

**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-5106**

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

This decision reviews and approves proposed relinquishments 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-5106 constitute the administrative record for this action.

V. LOCATION

The proposed for relinquishment selections are located within DNR's Northern Region, in one township. The lands are located approximately 7 miles west of milepost 258 of the Dalton Highway, within the Endicott Mountains of the Brooks Range, between the Itkillik River and the Atigun River. See legal description for exact locations. Please see Attachment A for a visual depiction of the area.

- *USGS Map Coverage:* Philip Mountains A-5 NW
- *Regional Corporation:* Arctic Slope Regional Corporation (ASRC), Doyon, Limited
- *Federally Recognized Tribe:* City of Anaktuvuk Pass, Nagsragmiut
- *Village Corporations:* Nunamiut Corporation, Tanana Chiefs Conference

VI. LEGAL DESCRIPTION

Within the Umiat Meridian, Alaska:

Township 14 South, Range 10 East, Sections 12, 13, 23–26, 34–36

Excluding Gates of the Arctic National Preserve

Containing approximately 3,968 acres

VII. SELECTION HISTORY

- State records indicate lands in township U014S010E (GS-5106) were selected in February 1982; the applications were published in July 1982.
- The lands in U014S010E have valid selections.
 - 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 November 25, 2025.
- The lands are currently ranked as priority level four (4), or low, in the statehood selection prioritization. While the lowest priority, possible uses associated with wildlife habitat, mineral potential, and utility as hunting and subsistence areas have been identified.

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 December 12, 2025, through December 29, 2025. Public Notice with a concurrent agency review was conducted from February 26, 2026, to April 13, 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 selections.

The following agencies or groups were included in the agency review and provided comments, which are summarized and responded to below:

DNR Division of Oil & Gas, Leasing Section: The DOG Leasing Section has no objection to the proposal and no third-party interests in the area. However, these lands lie within the Dalton Corridor Region identified in AS 19.40 and includes all lands within 5 miles of the highway right of way. Please see attached North Slope Area Plan chapter covering it. It is also covered by PLO 5150 with corrections and modifications which withdraws lands for a public utility corridor. PLO 5150 is currently under consideration for revocation, but no decision has been made yet.

The DOG Leasing Section noted that their comment does not represent the concerns from the DOG Pipelines Section and that their comment was not coordinated with other DOG sections.

- **DMLW Realty response:** Thank you for your comment. Realty notes that although these lands fall within the North Slope Area Plan lands, they are located outside of the James Dalton Corridor Legislatively Designated Area (LDA). Additionally, these lands lie westerly of and adjacent to, but outside of, the Public Land Order (PLO) 5150 corridor.

Alaska Department of Fish & Game, Division of Wildlife Conservation (ADF&G): ADF&G does not support the relinquishment of this state selection and provided the following comments:

Fish: There is an unnamed tributary of the Atigun River to the east of these land selections that seasonally supports Arctic grayling. The smaller creek in Sections 24-26 might also support Arctic grayling depending on the slope of the valley and how often the stream has enough water to flow and be connected.

Central Arctic Caribou Herd: In 2024, there were 2,213 hunters in Game Management Unit (GMU) 26B for caribou. 1,267 of those hunters accessed the unit by walking in from the haul road to hunt and could have entered this area. The Central Arctic Herd has been relatively stable at around 30,000 caribou and is an important resource for subsistence hunters statewide.

Sheep: Since this is currently federal land, it has been closed to sheep hunting for the past 3 years. Historically, this has been a very popular place to sheep hunt with 60-70 sheep hunters per year in GMU 26B. The sheep population in this area has been very low the last decade, but it is still a very important resource for those that choose to hunt them.

ADF&G does not support the relinquishment of this state selection. The conveyance of these lands to the state would be of greater benefit to the public by allowing hunting, which the University currently does not, and it would open the area back up to sheep hunting.

- **DMLW Realty response:** Thank you for your comment and valuable information. Realty notes that the UA has developed a hunting program on its lands; details can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>. This will be further discussed below.

