

**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-2573**

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 and 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-2573 constitute the administrative record for this action.

V. LOCATION

The proposed for relinquishment lands are located within DNR's Southcentral Region, in one township, approximately 1 mile southeast of Slana, 53 miles southwest of Tok, and 65 miles northeast of Glenallen, Alaska. See legal description for exact location. Please see Attachment A for a visual depiction of the area.

- *USGS Map Coverage:* Nabesna D-6 SW
- *Regional Corporation:* Ahtna Incorporated
- *Federally Recognized Tribe:* Mentasta Traditional Council
- *Village Corporations:* Ahtna, Incorporated, Successor in Interest to Mentasta, Incorporated

VI. LEGAL DESCRIPTION

Within the Copper River Meridian, Alaska:

Township 11 North, Range 8 East, Section 28

Excluding the Slana River and Lot 1 (all lands north of the Slana River)

Containing approximately 613 acres

VII. SELECTION HISTORY

- State records indicate lands in township C011N008E28 (GS-2573) was selected in April 1993; the applications were published in April 1993.
- The lands listed above are validly selected.
 - 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 one (1), or high, in the statehood selection prioritization for their importance as wildlife habitat, possible 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 December 5, 2025, through December 29, 2025. Public Notice with a concurrent agency review was conducted from March 18, 2026, to April 21, 2026, and extended to April 28, 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, which are summarized and responded to, as appropriate, below:

Department of Transportation (DOT&PF): DOT&PF is aware of the following existing public infrastructure, access routes, and authorizations issued within the selection area:

1. Nabesna Rd (Tok Cutoff Highway) and the Slana River Bridge and other existing roads, bridges, and rights of ways (ROW);
2. RS2477 trails;
3. Material site (MS 880-001-5) near MP2 Nabesna Rd (Tok Cutoff Hwy) necessary for project staging and material use; and
4. Utility permits for both Alaska Power and Telephone as well as for fiber optic cable owned by Copper Valley Telephone Cooperative.

Nabesna Rd is maintained by DOT&PF. DOT&PF opposes the relinquishment of these vital State resources. Valid, existing rights should be either preserved or carved out of any relinquishment to UA such that they can be transferred to the State for continued public access.

DMLW Realty Response: Thank you for your comment.

DNR Division of Oil and Gas (DOG): Has no objection to the proposal and no third-party interests in the area.

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 Land Conveyance Section (LCS): We have no concerns with the proposed relinquishment. The area is proposed to be Rd/HA in the Copper River Basin Area Plan (CRBAP). While the location does offer good access and could have potential for settlement if title were received, the designation and management intent prohibit land sales.

DMLW Realty Response: Thank you for your comment.

DMLW Resource Assessment & Development Section (RADS): Has provided comments regarding the proposed relinquishment. During the adjudication process, please include and consider the following requirements and management guidelines provided.

Background & Discussion:

The Statehood Entitlement Unit received a request to relinquish a Statehood Act land selection in T. 11 N., R. 8 E., Copper River Basin Meridian, Section 28 to provide for additional land entitlement for the University of Alaska. The parcel is identified as Priority 1 (AA-021163) and is located 1 mile south of Slana, 53 miles southwest of Tok. The parcel is directly surrounded by federal land, with State and Native Corporation owned land to the northwest.

This section of land is not classified in the 1986 CRBAP since at the time, it appears the land was not yet selected. The land is, however, a part of management unit 32 of the plan. Management intent for the section is as follows:

"State land in this unit will be retained in state ownership and managed for multiple use with emphasis on wildlife habitat, hunting, fishing, and dispersed recreation." (CRBAP 3-213).

"Although approximately 1.5 million acres of these lands have been conveyed to Ahtna, Inc., the corporation maintains extensive additional land selections in the region. Many of these over-selections conflict with state selections, particularly around Tonsina, Tazlina and Ewan Lakes, and north of the Glenn Highway from Gakona to Mentasta Summit (including land desired for inclusion in the Porcupine Creek State Recreation Site)....With such extensive over selections, a majority of the conflicting land selections will become state owned land. Unless discussed under relinquishments, the state should retain its selections on these lands. The plan specified how the state will manage these lands if conveyed to the state." (CRBAP 4-11).

The selection includes two navigable water bodies, a portion of the Slana River and Rufus creek.

Recommendation:

Based on RADS review and taking the above area plan into account, RADS does not recommend relinquishment of state lands in T. 11 N., R. 8 E., Copper River Basin Meridian, Section 28. Relinquishment is not recommended because of the land's high recreation and habitat values, priority of selection, and management intent outlined in the CRBAP. A large portion of other state selected lands in this region are proposed for replenishment but the CRBAP states clearly this area should be retained if not selected by the Native Corporation. The selection is also a small, isolated parcel surrounded by federal land, possibly making University of Alaska management difficult.

