

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

NOTICE OF DECISION

**PARTIAL RELEASE OF STATE INTEREST
State Selection Files: GS-7047**

Relinquishment of Certain State-Selected Lands

*AS 38.05.035(a)(11), AS 38.05.035(e), Consolidated Appropriations Act for Fiscal Year 2023
(Pub. L. 117-328) and the University of Alaska Fiscal Foundation Act*

I. ACTION

Proposed relinquishment of State of Alaska (State) land selections on certain lands. The purpose of relinquishment is to facilitate University of Alaska (UA) land selections under the University of Alaska Fiscal Foundation Act. The University of Alaska Fiscal Foundation Act was included in the federal Consolidated Appropriations Act for Fiscal Year 2023 (Pub. L. 117-328) (CAA 2023).

II. AUTHORITY

The CAA 2023 provides that the Bureau of Land Management (BLM) may convey up to 360,000 acres of land selected by the State of Alaska (State-selected land) pursuant to Section 6(b) of the Alaska Statehood Act (Pub. L. 85-508) to the University of Alaska. Additional information about the Fiscal Foundation Act can be found at:
<https://www.alaska.edu/ualand/about/land-grant/index.php>.

The ability to relinquish Statehood Act selections in favor of the UA is codified in Sec. 302(c) of the CAA 2023. The provisions of Alaska Statute (AS) 38.05.035(a)(11) allow the Director of the Division of Mining, Land and Water (DMLW) to manage Statehood Entitlement selections. AS 38.05.035(e) provides authority for disposals of lands, resources, property, or interests in them. Article XIII of the Alaska Constitution provides guiding principles for maximum use of state lands and resources and authority for disposals of interests in lands and resources.

III. BACKGROUND AND PROCESS

The CAA 2023 authorizes the BLM to directly convey up to 360,000 acres of land to the UA. The available lands must be federal lands selected by the State pursuant to Sec. 6(b) of the Alaska Statehood Act.

The University of Alaska Land Management Office (UALMO) reviewed available State land selections and identified possible land for conveyance. UALMO submitted land selections to the DMLW Realty Services Section (Realty). Realty worked with UALMO to refine the selection, then completed state-wide agency review and public notice for the specific proposed relinquishment. This decision reflects a consideration of comments received during agency review and public notice. This decision will be published on the State's online public notice board while the reconsideration period runs. Information about how to file a request for reconsideration is appended to this decision. Following the closure of the reconsideration

period, provided there are no requests for reconsideration, the State and UALMO will jointly submit to BLM lists of lands to be conditionally relinquished by the State and conveyed to the UA. Any request for reconsideration will be reviewed under the applicable state law and process. Final relinquishment of the State's selections would be affected upon conveyance of the lands to the UA.

IV. ADMINISTRATIVE RECORD

The selection files for state selection GS-7047 constitute the administrative record for this action.

V. LOCATION

The proposed relinquishment lands are located within the Department of Natural Resources' (DNR) Southcentral Region, in one township on the Northwestern coast of Elrington Island. See legal description for exact location. Please see Attachment A for a visual depiction of the area.

- *USGS Map Coverage:* Seward A-3
- *Regional Corporation:* Chugach Alaska Corporation
- *Federally Recognized Tribe:* Chenega IRA Council
- *Village Corporations:* The Chenega Corporation

VI. LEGAL DESCRIPTION

Within the Seward Meridian, Alaska:

Township 2 South, Range 8 East, Section 2
Containing approximately 5 acres

VII. SELECTION HISTORY

- BLM records indicate Homestead Entry 37 (HE-37) on the lands. Executive Order 8172, June 15, 1939, removed HE-37 from the Chugach National Forest.
 - Realty was unable to find record of use and occupancy, including who settled there, buildings/structures, activities that may have occurred, or other settlement information pertinent to HE-37. Realty reviewed publicly available aerial imagery from 2004, 2016, 2017, and 2019–2024, which show a small building present on the southwestern portion of the proposed relinquishment.
- State records indicate lands in townships S002S008W (GS-7047) was selected in December 1993; the applications were published in April 1994.
- The lands in S002S008W are a valid selection.
 - The Alaska National Interest Lands Conservation Act (ANILCA) federal subsistence priority for rural residences only applies on top-filed lands.
 - Lands that are validly selected by the State are not managed under federal subsistence regulations and are subject to State subsistence regulations.
- UA submitted requests to DNR to consider relinquishing the subject lands on October 11, 2023.
- The lands are currently ranked as priority level three (3), or medium, in the statehood selection prioritization for their importance as wildlife habitat, potential mineral potential, and utility as hunting and subsistence areas.