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

- **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.

DNR, DMLW, Mineral Property Management Section: Has no concerns regarding relinquishment of these lands.

DMLW Realty response: Thank you for your comment.

DNR, DMLW, Public Access, Assertion, and Defense Section (PAAD): There are no known RS 2477 ROW's or DOT 1973 inventory trails within the selected area. There are no navigable waters per AS 38.04.062, 521 US 1 (Original 84) and AK v USA 213 F 3D 1902 (2000 9th Cir.; Kukpowruk River). PAAD does not object to the relinquishment of these lands to UA.

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

DNR, DMLW, Resource Assessment and Development Section (RADS):

Background: The proposed land is in unit D-01 in NSAP, which is designated as Habitat (Ha), Public Recreation – Dispersed (Rd), and Transportation Corridor (Tc) which converts to the classification of Wildlife Habitat Land, Public Recreation Land, and Transportation Corridor Land, respectively. The proposed relinquishment is not within the James Dalton Corridor LDA, but it is within the North Slope Area Special Use Lands (ADL 50666).

The applicable management intent for this unit is to manage the land as a utility and transportation corridor to facilitate transportation of oil and gas resources from the North Slope to facilities in other areas of the state and to support subsistence hunting, fishing and gathering, recreation, and sport hunting opportunities. Minimize impacts to fish and wildlife habitat values and harvest opportunities. ADNRR shall consult ADF&G regarding authorizations involving uses that may impact important wildlife life cycle stages. Maintain opportunities for subsistence, and other beneficial uses. Protect heritage sites.

Recommendation: RADS finds no reason to prevent the relinquishment of the state selected land. Thank you for the opportunity to review.

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

UALMO has created a program allowing hunting, trapping, 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 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 currently apply. Additionally, any proposed future use, development, or sale of the land would include a public process on the part of the UA.

DNR, Division of Geological & Geophysical Surveys (DGGS): DGGS has no objections to this proposed relinquishment. DGGS had the following comments:

Geologic Units: Alluvial deposits, colluvial deposits (including talus and solifluction), glacial deposits (drift and outwash), lake deposits, paludal peat deposits, bedrock.

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: Continuous (90-100%).

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. Surface drainage is often poor near swamps and areas of permafrost, 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: Low; Standard best building practices should be used to accommodate the regional seismic hazard.

Landslide Hazard: Nearby mountains and valleys contain numerous landslides.

Volcanic/Ash Hazard: This area has been subject to ash fall from erupting Alaska Peninsula volcanoes; past ash events include multiple older tephra.

Radon: Radon, a naturally occurring cancer-causing radioactive gas, has been modeled to be low in this area (<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: There is no known energy resource potential within the selected land polygon.

Optional Reference(s):

Hamilton, T.D., 1978, Surficial geologic map of the Philip Smith Mountains Quadrangle, Alaska: U.S. Geological Survey Miscellaneous Field Studies Map 879-A, 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 but did not provide comments:

- DMLW Northern Region
- DMLW Land Conveyance Section
- DMLW Water Section
- Division of Forestry

IX. PUBLIC COMMENT

Public notice of the proposed relinquishment was conducted from February 26, 2026, to April 13, 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 Master of Anaktuvuk Pass, Coldfoot Camp Post Office, Boreal Lodging and Arctic Getaway in Wiseman, North Slope Borough, Iñupiat Community of the Arctic Slope, City of Anaktuvuk Pass, Nagsragmiut, ASRC, Doyon Limited, Nunamiut Corporation, Tanana Chiefs Conference, Nunamiut School, BLM Anchorage Field Office, BLM Arctic District Office, BLM Central Yukon Field Office, Arctic Interagency Visitor Center, Arctic National Wildlife Refuge, Gates of the Arctic National Park and Preserve, Alaska Department of Natural Resources Commissioners Office, Alaska State legislature, adjacent landowners, and interested private parties.

In total, Realty received 16 separate comment submissions in response to the proposed relinquishment. All comment submissions were opposed to the relinquishment and 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.