DMLW Realty Response: Thank you for your comment. Realty notes that the Slana River is excluded from the UA selection area and that BLM and the PAAD Section have determined that Rufus Creek is not navigable.

DMLW Public Access Assertion & Defense Section (PAAD): While the Slana River is not included in the lands requested, Sec 28, T11N, R8E, CRM, it is navigable water per AS 38.04.062. The Slana River was determined navigable by the BLM during the ANCSA conveyance process from Lost Creek in Section 30, T14N, R8E, CRM downstream to the Copper River. Rufus Creek (USGS) was determined non-navigable by the BLM in Section 28, T11N, R8E, CRM in a 1991 determination based on interviews. The access trail discussed below is not talked about in the determination. What is discussed is homesteaders in Section 34 attempted to use Rufus Creek as access to their parcels stating that it was too difficult. The state agrees with the BLM that Rufus Creek is non-navigable within Section 28, T11N, R8E, CRM.

There are no known RS 2477 ROW within the UA Slana Selection. There is a known BLM trail listed as Trail 15, Quadrangle 84 Nabesna for the Slana River Canoe & Boat Access within the 1973 DOT &PF existing trail system. This trail leaves Slana Road in Section 29 and travels through Section 28 out to Rufus Creek/Otter Creek. There is also a new road from

Slana Road out to South Slana West Road that crosses Section 28.

PAAD recommends that the State retain its selection on the BLM trail listed as Trail 15, Quadrangle 84 Nabesna for the Slana River Canoe & Boat Access within the 1973 DOT & PF Existing trail system.

DMLW Realty response: Thank you for your comment. Realty contacted the PAAD Section for additional information regarding Trail 15, to determine if there is any documentation that the trail remains in use. PAAD was unable to provide additional information but did agree that satellite imagery shows less use of the trail east of Rufus Creek. Realty and PAAD believe that users have abandoned the trail east of Rufus Creek in favor of the constructed and maintained 2 Mile Road and other area roads. PAAD will support retention of the DOT trail west of Rufus Creek and relinquishment of DNR's selection east of the creek.

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

Geologic Units: Alluvial deposits, colluvial deposits, glacial deposits (ice contact, outwash, drift), lake deposits (including glaciolacustrine), paludal peat deposits, bedrock

Suitability For Construction: Areas of clean sand and gravel may be suitable as a material resource, depending on their distribution and thickness, 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: Discontinuous (50-90%)

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 and coastal areas 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 and where sediment is coarse-grained.

Seismic Hazard: High; Slana is 30 km from the Denali fault, and only ~35 km from the intersection of the Denali/Totschunda that ruptured together in the 2002 M7.9. There is an 83% chance that there will be a slightly damaging (or worse) earthquake here in the next 100 years.

Standard best building practices should be used to accommodate the regional seismic hazard.

Volcanic/Ashfall Hazard: This area has been subject to ash fall from erupting Cook Inlet and Alaska Peninsula volcanoes.

Radon: Moderate; 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):

Richter, D.H., 1976, Geologic map of the Nabesna Quadrangle, Alaska: U.S. Geological Survey Miscellaneous Investigations Series Map 932, 1 sheet, scale 1:250,000.

DMLW Realty response: Thank you for your comment.

The following agencies did not provide comments in response to this notice:

- Department of Fish and Game
- DMLW Mining/Mineral Property Management
- DMLW Southcentral Region
- DMLW Water Section
- Division of Forestry

IX. PUBLIC COMMENT

Public notice of the proposed relinquishment with a concurrent agency review was conducted from March 18, 2026, to April 21, 2026, and extended to April 28, 2026. The notice was posted to the State of Alaska Online Public Notice System. Copies of the notice were sent to the following: University of Alaska, ADF&G Board of Game and its' members, Board of Fisheries and its' members, U.S. Post Masters of Mentasta Lake and Slana, Slana Community Post Office, Mentasta Traditional Council, Slana Community Corporation, Copper River Native Association, Ahtna Intertribal Resource Commission, Ahtna Intertribal Resource Commission, Ahtna Incorporated, Ahtna Incorporated Successor in Interest to Mentasta Incorporated, Mentasta Lake Katie John School, Wrangell-St. Elias National Park & Preserve, BIA Regional Realty Office and Title Services Center, BLM Anchorage Field Office, BLM Glenallen Field Office, Alaska Department of Natural Resources Commissioners Office, Alaska State legislature, adjacent landowners, and interested private parties.