VIII. AGENCY REVIEW

Information and comments received from State agencies have been considered and included in the preparation of this decision. The proposed relinquishment documents were distributed

to State agencies for review from October 23, 2025 through November 13, 2025. Public Notice with a concurrent agency review was conducted from March 5, 2026 to April 9, 2026. Agencies were given the opportunity to evaluate and comment on the relinquishment to determine if it is in the State's best interest to release the land selection.

The following agencies or groups were included in the agency review and provided comments. The comments are summarized below, followed by the Department's response and analysis, if applicable.

Department of Fish & Game (DF&G): The island is a popular hunting area for people living in Chenega. They are primarily pursuing deer. ADF&G does not anticipate a meaningful loss of hunting opportunity; therefore, ADF&G has no objection to the relinquishment of this selection.

- **DMLW Realty response:** Thank you for your comment. ADF&G would retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

Department of Transportation (DOT&PF): Has no comment at this time.

- **DMLW Realty response:** Thank you for your comment.

DNR Division of Oil and Gas (DOG): Has no third party interest in the land and has no objection to the relinquishment of the State selection to the University of Alaska.

- **DMLW Realty response:** Thank you for your comment.

DNR Division of Parks and Outdoor Recreation (DPOR): Has no issues.

- **DMLW Realty response:** Thank you for your comment.

DMLW Resource Assessment & Development Section (RADS): Has no comments or concerns at this time.

- **DMLW Realty response:** Thank you for your comment.

DMLW Public Access Assertion & Defense Section (PAAD): Does not object to this relinquishment. PAAD noted the following comments:

The tide and submerged lands below mean high tide (MHT) adjacent to HE-37 were conveyed to the State of Alaska at the date of statehood. This conveyance took place by the operation of the Equal Footing Doctrine and the Submerged Lands Act of 1953 as accepted in the Alaska Statehood Act. There are no valid pre-statehood withdrawals documented immediate to the selection. There is a lighthouse about 2 miles northeast of HE-37.

There are no known RS 2477 Right-Of-Ways on Elrington Island.

PAAD noted that they will be watching for the survey as the conveyance goes forward because this island experienced significant uplift during the 1964 Earthquake and the pre-earthquake mean high tide line is the boundary between State land and what will be UA land.

- **DMLW Realty response:** Thank you for your detailed comment. Realty and PAAD will work with BLM to ensure the submerged lands below MHT are excluded from lands conveyed to the UA and to address issues related to the 1964 earthquake.

DNR Division of Geological & Geophysical Surveys (DGGS): Does not oppose the relinquishment but notes the following geologic hazards and conditions:

Geologic Units: Alluvial deposits, colluvial deposits (dominant), glacial deposits, manmade deposits, lake deposits, paludal peat deposits, marine deposits, bedrock (dominant).

Suitability For Construction: Areas of clean sand and gravel may be suitable as a material resource, depending on their distribution, thickness, and ice content, as well as the thickness of any fine-grained surface cover. Materials on slopes may be unsuitable as a resource due to potential instability. Ice-rich areas susceptible to thawing and areas of poor drainage may be unsuitable as foundation material. Use best construction practices.

Permafrost: Absent.

Susceptibility To Frost Action: Generally intense frost action where sediments are fine-grained and/or wet. Generally less intense where sediment is coarse-grained and/or well-drained. Bedrock may be susceptible to frost action along bedding planes or joints.

Thaw Stability: Thaw unstable where ice content is high, especially in areas of poor drainage. Generally, well-drained, coarse sediments are more thaw-stable than poorly drained, fine-grained sediments.

Surface Drainage and Flooding Potential: Flooding is possible along streams in the spring and during intense storm events and from potential coastal tsunamis. Surface drainage is often poor near swamps, especially where sediment is fine-grained. Surface drainage is good along slopes where the soil is unfrozen, as well as in coarse-grained sediment when it is unfrozen.

Seismic Hazard: Very high; Standard best building practices should be used to accommodate the regional seismic hazard.

Landslide Hazard: Not described/unknown.

Tsunami Hazard: Tsunami flood inundation has been modeled for the nearby community of Seward (Suleimani and others, 2022). Seward's tsunami hazard is as high as 10 to 25 m for worst-case scenario earthquakes. Tsunami inundation on Elrington Island is unknown but likely similar to Seward.

Volcanic/Ashfall Hazard: Yes; This area has been subject to ash fall from erupting Alaska Peninsula volcanoes.

