Manager's Decision

It is the decision of this office to take the action as recommended above. 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. This decision may be rescinded by written notification if, after 60 days from the effective date of this decision, the applicant has not completed all requirements outlined in this decision for issuance of the permit. Additional time may be allotted to complete these requirements at the applicant's request and concurrence of the Authorized Officer, however this will not extend the total term of the authorizations issued under this decision.

Candice Snow

Candice Snow
Natural Resource Manager

5/26/2026
Date

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>.