In total, Realty received eight separate comment submissions in response to the proposed relinquishment. All comment submissions were opposed to the relinquishment and received via email. Three of these comment submissions were provided by community organizations (addressed as Comment 2, 3, and 6 below). One of the individual comments was sent on behalf of multiple concerned community members (the total number of which were not specified; see Comment 7). Each of these comment submissions has been reproduced, either in full or as an excerpt, followed by the Department's response and analysis.

Comment 1: I would like to call to your attention a mistake in map labeling. This is in regard to the two maps enclosed in the letter I received from the State of Alaska, Department of Natural Resources dated March 16th about a public comment period for a "Proposed Relinquishment of State Entitlement Lands." The lands are situated on the Nabesna Road and the Slana River, near its confluence with the Copper River and Rufus Creek. (The Nabesna Road is mentioned in the letter, but nowhere to be found on either map.)

One map looks like it is from Google Earth and the other is created on paper. In discussing this letter and the two maps, my friend (who lives in Slana and is the contract postal clerk) and I (who live in Palmer) agreed that the maps are VERY confusing until you look at them substituting the correct road labels.... especially the Google Earth map. (My friend, who is in charge of the Post Office, was required to post the letter and maps at the Post Office.)

It will be easiest to describe what is wrong using the paper generated map. The roadway that runs through the yellow blocks 19, 20, 21, 22, 23, 14, and 13 is labeled Tok Cutoff Highway. That is correct.

The roadway that goes 90 degrees to the right starting in block 19 and continuing through block 30, 29, 28, 33, 34 and on by Rufus Creek...is labeled Tok Cutoff Highway, but that is incorrect. It should be labeled Nabesna Road.

Another "jag" that goes off Nabesna Road near Rufus Creek and up through block 34 and 27 to the red outline of the proposed lands outlined in red ink, should not be labeled Tok Cutoff Highway. The additional "jag" from this road that goes through Block 34, 35 and 36, and the additional "jag" that goes through block 35, 26, and 25 should not be labeled Tok Cut Off Highway. In the 12 years that I lived in this area (1999-2011) I never once heard these roads referred to as the Nabesna Road. They were always referred to as roads "off" the Nabesna Road. (The Nabesna Road even has a Post Office contract route of its own.) These roads that are now mislabeled as Tok Cutoff Highway, are in what is called "the settlement"... indicating a controversial State of Alaska "homestead" area that Congressman Ted Stevens created in the 1980s.

So, there are a total of four labels of "Tok Cutoff Highway" that should be removed. One should be replaced with "Nabesna Road". I don't know what the other three should be replaced with.

DMLW Realty Response: Thank you for your comment. DNR provided revised maps and extended the public notice period to April 28, 2026, to provide additional comment time due to the revised map.

Comment 2: I am writing on behalf of the Slana Community Corporation Board regarding the proposed relinquishment of state entitlement land near Slana, AK (Copper River Meridian, Township 11 N, Range 8 E, Section 28). We understand that this is an important step in the CAA process, and we hope we can provide information that will help the state, the BLM, and the University of Alaska make a thoughtful and well-informed decision about this selection.

1) The selected land contains the junction of 2 Mile Road and the Nabesna Road. Note that all of the roads on the provided maps (attachments A and B) are labeled "Tok Cutoff Highway" including the Nabesna Road, which passes through the SW corner of the selected lands. While the Nabesna Road is mislabeled on the map, 2 Mile Road is not labeled at all (though you can

see it on the background satellite image in attachment A crossing the SE corner of the selected lands). 2 Mile Road is a public easement, and an important egress route in the event that 4 Mile Road (also labeled as "Tok Cutoff Highway") is blocked during an emergency evacuation, like a wildfire.

2) The selected land also contains the confluence of Rufus Creek and the Slana River. Rufus Creek is a natural spring, and an important water source for local households that don't have a well. The confluence of the two waterways is productive for wildlife and local subsistence users use this area for moose hunting and for fishing and river access.

3) On the western border of the selected land, just north of the Nabesna Road, is an old gravel pit that is frequently used by locals as a shooting range. If this land is conveyed to the University, it would be a good idea to evaluate the gravel pit area for hazards before deciding how and if to use that land for a different purpose.

If the selected land is relinquished and conveyed to the University, local community members have expressed concern about losing road access, losing access to clean water and local subsistence resources, and losing a local, safe location to practice using firearms. We hope that the parties involved with the CAA process will consult other maps that accurately label the local roads before making their decision. While we don't know how the University might plan to use this land in the future, we hope they will consider how a change in land status will impact our local community members.