Radon: Radon, a naturally occurring cancer-causing radioactive gas, is modeled as moderate in this area, with limited testing (<https://maps.dggs.alaska.gov/radon/>). The Environmental Protection Agency's (EPA) Action Level for radon is 4 pCi/L; the EPA suggests homeowners consider radon mitigation for test results of 2–4 pCi/L. Any home, school, or building can have high levels of radon and should be tested.

Mineral Resources: No comment

Energy Resources: No comment

Optional Reference(s):

Nelson, S.W., Dumoulin, J.A., and Miller, M.L., 1985, Geologic map of the Chugach National Forest: U.S. Geological Survey Miscellaneous Field Studies Map MF-1645B, pamphlet, 16 p., 1 sheet, scale 1:250,000 (Chugach NF Arc/Info coverage 1993).

Tysdal, R.G., and Case, J.E., 1979, Geologic map of the Seward and Blying Sound quadrangles, Alaska: U.S. Geological Survey Miscellaneous Investigations Series Map 1150, 12 p., 1 sheet, scale 1:250,000.

- **DMLW Realty response:** Thank you for your detailed comment.

The following agencies or groups were included in the agency review and did not provide comments:

- DMLW Mining/Mineral Property Management
- DMLW Southcentral Region
- DMLW Water Section
- Division of Forestry

IX. PUBLIC COMMENT

Public notice of the proposed relinquishment was conducted from March 5, 2026 to April 9, 2026. The notice was posted to the State of Alaska Online Public Notice System. Copies of the notice were sent to the University of Alaska, the U.S. Post Masters of Chenega Bay, Whittier, and Cordova; Chenega IRA Council, Chugach Regional Resources Commission, Chugachmiut, Chugach Alaska Corporation, The Chenega Corporation, Chenega Community Center, Chenega Community School and Library, Chugach National Forest, BIA Regional Realty Office and Title Services Center, BLM Anchorage Field Office, Alaska Department of Natural Resources Commissioners Office, Alaska State legislature, adjacent landowners, and interested private parties.

Realty received 13 separate comment submissions in response to the proposed relinquishment. All comment submissions were opposed to the relinquishment and were received via email. Four of the comment submissions did not specify which particular UA relinquishment they were regarding and have been addressed in all UA relinquishments that were undergoing public notice at the time the email was received.

Each of the 13 comment submissions comprised multiple topics. Many of these topics were found to be largely common across all comment submissions and were consolidated into seven thematic categories for evaluation. These seven comment topic categories are summarized below, followed by the Department's response and analysis of each topic. Additionally, some of the 13 comment submissions contained individualized remarks which were deemed to be specific and separate from the common topics. These individualized remarks are addressed separately, with the comments being reproduced as excerpts in this decision, followed by the Department's response and analysis.

Comment Topic 1: I personally use this area for Hunting and Fishing.

- **DMLW Realty response:** Thank you for your comment. UALMO has created a program allowing non-commercial hunting and subsistence activities on UA lands. More information about the program can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>. Realty notes that most lands within the area of discussion are validly selected by the State, therefore the

federal subsistence priority created under the Alaska National Interest Lands Conservation Act (ANILCA) does not apply.

ADF&G would retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

Comment Topic 2: I personally use this area for Historical/Family Traditional Use. These areas contain established trail systems and patterns of traditional use. I have concerns regarding potential closure of traditional use areas.

- **DMLW Realty response:** Thank you for your comment. Public access and use of UA lands for non-commercial uses such as hiking and berry picking are allowed without a permit. Dedicated access to and through UA lands, or for commercial applications, is available by obtaining a permit from the UALMO. More information on the permit process can be found here: <https://www.alaska.edu/ualand/permits/>.

The scope of this decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. Comments regarding future land use restrictions, development, or land preservation options are beyond the scope of this decision. Realty notes that relinquishment of DNR's land selection does not authorize any development. Should the lands be conveyed to the UA, any future actions would be subject to applicable State and federal environmental regulations, permits, and authorizations. In addition, the UALMO provides public notices for actions on university lands via their website: <https://www.alaska.edu/ualand/>.

Comment Topic 3: I personally use this area for Subsistence Activities.

- **DMLW Realty response:** Thank you for your comment. Public access and use of UA lands for non-commercial uses such as hiking and berry picking are allowed without a permit. Dedicated access to and through UA lands, or for commercial applications, is available by obtaining a permit from the UALMO. More information on the permit process can be found here: <https://www.alaska.edu/ualand/permits/>.

UALMO has created a program allowing non-commercial hunting and subsistence activities on UA lands. More information about the program can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>. Realty notes that most lands within the area of discussion are validly selected by the State, therefore the federal subsistence priority created under the Alaska National Interest Lands Conservation Act (ANILCA) does not apply. ADF&G would retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

Comment Topic 4: I personally use this area for Hiking, Snowmachining, Camping, and Recreation.