Most of the 16 comment submissions comprised multiple topics, which were found to be largely common across these submissions. As such, these comment topics were consolidated into seven thematic categories (addressed as Comment Topics 1 – 7 below) for evaluation. These topics are summarized below, followed by the Department's response and analysis of each topic.

Additionally, some of the 16 comment submissions contained individualized remarks, which were deemed to be specific and separate from the common topics discussed above. These individualized remarks are addressed separately as Individual Comment 1 through 8 below, with the comments being reproduced either in full or 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 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 currently 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 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 currently 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/or 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 recreation 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 and risk to existing/historic RS2477 rights-of-way. Relinquishing before possible routes are documented and protected 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 non-commercial 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 for selection by the University.

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 public value, wildlife resources, and access potential, the selected lands are ranked four or 'low' 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 part of the Statehood Land Entitlement¹, and this land is unlikely to ever come into general state ownership. The Statehood Act land selection process is further discussed in Section X below.

Individual Comment 1: It is for WE THE PEOPLE.

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

Individual Comment 2: 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.

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

Individual Comment 3: 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. 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 general interests of Alaskans.

While this land was selected by the State of Alaska under the Alaska Statehood Act for its public value, wildlife resources, mineral potential, and access potential, the selected lands are ranked four or 'low' 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 part of the Statehood Land Entitlement. 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 Act land entitlement.

Individual Comment 4: 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 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. 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 these interests: providing valuable land to the UA without undue harm to the interests of Alaskans.

Realty notes that the State has selected more lands than remain available under the Statehood Act land entitlement. The Atigun parcel is currently ranked the lowest priority for acquisition, meaning that while the selection remains in place, there are other available lands that, if acquired, would likely better serve the public's and State's interests. Relinquishment of these lands to the UA would not prevent the State from acquiring other higher priority lands. Additionally, the land selection period granted in the CAA 2023 expires in Dec. 2026 and DNR is unlikely to have completed acquisition of the Statehood 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.

Individual Comment 5: 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. No existing trails or rights-of-way were located or identified by any State agency or commentor.

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/>.

Individual Comment 6: As an avid musher and hunter who uses that area in the spring, I am concerned that the change in land ownership will impact our hunting/recreation use of this area. Please let me know how I can best comment to ensure not only my voice but the voice of several other mushers, skiers, and hunters will be heard. The Brooks Range is one of the last wild frontiers on this planet and it would be sad to see encroachment grasp that area.

- **DMLW Realty response:** Thank you for your comment. UALMO has created a program allowing 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 also notes that public, non-commercial uses of University land for recreations and other uses are allowed without a permit. Realty notes that land 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.

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 7: 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.

- **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 8: On behalf of Alaska Community Action on Toxics, Alaska Wildlife Alliance, Alaska Wilderness League, Center for Biological Diversity, Earthworks, National Parks Conservation Association, Northern Alaska Environmental Center, Sierra Club, The Wilderness Society, and Winter Wildlands Alliance, we are writing to express our concerns regarding the Department of Natural Resources' (DNR) proposal to relinquish the State of

Alaska's (State) land selection on approximately 3,968 acres near the Dalton Highway and the Atigun River. We understand that the purpose of relinquishment is to facilitate conveyance of the lands to the University of Alaska.

The lands covered by this notice are not valid selections and cannot be properly conveyed to the University. As DNR's notice acknowledges, the lands subject to this public notice are currently under federal management and ownership. The Bureau of Land Management (BLM) and the Secretary of the Interior recently took steps to revoke Public Land Orders (PLOs) 5150 and 5180, which previously applied to these lands. However, this administration's actions revoking PLOs 5150 and 5180 are inconsistent with numerous federal laws and will result in significant environmental and subsistence impacts. Because of those problems, our organizations promptly filed litigation in the U.S. District Court for the District of Alaska to challenge that revocation decision. A copy of our complaint is attached for your reference. As set out in that lawsuit, the State's selections of those lands are not valid and those lands cannot be conveyed out of federal ownership. The lawsuit seeks to vacate and set aside the Secretary's revocation decision and to enjoin BLM from conveying these lands. Any attempt to facilitate the conveyance of the lands previously subject to PLOs 5150 and 5180 would be legally invalid. As such, neither DNR nor the University of Alaska should be taking steps related to either the selection or transfer of these lands.