Thank you for providing us an opportunity to share our knowledge of this land during the CAA process. We hope our information will be helpful.

DMLW Realty Response: Thank you for your comment. Realty notes that the purpose of the maps provided by DNR for the public notice was to inform the public about the general location of the proposed action. As a part of that effort, the maps were overlaid with the DOT&PF's Roads AKDOT¹ feature layer, which is a spatial dataset containing all public roads within the state. DNR provided revised maps and extended the public notice period to April 28, 2026, to allow additional comment time due to the revised map.

The 2 Mile Road is a federal right-of-way (ROW) granted by the BLM to the Slana Community Corporation in 2009, which expires in 2030 (legacy number AA-91187). While the federal ROW grants the authority to use that land for the purposes of the 2 Mile Road, it does not inherently create a public road. The 2 Mile Road and the gravel pit (material site MS 880-001-5) on the Nabesna Road are discussed more fully later in this document 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. More information about the program can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>.

¹ 2026 DOT&PF (Alaska Department of Transportation and Public Facilities. Roads AKDOT feature layer. Accessed at: https://services.arcgis.com/r4A0V7UzH9fcLVvv/ArcGIS/rest/services/Roads_AKDOT/FeatureServer/0

Realty notes that lands within the area of discussion are validly selected by the State, therefore the federal subsistence priority created under the ANILCA does not currently apply. ADF&G would continue to retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

Comment 3: Additional Slana Community Corporation Board comment on the proposed land transfer near Slana, AK:

Thank you for the deadline update and for sharing the new map. I see that 4 Mile Road and Nabesna Road are correctly labeled now.

I am concerned that 2 Mile Road is not labeled on either the old or the new map. This road connects the west end of 4 Mile Road to Nabesna Road and cuts through the SE section of the proposed selected land. It is a public road and an important access for property owners who live on the NW end of 4 Mile Road. It is also an important egress in case the east end of 4 Mile Road is blocked and community members need to get to their properties or evacuate the area quickly. You can clearly see where 2 Mile Road is on the satellite map, though it isn't marked with a red and white line like the other roads in the area.

Thank you again for giving us the opportunity to weigh in on the selection process.

I'd like to make the following addition to the Slana Community Board comment of the proposed land transfer near Slana, AK.

In regards to the importance of continued access to 2 Mile Road, this road is frequently used as an alternate route to private properties and public land in the winter and spring when there can be significant ice damming on Rufus Creek that blocks access to 4 Mile Road (upstream and east of the proposed land transfer stie). It is also needed as an alternate evacuation route in the event of wildfire or other emergencies. One of our biggest concerns with the proposal is that this very significant road is not listed on the proposed land transfer map.

Thank you for giving us the opportunity to submit our comments and concerns.

DMLW Realty Response: Thank you for your comment. The 2 Mile Road in Slana is a federal ROW granted by the BLM to the Slana Community Corporation in 2009, which expires in 2030 (legacy number AA-91187). While the federal ROW grants the authority to use that land for the purposes of the 2 Mile Road, it does not inherently create a public road. The 2 Mile Road is discussed more fully later in this document in Section X below.

Comment 4: I am writing to comment on University of Alaska's proposal to acquire acreage in Slana. As a full-time resident of Slana, Alaska, I oppose this proposal and have reason to believe it will be detrimental to the community. Our community is characterized by subsistence, and many people use the proposed area for subsistence activities such as:

- *An area for firewood collection

- *Fresh water harvesting from Rufus Creek (Rufus Creek is a spring fed creek that does not freeze over in the wintertime and is a valuable resource to the locals who do not have access to well-water or whose wells freeze in the winter (such as my own!))

- *Trapping

- *Hunting
- *Berry picking

My neighbors and I have utilized this area for berry picking and collection of firewood, two activities that help me sustain my family of five and ability to stay in a remote area like Slana full-time. My neighbors who have limited mobility have utilized this area for hunting moose and have caught moose in this area as well, which provided food not only to them but to the rest of the community as well. Our livelihood depends on these resources remaining free and not in the hands of private property owners, who do not live in our remote area and do not understand how people who live here need to make a living off the land to be able to survive. Slana is a community with little to no employment opportunities, our grocery stores are over an hour away, and the majority of us who live here full-time make ends meet entirely by subsistence activities.