- **DMLW Realty response:** Thank you for your comment. Public access and use of UA lands for non-commercial uses such as hiking and berry picking are allowed without a permit. Dedicated access to and through UA lands, or for commercial applications, is available by obtaining a permit from the UALMO. More information on the permit process can be found here: <https://www.alaska.edu/ualand/permits/>.

Comment Topic 5: I have concerns regarding loss of public access to trails and routes, including the risk of existing/historic RS2477 rights-of-way and other trails being relinquished before

routes are documented and protected – which will permanently disrupt generational access. I urge the State to retain its selection unless public access protections, including recognition of existing trails and rights-of-way, can be guaranteed prior to conveyance.

- **DMLW Realty response:** Thank you for your comment. No existing trails or rights-of-way were located or identified by any State agency or commentor. Trails and access is discussed further in Section X below.

Public access and use of UA lands for non-commercial uses such as hiking and berry picking are allowed without a permit. Dedicated access to and through UA lands, or for commercial applications, is available by obtaining a permit from the UALMO. More information on the permit process can be found here:

<https://www.alaska.edu/ualand/permits/>.

UALMO has created a program allowing hunting and subsistence activities on UA lands. The program currently does not allow trapping. More information about the program can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>. The State would retain management of fish and wildlife resources on any conveyed lands.

Comment Topic 6: Better alternatives exist on non-selected federal lands elsewhere.

- **DMLW Realty response:** Thank you for your comment. The scope of this decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. Realty notes the only lands available under the CAA 2023 are lands selected or top-filed by the State under the Alaska Statehood Act. Federal lands not selected or top-filed by the State are unavailable.

Comment Topic 7: Bypassing State's land selection process under Statehood Act, and framework designed to keep lands in the public interest, as lands were strategically selected for their public value, access potential, and long-term benefit to Alaskans.

- **DMLW Realty response:** Thank you for your comment. The December 2022 CAA for fiscal Year 2023 created a mechanism for BLM to convey lands to the UA in furtherance of what was deemed by Congress to be a public purpose, and for management and use consistent with the University's public mission. The State participating in the program towards those ends, consistent with the Alaska Constitution's Article VII directives for the University. While this land was selected by the State of Alaska under the Alaska Statehood Act for its natural resources, mineral resources, and fish and game interests, the selected lands are ranked three or 'medium' in conveyance priority for statehood land entitlement selections. This means, while the land is selected, other lands selected by the State may be an equal or higher priority to acquire as part of the Statehood Land Entitlement¹. The Statehood Act land selection process is further discussed in Section X below.

Individual Comment 1: Alaska is truly the last frontier. By ultimately privatizing nature, the wild eventually will cease to exist. earths delicate ecosystem, especially human life, depends on clean air & water. Mining, clear cutting, building, polluting is counter productive to restoring balance to the massive carbon footprint already made. protect what's left of our natural resources-that's your entire department. Thank you.

¹ Statehood Land Entitlement is also commonly referred to as "Statehood Entitlement." Both terms are used interchangeably throughout this document.

- **DMLW Realty response:** Thank you for your comment. The scope of this decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. Comments related to possible future development of the lands are beyond the scope of this decision. Realty notes that relinquishment of DNR's land selection does not authorize any development.

Individual Comment 2: It is for WE THE PEOPLE.

- **DMLW Realty response:** Thank you for your comment.

Individual Comment 3: Please don't let these lands transfer out of public ownership. This a beautiful country, meant for all to enjoy.

- **DMLW Realty response:** Thank you for your comment. The scope of this decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. Comments related to land restrictions, preservation, or future development are beyond the scope of this decision. Realty notes that relinquishment of DNR's land selection does not authorize any development.

Individual Comment 4: An additional concern is that the federal government has not yet conveyed all of the land owed to Alaska under the Alaska Statehood Act. Millions of acres promised to the State remain unconveyed. These lands were intended to provide an economic base and long-term opportunity for the people of Alaska.

- **DMLW Realty response:** Thank you for your comment. While this land was selected by the State of Alaska under the Alaska Statehood Act for its location, potential public value, and long-term benefit, the selected lands were ranked three or 'medium' in conveyance priority for statehood land entitlement selections. This means, while the land is selected, other lands selected by the State are a higher priority to acquire as a part of the Statehood Land Entitlement². Additionally, the State has selected more land than remains available for conveyance under the Statehood Act, therefore DNR is required to relinquish over-selections while actively working to fulfill its remaining Statehood Land Entitlement. The land selection period granted in the CAA 2023 expires in Dec. 2026 and DNR is unlikely to have completed acquisition of the Statehood Land Entitlement before the CAA 2023 grant sunsets. Therefore, DNR needs to pursue relinquishment of the University selections simultaneously with its efforts to continue land acquisition.