- **DMLW Realty response:** Thank you for your comment. All State selected lands are under federal management until they are either conveyed to the State or the selection is relinquished. Realty notes that these lands lie westerly and adjacent to, but outside of, the Public Land Order (PLO) 5150 corridor. Therefore, PLO 5150 does not affect the Atigun River selection. Recent federal actions to revoke PLOs within the Dalton Highway Corridor do not affect the UA Atigun River selection; consequently, the litigation affecting those lands does not apply to this selection area. Congress clarified in Section 906(j)(1) of ANILCA that most Alaska Native Claims Settlement Act (ANCSA) Section 17(d)(1) withdrawals, including PLO 5180, shall not bar conveyance of State-selected lands should the lands be otherwise vacant, unappropriated, and unreserved (VUU) as defined in the Statehood Act. State and Federal records indicate these lands were open to the filing of a selection when the State selected them in 1982. Additionally, there are no competing ANCSA selections, PLO's that prohibit state land conveyance, or applications for land use that have not been adjudicated, therefore the lands are VUU and the selection is legally valid. Because the State's selection is valid, the federal subsistence priority as defined in ANILCA does not apply to the lands within the proposed Atigun River relinquishment, as these lands do not meet the definition of "public lands" in Section 102(3)(A) of ANILCA.

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/>.

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 and further endow the University with land. 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 — which the UA shares and has many of the same tools and processes to advance. In general, there must be an overarching benefit to Alaskans in retaining the specific selected land and declining to participate in the federal program 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 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 land described in Section VI represents a small, compact, and contiguous block of land. Lands surrounding the UA's Atigun River selection consist of: State public lands, federal public lands selected by the State and currently managed by the BLM, federal public lands managed by the BLM, and federal public lands managed by the National Park Service. The State selected the lands in 1982 as possible acquisitions for natural resources, access potential, mineral potential, and fish and game interests. The UA selection is currently ranked as a low priority for acquisition by DNR.

The selection is remote and isolated with the nearest constructed overland access, the Dalton Highway, located approximately 7 miles to the east. If the selection is relinquished and the lands conveyed to the UA, it would create a narrow corridor of federal land managed by the BLM in between State-owned lands located within the Dalton Highway Corridor to the east and UA land to the west. While this land ownership pattern could complicate management, delay or complicate development options, and/or impact habitat protections; these issues could be mitigated by all parties committing to a co-management agreement or entering into a formal Memorandum of Agreement (MOA) regarding land use proposals that would impact all three land managing agencies.

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 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 there are no current applications with BLM for a permit, easement, or right-of-way by any individuals or groups.

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. A review of the lands by PAAD showed there are no navigable waters within the proposed relinquishment per AS 38.04.062 and the Original 84 case.

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 habitat, hunting, fishing, and subsistence 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 limited 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 will still be available under UALMO's hunting program. Personal recreational use of the land is allowed under existing UA Board of Regents (BOR) policies. Commercial hunting, guiding, and recreation can be permitted under UALMO's land use permit system. Additionally, ADF&G would retain management of fish and wildlife resources on the land should ownership be transferred to the UA.

While all public comments opposed the transfer of the lands to the UA, multiple commentors voiced concerns that transfer of these lands would result in a reduction or complete loss of access across the lands, hunting and fishing, historical/traditional use, subsistence activities, hiking, snowmachining, camping, and other recreational uses of the land, loss of wilderness, as well as environmental harm. As described throughout, there are avenues for these kinds of uses to continue on the lands in question, and on lands in the vicinity. Some commentors recommended that the lands should be retained as public land and protected from development but were they to be transferred to the State as general state land, development would be a possible use consistent with the Alaska Constitution's directives to maximize use and development.