Allowing the University of Alaska to attempt to take the resources from the community to create a private revenue stream directly harms our community, especially those who cannot venture further into the national park to hunt and fish and must make do with the limited resources around Slana proper. It would be beneficial to the community to keep the proposed parcel managed as federal lands because conveying it to private property owners directly harms our local community members (not just those in Slana but our neighbors from neighboring communities as well, who also utilize these lands for subsistence).

Additionally, the selected acreage is situated almost entirely on top of the Two-Mile Access Road, one of the only two roads that goes in and out of the Four-Mile Slana Settlement area. Creating private parcels in this area creates the possibility of potential impacts on the people who may need to use this road if flooding impedes passage on Four-Mile Road (which happens often during break-up season) and will have potential to create life-threatening situations, the fact that no one has considered this while selecting lands inspires little faith in this proposal as being beneficial to the community of Slana.

I advocate for these lands to remain under federal management and NOT conveyed to the University of Alaska.

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 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. Additionally, during the review period of this decision UALMO implemented a trapping program. 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 ANILCA does not currently apply. ADF&G would continue to retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

The 2 Mile Road in Slana is a federal ROW granted by the BLM to the Slana Community

Corporation in 2009, which expires in 2030 (legacy number AA-91187). While the federal ROW grants the authority to use that land for the purposes of the 2 Mile Road, it does not inherently create a public road. The 2 Mile Road is discussed more fully later in this document in Section X below.

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 are outside the scope of this decision. Suggested courses of action regarding ownership and management are discussed more fully later in this document in Section X below.

Comment 5: The risk of our subsistence way of life is already at stake and UAA taking these traditional lands will only add to the problem. People in rural areas need untouched lands to gather food and resources to SURVIVE. Many do not have transportation or the money to go to towns to shop for food. We have survived throughout history in our way of life on our lands and we must have our lands to survive, and our traditional ways are our survival. This will only add more harm to the crisis already at hand.

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 ANILCA does not currently apply.

Comment 6: Chickaloon Native Village (CNV) or Nay'dini'aa Na' Kayax is a federally recognized sovereign Tribal Government in Alaska (Federal Register, Volume 47, Number 227, November 24, 1982, and reaffirmed in Federal Register, Volume 58, Number 202, October 21, 1993), with the full power and authority to consult and enter into agreements with local, state, and federal governments at their discretion. Chickaloon Village Traditional Council (CVTC) is the governing body of CNV as recognized by CNV Tribal citizens with the full power and authority to act for CNV. CVTC has a responsibility to provide a government for the good health and welfare of its Tribal citizens and address any needs in its community.

CNV's ancestral territory and customary area of use encompasses much of Southcentral Alaska and extends from the Wrangell-St. Elias Mountains and Copper River Watershed to the Talkeetna and Chugach Mountains and Cook Inlet. This territory includes countless watersheds, rivers, streams, lakes, and wetlands stewarded by CNV Tribal Citizens for thousands of years. CNV's traditional area of influence overlaps neighboring Dena'ina Dene and Ahtna Dene Tribal Nations. CNV has a responsibility to steward and protect the environment, cultural resources, and the health of Tribal citizens and community members in perpetuity. Actions that occur within CNV's traditional ancestral territories and customary area of use may impact our environment, the cultural resources including fish and wildlife, as well as the health, safety, and welfare of our Tribal citizens.

CVTC strongly opposes the proposed transfer of the Slana selection from the State of Alaska and the Bureau of Land Management to the University of Alaska. The proposal would convey approximately 613 acres of federally protected land, including environmentally intact landscapes, inlet and outlet streams, and adjacent waterbodies. This parcel encompasses portions of the Slana River which host Chinook and Sockeye salmon. Additionally, this land includes the confluence and lower reaches of Rufus Creek. Rufus Creek is Chinook salmon spawning habitat as designated by the Alaska Department of Fish and Game's Anadromous Waters Catalog. If developed, surface and subsurface interest will irreparably harm surrounding waterbodies and wetland habitats.

This land has a high likelihood of containing cultural sites that have not been adequately investigated and are integral to the broader history of Dene occupation of the region. There are sites of cultural and spiritual importance in the Slana and Nabesna that are known to be over ten thousand years old, many of which remain insufficiently documented. Through the rapid and forced colonization process many of our sacred and important places were not accessible to us in the same way. During this time many of our people were forced into institutions or were faced with the grim effects of over a dozen epidemics that impacted our land use and occupation patterns. Privatization would significantly complicate, and potentially prevent, future survey, identification and preservation efforts.

Comprehensive cultural resource investigations involving descendant communities are essential prior to any land transfer decisions. The proposed land transfer would have serious and lasting consequences for environmental protection, the preservation of cultural and historic sites, the continuation of traditional practices, and the rights of Tribal Nations to maintain a clean and healthy environment.