DNR must consider and weigh its own and the public's interests in retaining or relinquishing land selections while supporting the UA's public interests in new land entitlement. In general, there must be an overarching benefit to Alaskans to defeat the Congressional intent in the CAA 2023 and the public interests of UA in the program. Any decision DNR makes must balance providing valuable land to the UA without undue harm to the interests of Alaskans.

Individual Comment 5: I respectfully encourage the Alaska Department of Natural Resources to ensure that future land conveyances and allocations prioritize broad public access, opportunity, and benefit for the people of Alaska before transferring large blocks of land to individual institutions. In closing, the federal government still owes Alaska millions of acres under the Alaska Statehood Act. These lands were promised to provide opportunity and economic strength

² Statehood Land Entitlement is also commonly referred to as "Statehood Entitlement." Both terms are used interchangeably throughout this document.

for the people of this state. Our Constitution is clear that Alaska's natural resources are reserved for the common use of all Alaskans. As these lands are transferred, the priority must remain with the people of Alaska. Allocations to institutions such as the University of Alaska should not come before fulfilling the broader public interest and ensuring that the benefits of these lands remain available to all Alaskans.

- **DMLW Realty response:** Thank you for your comment. The Elrington Island parcel is a small, isolated tract with no adjacent State owned or selected lands. Because the CAA 2023 program ends in Dec. 2026, DNR cannot delay adjudicating the relinquishment request, as acquisition of the State's remaining Statehood Entitlement will not be completed in 2026. DNR must consider and weigh its own and the public's interests in retaining or relinquishing land selections while supporting the UA's public interests in new land entitlement. In general, there must be an overarching benefit to Alaskans to defeat the Congressional intent in the CAA 2023 and the public interests of UA in the program. Any decision DNR makes must balance providing valuable land to the UA without undue harm to the interests of Alaskans.

Individual Comment 6: Any loss of trail access in Alaska represents an attack to our way of life. We'll be making note of politicians supporting this attack.

- **DMLW Realty response:** Thank you for your comment. There are no documented trails on the Elrington Island parcel. DNR must consider and weigh its own and the public's interests in retaining or relinquishing land selections while supporting the UA's public interests in new land entitlement. In general, there must be an overarching benefit to Alaskans to defeat the Congressional intent in the CAA 2023 and the public interests of UA in the program. Any decision DNR makes must balance providing valuable land to the UA without undue harm to the interests of Alaskans.

Individual Comment 7: Please reconsider as these areas are favorites to locals and preserve our history.

- **DMLW Realty response:** Thank you for your comment. The scope of this decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. Comments related to land restrictions, preservation, or future development are beyond the scope of this decision. Realty notes that relinquishment of DNR's land selection does not authorize any development.

X. DISCUSSION AND ALTERNATIVES

The UA has sought additional lands to complete its territorial land grant for several decades but has been challenged by legal restrictions about the disposal of state lands in the Statehood Act and the State Constitution. Previous attempts to rectify the land grant deficit were ultimately overturned in legal challenges. This history resulted in federal Congressional action within the CAA 2023 with the intent of establishing a state and federal cooperative program to remedy the deficit. Congressional intent is for lands to be transferred to the UA to complete the entitlement originally intended for conveyance under the Statehood Act and to provide economic opportunities for the UA. This is consistent with the UA's public interest mission under Title 14 of the Alaska Statutes and Title VII of the Alaska Constitution.

DNR must consider and weigh its own and the public's interests in retaining or relinquishing land selections while supporting the UA's public interests in new land entitlement. Such interests include resource development, conservation, consideration of existing land uses, and public access consistent with the public interest. In general, there must be an overarching

benefit to Alaskans to defeat the Congressional intent in the CAA 2023 and the public interests of UA in the program. Any decision DNR makes must balance and reflect all of these interests: providing valuable land to the UA without undue harm to the interests of Alaskans.

DNR notes that the CAA 2023 does not require the State to relinquish specific state selected land and is considering UA selections in light of the balanced interests of the State. The UA's proposed selection included lands described in Section VI.