Public comments referred to trails generally, but commentors did not provide specific trail location information. Reviewing aerial and satellite imagery failed to find evidence of trails on the lands. While BLM recognizes some RS2477 trails as prior valid rights, Statehood Act land grant federal regulations do not provide a mechanism for BLM to reserve those interests from UA's land title. Consequently, Realty worked with UALMO to exclude areas with valid RS2477 trails from their selections portfolio. Realty also worked with UALMO to exclude areas with known publicly used or developed trails from their selections.

Public comments referred to the strategic selection by the State under the Statehood Act and circumventing the land selection process. While this land was selected by the State of Alaska under the Alaska Statehood Act for its natural resources, access potential, mineral potential, and fish and game interests, the selected lands are ranked 4 (low) in conveyance priority in the Realty Section's 2025 evaluation of selected land. This means, while the land is selected, other selected lands in the State of Alaska are a higher priority to acquire as a part of the Statehood

Land Entitlement. Additionally, the State has selected more lands than remain available for conveyance under the Statehood Act, therefore DNR is required to relinquish over-selections and likely will never bring such low-priority lands into ownership while fulfilling its remaining Statehood Act 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 grant before the CAA 2023 grant sunsets. Therefore, DNR needs to pursue relinquishment of the University selections simultaneously with its efforts to continue land acquisition.

Balancing development, access, subsistence use, public recreation, and wildlife habitat are challenges that must be addressed when managing the Atigun River 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, authorizations, and oversight regardless of land ownership. Most development projects also require extensive studies, public consultation, as well as coordination and consultation with State and federal agencies 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 Atigun River land selection to facilitate conveyance of the lands to the UA under the CAA 2023. The alternative course of action is to retain the State selection on all the lands.

If DNR declines to relinquish its selection on the UA's Atigun River selection area the lands would remain in federal ownership, unless DNR decides to seek conveyance and ownership of the lands. The State is currently over-selected under the Statehood Act and will likely not acquire lower ranked lands. Because the Atigun River and adjoining selected lands are ranked low priority, DNR is likely to either relinquish the selections or delay acquisition of the lands until all higher ranked lands have been acquired.

If the Atigun River selection area is transferred to the UA, it would create an approximately 3,968-acre block of UA-owned land surrounded by federal land. There are concerns about loss of public access, as well as hunting, fishing, traditional use, subsistence, and recreational opportunities on this land. 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, and UALMO has a permit system to provide for dedicated public and private access easements to reach inholdings or specific areas. Additionally, public access would remain available 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, but the identified concerns are largely mitigated by the information detailed above. 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
Realty Services Section
Division of Mining, Land and Water
Department of Natural Resources

9/10/2026

Date of Signature

Approved by:



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

9/10/2026

Date of Signature

Approved by:



Commissioner John Crowther
Department of Natural Resources

9 / 11 / 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

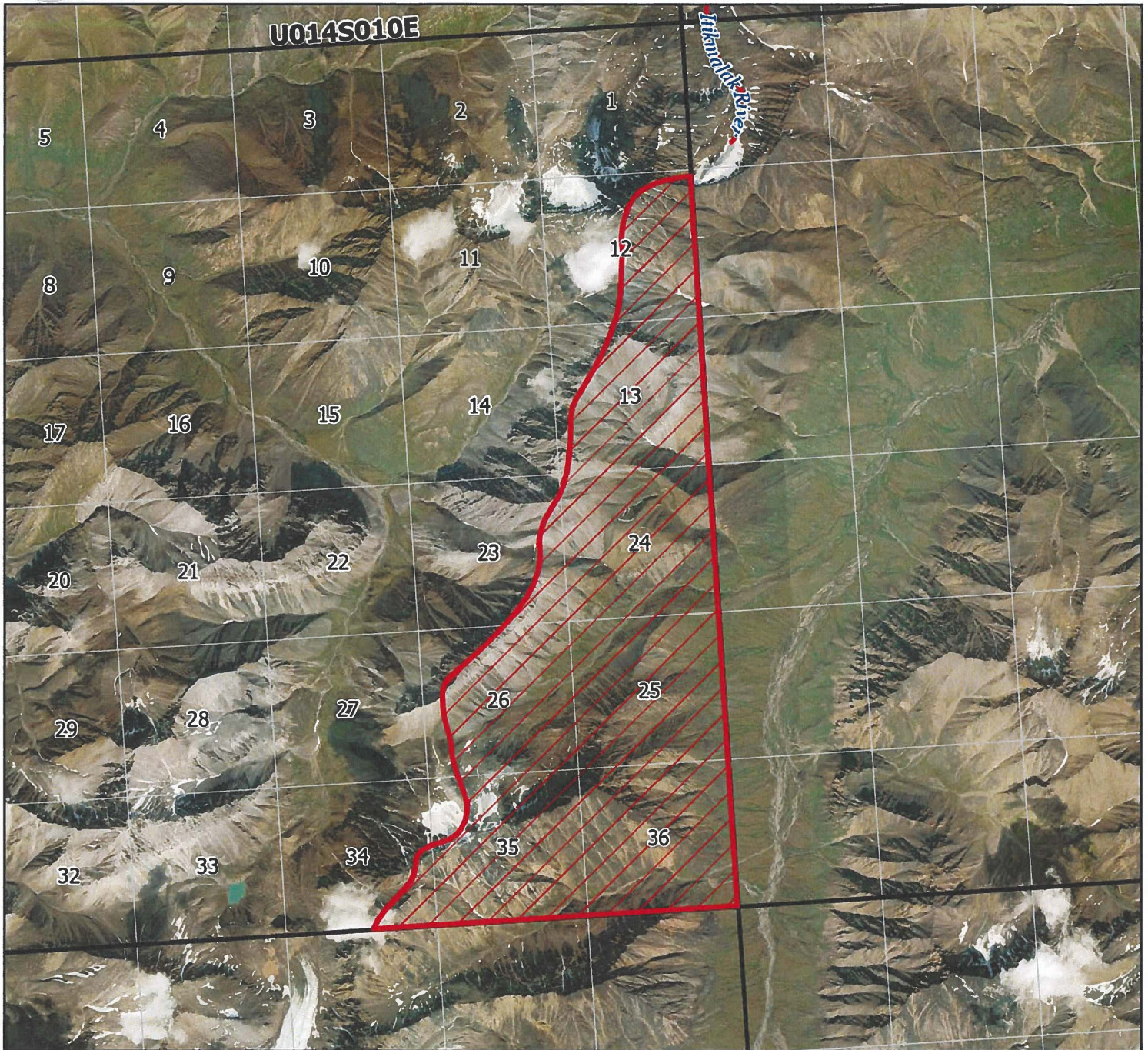
decision under 11 AAC 02.040. The Commissioner may order or deny a request for reconsideration within thirty (30) calendar days after issuance of the decision. If the Commissioner takes no action on a request for reconsideration within thirty (30) days after issuance of the decision, the request for 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>.



Umiat Meridian
Township 14 S., Range 10 E.
Sections 12, 13, 23-26, 34-36

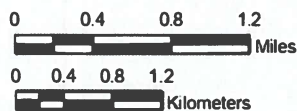
Attachment A: Vicinity Map
University of Alaska, Land Selection Program
Atigun River Selection



State of Alaska Department of Transportation and Public Facilities (DOTPF) in Fairbanks, Esri, Vantor, Earthstar Geographics, and the GIS User Community, Esri, USGS

- ▬ Proposed University Selection
- Roads_AKDOT
- DOT Trails Inventory 1973
- · RS2477 Historic Transportation Routes
- Navigable_Waters_(Title_Purposes)
- Non-navigable