This transfer would directly undermine our responsibility to safeguard the health, safety, and welfare of our Tribal citizens and the natural systems upon which they depend. We urge the State of Alaska to withdraw this proposal and instead uphold and strengthen protections for public lands, cultural landscapes, and environmental health.

May Nek'eltaeni (Creator) Guide our Footsteps.

DMLW Realty Response: Thank you for your detailed 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. Possible future land use restrictions, development, land protections, or land preservation are beyond the scope of this decision.

While comments regarding UALMO land management practices are beyond the scope of this decision, the UA is a public institution and there are opportunities for input to the UA Board of Regents (BOR) policies affecting these lands. The UALMO provides public notices for actions on university lands via their website: <https://www.alaska.edu/ualand/>.

Realty notes that relinquishment of DNR's land selection does not authorize any development. Any proposed future use, development, or sale of the land would include a public process on the part of the UA. Should the land be conveyed to the UA, any future actions would be subject to applicable State and federal environmental regulations. Applicable State regulations would require permitting for most development projects and would also likely include a federal permitting process and National Environmental Policy Act (NEPA) review.

If the selection is relinquished and the lands conveyed to the UA, the lands would be subject to review and compliance under the Alaska Historic Preservation Act (AHPA). Any future action on the lands that require federal permits, authorizations, or oversight would also be subject to Section 106 of the National Historic Preservation Act (NHPA).

Comment 7: The BLM Glennallen Field Office would like to comment and include recent concerns from community members and adjacent private landowners that have inquired to BLM regarding access on the 2 Mile Road that they utilize to access their private lands. The private landowners are looking for confirmation that this road would continue to be a public road and provide access to their private lands. The road in the imagery was not clearly identified in relation to the proposed conveyance.

DMLW Realty response: Thank you for your comment. The 2 Mile Road at Slana is a federal ROW granted by the BLM to the Slana Community Corporation in 2009, which expires in 2030 (legacy number AA-91187). While the federal ROW grants the authority to use that land for the purposes of the 2 Mile Road, it does not inherently create a public road. The 2 Mile Road is discussed more fully later in this document in Section X below.

Comment 8: This has been our Ahtna hunting ground for thousands of years. This is where we Ahtna tribal people hunt, fish and trap. I disapprove this proposal.

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 hunting and subsistence activities on UA lands. Additionally, during the review period of this decision UALMO implemented a trapping program. 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 ANILCA does not currently apply.

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 similar tools and processes to advance. In general, there must be an overarching benefit to Alaskans in retaining selected land — and declining to participate in the 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 lands described in Section VI represent a smaller, compact, and contiguous block of land. Compact and contiguous parcels help the public understand land boundaries and acquire any relevant permits prior to land use. Additionally, it may reduce the potential for user confusion and conflict across areas of mixed land ownership.

Lands surrounding the UA's Slana selection are a mixture of: federal public lands managed by the BLM, federal public lands selected by AHTNA, Inc. and managed by the BLM, federal public lands managed by the National Park Service (NPS), and private lands. The closest State-owned or State-selected lands are located approximately 1-2 miles to the northwest of the proposed selection. The State selected the lands within the proposed relinquishment area in 1993 as a possible acquisition for natural resources, settlement, development, and fish and game interests. The UA selection is ranked as high priority for acquisition by DNR. Current land uses include public access, public infrastructure, recreation, traditional use, and subsistence activities.

The UA has excluded from their CAA 2023 selections the beds of navigable waterbodies where title was conveyed to the State at Statehood under the Submerged Lands Act. A review of the lands by PAAD noted that both the BLM and State agree that the Slana River is navigable and that Rufus Creek is not navigable. Ownership of the lands below the ordinary high-water mark of navigable water bodies will remain with DNR under the Public Trust Doctrine.

The lands are not crossed by any accepted and codified Revised Statute 2477 (RS 2477) Trails. While BLM recognizes some RS2477 trails and 1973 DOT inventory 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 selection portfolio. PAAD noted that a 1973 DOT inventory trail, Trail 15, (Quadrangle 84 Nabesna) extends west to east from the western boundary of the proposed selection and beyond Rufus Creek. Satellite imagery shows a trail extending from the Nabesna Road material site to Rufus Creek. This trail is not co-located with Trail 15; a review of public records determined it has not been surveyed, dedicated to the public, or has a valid BLM authorization. A review of BLM's public records determined that there is a valid right-of-way (legacy number AA-91187) for 2 Mile Road that extends from Nabesna Road east through the UA selection area. No other current applications for permits, easements, or rights-of-way were found during Realty's public records review.