The lands described in Section VI represents a small, compact, and contiguous block of land. The parcel was originally part of the Chugach National Forest but was removed from the Forest by Executive Order in the 1930's to accommodate a Homestead Entry (HE-37). The State selected the parcel due to it being a Public Land inholding within the National Forest. Recent satellite imagery shows that there is at least one building on the parcel; Realty was unable to find evidence of BLM or USFS conducting field examinations of the parcel. Realty searched the public records for ownership information about the building and found no records. None of the public comments mentioned the building. The closest State land is over 3 miles to the east, on Latouche Island. Widely dispersed and small parcels can be difficult for DNR to manage. For this reason, it's likely that DNR would not be able to effectively monitor or monetize this parcel. Additionally, it is unknown if BLM will waive the 5,760 minimum acres selected per township requirement for conveyance for this selection or agree to survey the lands as selected.

Lands surrounding the UA's Elrington selection are federal public lands managed by the U.S. Forest Service (USFS). The State selected the lands during the Statehood Entitlement selection period as possible acquisitions for natural resources, sale or remote development, and fish and game interests. The UA selections are currently ranked as medium priority for acquisition by DNR.

The lands are not crossed by any accepted and codified Revised Statute 2477 (RS 2477) Trails. There are no trails within the selection area that are permitted by the BLM, USFS, or the State. Realty was unable to find any evidence that trails have been surveyed or dedicated to the public. A review of federal records indicates that there are no current applications with BLM for a permit, easement, or right-of-way by any individuals or groups.

The land is located on the northwestern coast of Elrington Island, which experienced significant uplift during the 1964 Earthquake. The tide and submerged lands below the pre-earthquake MHT and adjacent to the selection were conveyed to the State of Alaska at the date of statehood under the Submerged Lands Act and the Statehood Act (i.e., pre-1964 Earthquake). The pre-1964 Earthquake MHT line may not have been adequately surveyed prior to the earthquake. If the selection is relinquished, the parcel will need to be resurveyed with both the pre- and post-earthquake MHT line accurately delineated prior to BLM issuing a patent to the UA. Doing so will protect the State's interests in the tide and submerged land it owns that are adjacent to UA's parcel. The State and BLM will work together closely at the time of land survey to ensure that the MHT lines are appropriately tracked. Realty and PAAD will work with BLM to verify the submerged lands below the current MHT line are excluded from the lands being conveyed to the UA. Ownership of the lands below the original MHT line of navigable water bodies will remain with DNR.

AS 38.05.127 requires that before a disposal of an interest in state land, DNR must determine if waterbodies within or adjacent to the proposed area for disposal are navigable or public water; and if they are to reserve access easements. However, Statehood Entitlement selections

do not provide the State with management authority or title in land, but rather a valid prior existing right requiring BLM to convey to the state the selection when certain conditions are met. Given this, the State is unable to reserve access easements for relinquishments of entitlement selections.

Additionally, pursuant to 11 AAC 51.045(a)(2), DNR finds that reserving an access easement is not necessary to ensure free access to navigable or public water. A Statehood Entitlement selection does not provide the public with rights of access different from the general right of the public to access navigable or public water bordered by non-State land: that is, the right to use and have access to water below the ordinary high water mark for recreational or other public purposes for which the water is used or capable of being used consistent with the public trust. Because access to navigable or public water will remain the same after the relinquishment of the entitlement selection as before, it is not necessary to reserve an access easement.

Agency comments noted the hunting values of the selected lands. While the lands have value as wildlife habitat and for subsistence related activities, it is not clear that these values are inherently threatened by conveying the lands to the UA or require State acquisition to preserve them. If the selection is relinquished and the lands conveyed to the UA, personal use hunting and fishing activities may be available under the UALMO's hunting program. Personal recreational use of the lands is allowed under existing UA Board of Regents (BOR) policies. Commercial hunting and guiding can be permitted under UALMO's land use permit system.

All of the public comments were opposed to the transfer of the lands to the University. The main topics of the comments that were within scope were concerns regarding the loss of access, hunting and fishing, historical/traditional use, subsistence activities, hiking, snowmachining, camping and recreational uses of the land.

Balancing development, access, subsistence use, public recreation, and wildlife habitat are challenges that must be addressed when managing the Elrington Island lands, irrespective of ownership. This balance is achieved through the development of land management plans, clear land use guidelines and regulations, and a robust public notice process. Relinquishment of State selected lands would not allow unrestricted development by the UA. Many projects and developments require State and federal permits regardless of land ownership. Most development projects also require extensive studies and public consultation before a project is approved. Any proposed development, sale, or disposal of the lands by the UA would have to be approved by the UA BOR and would be public-noticed under existing UA policies.

The scope of this decision is limited to whether DNR should relinquish its land selections within the UA's Elrington Island selection to facilitate conveyance of the lands to the UA under the CAA 2023. One suggested alternative course of action (to retain State selection on all the lands) is within the scope of this decision.