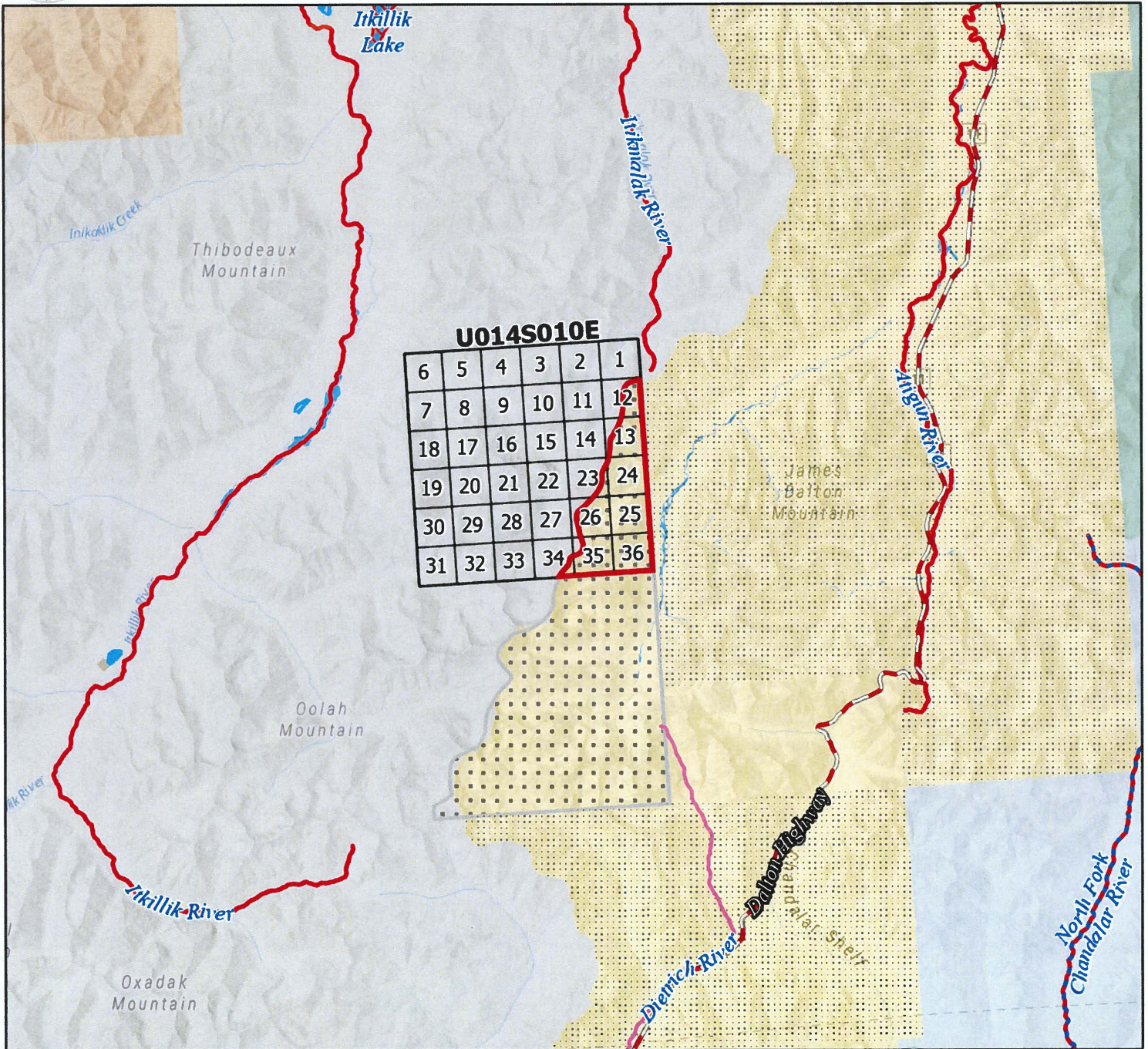
USGS QUAD 1:25,000
Philip Smith Mountains A-5 NW
For more information contact:
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Email: ashley.hovis@alaska.gov





Umat Meridian
Township 14 S., Range 10 E.
Sections 12, 13, 23-26, 34-36

Attachment B: Land Ownership Map
University of Alaska, Land Selection Program
Atigun River Selection



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Bureau of Land Management (BLM), Alaska State Office, Alaska Department of Natural Resources, Esri, USGS