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

Realty notes that statehood entitlement selections do not provide the State with management authority or title to land. Given this, the State is unable to reserve access easements for relinquishments of entitlement selections. Further, 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 review comments provided by RADS objected to the relinquishment of the State selection because of the land's high recreation and habitat values, priority of selection, and management intent outlined in the CRBAP. While the lands have high value as wildlife habitat and for recreation, 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 lands is allowed under existing UA BOR policies. Commercial hunting and guiding can be permitted under UALMO's land use permit system. Additionally, ADF&G would retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

DOT&PF opposed the transfer, citing concern for existing State resources, such as Nabesna Road and other existing roads, bridges, RS2477 trails, material site MS 880-001-5, and existing power, telephone, and fiber optic lines. DOT&PF advised that valid existing rights should be either preserved or carved out of any relinquishment to UA, followed by acquisition by DNR for continued public access. PAAD also noted concerns for protecting existing public access on these lands and recommended the UA's selection be modified to exclude the western portion of Trail 15.

All public comments opposed the transfer of the land to the UA. Multiple commentors voiced concerns that transfer of these lands would result in a reduction or complete loss of access across and on the lands, loss of access to clean water, environmental harm, habitat loss, adverse impacts to fish and wildlife, reduction or loss of important subsistence activities such as hunting, fishing, trapping, berry picking, and firewood collection, and reduction or loss of recreation opportunities. Local community members noted that Slana and other nearby communities are remote and emphasized that their livelihood is dependent upon subsistence activities that are supported by these lands. Multiple commentors also expressed concerns that transfer of these lands would result in adverse impacts to cultural resources, historic sites, and traditional uses. Others noted the potential for significant harm to the health, safety, and welfare of local communities and Tribal citizens. Several comments noted the cultural and spiritual importance of the lands and that the area has a history of traditional use going back thousands

of years. Commentors recommended that the land be retained as public land and protected from development for these reasons.

Commentors were concerned that 2 Mile Road, which is currently used for public access and serves as an emergency evacuation route, could be conveyed to the UA. The 2 Mile Road is a federal right-of-way (legacy number AA-91187) granted by BLM to the Slana Community Corporation. The current right-of-way expires in 2030. The Slana Community Corporation should coordinate with the BLM Glennallen Field Office to discover if additional options exist for obtaining a dedicated, permanent public easement or right-of-way from the federal government.

As 2 Mile Road is a prior valid right granted by the BLM, conveyance to the UA would be subject to (or subservient to) this right-of-way until it expires. If UA acquires the land the UALMO may be able to dedicate the road to the public through a platting action. Alternatively, as the landowner UALMO could work with DNR for the State to acquire the road as a dedicated easement held in trust for the public.

If DNR retains its selection and eventually acquires the Slana parcel, it could dedicate the 2 Mile Road as a public easement. Alternatively, the Slana Community Corporation could apply to DMLW for a right-of-way or easement. Either action by DNR would be required to go through DNR's public process (e.g., public notice, issuing a final finding or decision, and appeal process). Regardless of who has ownership/management of the land, the community will need to acquire a new right-of-way or easement prior to the current authorization expiring.

The public voiced concerns about limited public access to and through the Slana parcel. 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. In addition, UALMO has a permit system to provide dedicated public and private access easements to reach inholdings or specific areas. The block of land is smaller than many contiguous blocks of ANCSA Native Corporation land, which often have more restrictive public access and use requirements than those developed by the UA BOR.

Commentors voiced concerns that relinquishment would harm cultural or archaeological sites, or that development could harm these interests or the environment. 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. This includes the AHPA, Section 106 of the NHPA, and NEPA. In addition, the UA is a public institution and there are opportunities for input to the UA BOR policies affecting these lands. The UALMO provides public notices for actions on university lands via their website: <https://www.alaska.edu/ualand/>.

Commentors are concerned that if the land is conveyed to the UA there will be significant loss of hunting, fishing, berry picking, access to clean water sources, and other subsistence opportunities. If the selection is relinquished and the parcel is conveyed to the UA, personal use (non-commercial) hunting and fishing activities will still be available under UALMO's existing hunting program. Additionally, ADF&G would retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

Balancing development, access, subsistence use, public recreation, and wildlife habitat are

challenges that must be addressed when managing the Slana 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 publicly noticed under existing UA policies.