If DNR declines to relinquish its selection on the UA's Elrington Island selection area the lands would remain in federal ownership for the foreseeable future. The State would likely delay acquisition of the parcel until BLM, USFS, or DNR completed a field examination. If there are several structures or associated debris on the parcel, DNR would decline to acquire the lands until BLM removed the structures and cleaned up the parcel, or if cleanup is too expensive DNR could relinquish its selection.

If the Elrington Island selection area is transferred to the UA, it would create an approximately 5-acre block of UA-owned land surrounded by federal land managed by the USFS. There are concerns about loss of public access, as well as hunting, fishing, traditional use, subsistence, and recreational opportunities on this island. However, current UA policies allow for greater public access than many lands around the state. UA policies allow unpermitted non-commercial access and provide a permitting framework for other activities. UALMO has a permit system to provide for dedicated public and private access easements to reach inholdings or specific areas. Additionally, public access would be provided on the surrounding federal lands.

Overall, the land appears suitable for relinquishment in favor of the UA and agency comments did not provide evidence of an overarching need for DNR ownership. Public comments were opposed to the land transfer to the UA. The State's interests in retaining these lands must be balanced with providing potentially valuable lands to the UA while protecting the State's interests in potentially valuable land, State owned or selected adjacent lands, access to public lands, and the overall management of an area. UA ownership provides options for access that, while less than what is available on DNR owned lands, does not constitute an overriding State interest to retain a selection on these lands. When considered fully, the State's interest in retaining a selection on these lands is not compelling and supports conditional relinquishment. In addition, relinquishment of the lands fulfills the purpose of the CAA 2023 in providing lands to the UA. The State considered the following alternatives in adjudicating the request for relinquishment:

Alternative 1: Conditionally relinquish the State's selection on lands described in Section VI.

Alternative 2: Decline to conditionally relinquish the State's selection on lands described in Section VI.

XI. DECISION

This decision considers all public and agency comments received. After considering the facts and input described above, the Department finds it is in the best interest of the State to choose **Alternative 1**, and to conditionally relinquish the lands described in Section VI.

Recommended by:



Ashley Hovis
Natural Resource Specialist III
Realty Services Section
Division of Mining, Land and Water
Department of Natural Resources

8/3/2026

Date of Signature

Approved by:



8/3/2026

Lacy Hamner
Natural Resource Manager 2
Realty Services Section
Division of Mining, Land and Water
Department of Natural Resources

Date of Signature

Approved by:



Commissioner John Crowther
Department of Natural Resources

8/3/2026

Date of Signature

Reconsideration Provision

Reconsideration

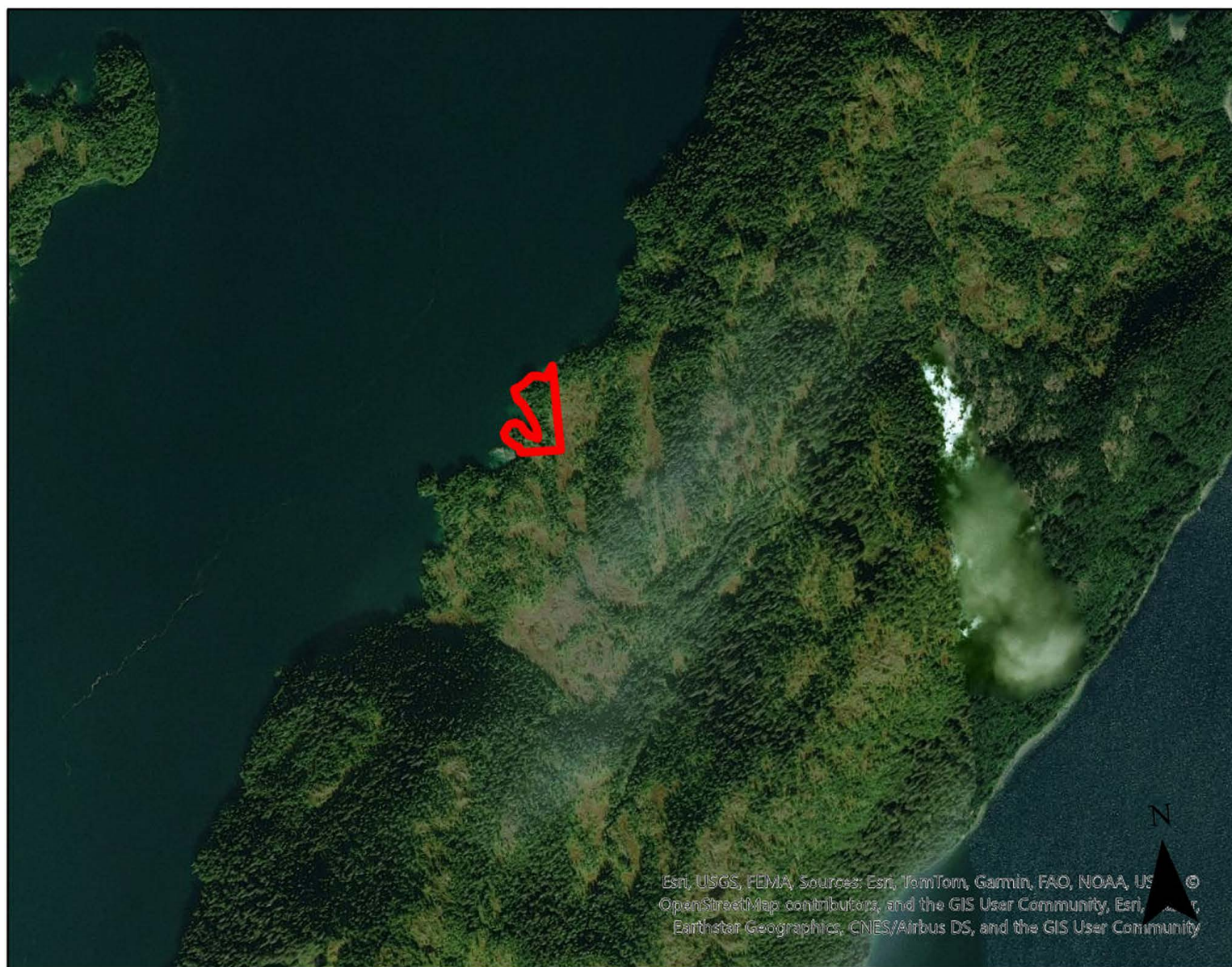
An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may request reconsideration to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any request for reconsideration must be received by the Commissioner's Office within twenty (20) calendar days after issuance of the decision under 11 AAC 02.040. The Commissioner may order or deny a request for reconsideration within thirty (30) calendar days after issuance of the decision. If the Commissioner takes no action on a request for reconsideration within thirty (30) days after issuance of the decision, the request for reconsideration is considered denied. The Commissioner's decision on reconsideration, other than a remand decision, is a final administrative order and decision of the department. An eligible person must first request reconsideration 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.

Reconsideration 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. Reconsideration must be accompanied by the fee established in 11 AAC 05.1G0(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.1G0(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: Vicinity Map

University of Alaska Selection: Elrington Island

0 0.13 0.25 0.5 Miles

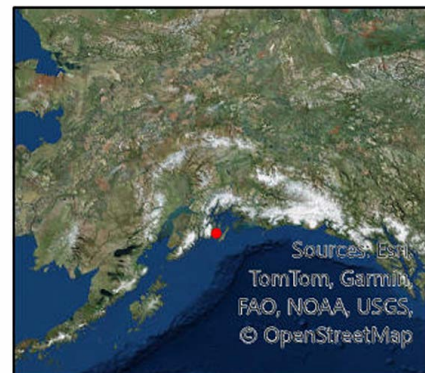
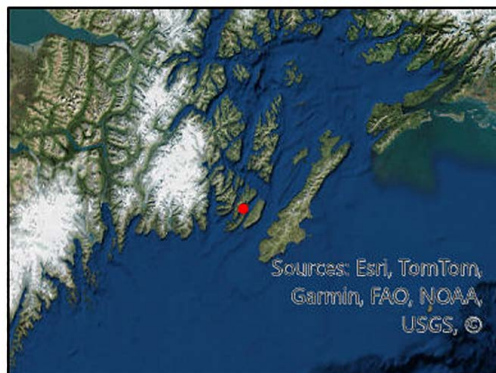


 UA Selection

Sec. 02, T. 02 S., R. 08 E., Seward Meridian

USGS QUAD 1:63,360
Seward A-3, AK

For more information contact:
Ashley Hovis
Department of Natural Resources
Division of Mining, Land, and Water
Realty Services Section
Phone: 907-269-8585
Email: ashley.hovis@alaska.gov





Seward Meridian
Township 2 S., Range 8 E.
Section 2

Attachment B: Land Ownership Map
University of Alaska, Land Selection Program
Elrington Island Selection



Esri, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Alaska Department of Natural Resources, Esri, USGS

 Proposed University Selection

 State Selected Land - All

 Forest Service

 Native Lands

 Private

 Mineral Permit or Lease

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