The scope of this decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA under the CAA 2023. Two of the suggested alternative courses of action (to retain State selection on all the lands, or to retain access corridors) are also within the scope of this decision. If DNR declines to relinquish its selection on the Slana parcel the land would remain in federal ownership and still be selected by the State. This would most likely be temporary, given that these lands are currently ranked as a high priority for the State. DNR is likely to pursue acquisition of the parcel in the near future. Either option (relinquish or retain the selection) will have no impact on the lack of ANILCA federal subsistence priority on the parcel, meaning the rural subsistence priority will not be in effect as the lands do not currently meet the legal definition of “public land” in ANILCA.

Maintaining the DNR selection on the 2 Mile Road right-of-way would provide access to private properties and other surrounding public lands and waters. Should the lands be conveyed to the UA, the existing public access for the 2 Mile Road will be maintained through 2030 via the current right-of-way grant and could be extended through UALMO’s permit/easement process. Additionally, it seems likely to be in UA’s interests to keep the 2 Mile Road as public access to and through the Slana parcel.

BLM State land conveyance regulations require that land selections be compact tracts that do not leave federal inholdings. BLM regulations also require that land selection areas be reasonable tracts for surveying. Realty must consider the resulting land pattern when determining if access corridors or other areas should be removed from the UA’s Slana parcel. Realty should avoid or reduce the creation of discontinuous tracts that would complicate future land management. Typically, the creation and retention of small access corridors is not in the best interests of the State or the public. Retention areas should be large enough to protect the State and public interests that engendered removal, avoid creating small tracts of DNR and UA land, and reduce the survey burden for BLM. Both BLM and UALMO will be required to educate the public regarding ownership boundaries, unless the remaining federal land is conveyed to the State—whereupon BLM’s land boundary education role would transfer to DNR. The public must be made aware that commercial or non-personal activities outside any retention areas may require a permit or authorization from UALMO.

Overall, portions of the Slana parcel appear suitable for relinquishment in favor of the UA. Agency comments recommended retention of the State’s selection of the Nabesna Road right-of-way, other existing roads, the MP 2 material site (MS 880-001-5), the public trail extending northeast from the material site, that portion of the Trail 15 (Quadrangle 84 Nabesna, 1973 DOT&PF trail system) extending from the Nabesna Road to Rufus Creek, and lands containing infrastructure such as electric, phone, and fiber-optic lines adjacent to Nabesna Road. Public comments were opposed to the land transfer to the UA. The State’s interest in retaining the

Slana parcel must be balanced with providing potentially valuable land to the UA while protecting the State's interests in potentially valuable land, State owned or selected adjacent lands, access to public lands and resources, and the overall management of an area. Realty has determined that the public's interest in 2 Mile Road is protected by the existing right-of-way granted by BLM, therefore retention of DNR's selection on the road is not required.

Realty has determined that it's in the State's and public's best interests to retain DNR's selection on the previously listed infrastructure and access routes, excluding the 2 Mile Road. When considered fully, the State's interest in retaining a selection on portions of the Slana parcel is compelling and supports a partial conditional relinquishment. Additionally, partial 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: Retain the State's selection on the lands described in Section VI.

Alternative 2: Modify the UA's Slana selection to retain the State's selection of the following lands in Section 28 of Township 11 North, Range 8 East, Copper River Meridian:
W1/2, SW1/4SW1/4SE1/4 as depicted on the attached map.

Relinquish the remaining lands within the UA Slana selection.

Alternative 3: Relinquish UA's Slana parcel selection in full as 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 2.**

Retain the State's selection on the following lands:

T. 11 N., R. 8 E., C.R.M.

Sec. 28, W1/2, SW1/4SW1/4SE1/4.

Containing approximately 311.36 acres.

Proceed with conditional relinquishment of the following lands:

T. 11 N., R. 8 E., C.R.M.

Sec. 28, NE1/4, N1/2SE1/4, SE1/4SE1/4, N1/2SW1/4SW1/4SE1/4,
SE1/4SW1/4SE1/4.

Containing approximately 310 acres.

Recommended by:

Ashley Hovis

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

9/18/2026

Date of Signature

Approved by:

Lacy Hamner

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

9/18/2026

Date of Signature

Approved by:

John Crowther

Commissioner John Crowther
Department of Natural Resources

9/21/2026

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>.



Copper River Meridian
Township 11 N., Range 8 E.
Section 28

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



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

- Slana Alternative 2
- Roads_AKDOT
- DOT Trails Inventory 1973
- RS2477 Historic Transportation Routes
- Navigable_Waters_(Title_Purposes)
- Navigable
- Unknown

USGS QUAD 1:25,000
Nabesna D-6 SW
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

