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

Administrative Decision

ADL 105898
Department of Fish & Game – Division of Sport Fish Access Program
Interagency Land Management Assignment
AS 38.05.020

Executive Summary

On August 26th, 2025, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), received an application for Interagency Land Management Assignment (ILMA) from Department of Fish & Game – Division of Sport Fish Access Program (ADFG) for the continued operation and maintenance of the Swanson Harbor Refuge Float on state-owned, DMLW-submerged lands near Couverden Island, Alaska. The float continues to provide residents and visitors of Alaska safe passage in the Point Couverden area for recreational angling and sight-seeing. The applicant has requested an ILMA approximately 0.86 acres in size for the maintenance of the 12x150' dock inside the parameter.

Statutory Authority

This ILMA application is being adjudicated pursuant to AS 38.05.020(b)(2).

Scope of Decision

The scope of this decision is to determine if it is in the State's interest to authorize an ILMA for the proposed use. The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization is in the interest of the State of Alaska.

Administrative Record

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced here-in, the Northern Southeast Area Plan – October 2002 (NSEAP) and other classification references described herein, and the casefile for the application serialized by DNR as ADL 105898.

Location Information

Geographic Location

The applicant has requested that DMLW authorize an ILMA near Couverden Island approximately 21 miles west of Juneau.

Property Description: DMLW-managed tide and submerged lands, Tract B of ATS 1486 in Township 42 South, Range 63 East, Section 21, Copper River Meridian.

Width: 12-feet **Length:** 150-feet Approximate **Acreage:** 0.86

Other Land Information

Municipality: City and Borough of Juneau.
Regional Corporation: SEALASKA Corporation.
Nearest Village Corporation: Huna Totem Corporation.
Nearest Federally Recognized Tribe(s): Hoonah Indian Association, Central Council of the Tlingit & Haida Indian Tribes of Alaska.

Title

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying Swanson Harbor in the section(s) referenced above, based on the Equal Footing Doctrine, the Submerged Lands Act of 1953, and AS 38.04.062 (Identification of State Submerged Lands).

Planning & Classification

The proposed site is subject to the *Northern Southeast Area Plan* – October 2002 (NSEAP) and is located within Management Unit H-39. The designated land uses are 1.) *Public Facilities - Retain* (Pr), which classifies as "Reserved Land Use" and 2.) *Public Recreation – Undeveloped* (Ru) which classifies as "Public Recreation Land" (NSEAP 3-87 & 4-5).

Management Intent

The parcel is recommended for inclusion in the state park system and is to be retained by the state for public recreation uses. Parcel is to be managed for dispersed recreation purposes until the area is designated a Legislatively Designated Area. (NSEAP, p. 3-87)

Resources and Uses

This parcel consists of the islands offshore of Point Couverden; there are three large islands of over 160 acres, with Couverden Island itself being the largest. The waters adjacent to these islands are heavily used for recreational purposes, particularly by residents of Juneau who access this area by boat. There are no known heritage sites. Eagle nests occupy portions of the coastal fringe. The upland area adjacent to the islands is also owned by the state (H-38) and is a popular recreation area as well. It is also recommended for designation as a state marine park. The islands are readily visible from main cruise ship and marine highway routes. This parcel was selected for its community recreation values. (NSEAP, p. 3-87)

Pr – Public Facilities-Retain: These sites are reserved for a specific infrastructure to serve state interests. These units are classified Reserved Use Land and are not selectable by municipalities under state law (except under AS 38.05.810). Units designated "Public Facilities-Retain" will be retained in state ownership, while units designated "Public Facilities-Transfer" (see below) may be conveyed to municipalities, but not sold to individuals. (NSEAP, p. 3-3)

Ru – Public Recreation and Tourism-Undeveloped: This designation applies to those areas that offer or have a high potential for dispersed recreation or tourism and where desirable recreation conditions are scattered or widespread rather than localized. Developed facilities are generally not necessary other than trails, trail signs, primitive campsites, and other minor improvements. Land in this designation may be conveyed to municipalities depending on the unit's management intent and the relative value of the recreation resources for which the unit was designated. These lands cannot be sold to individuals. This designation can also apply to tidelands. If used as a tideland designation, it applies to areas that are widely used for recreation by either commercial operators or the public and is usually associated with the use of fisheries or the viewing of a unique or scenic area. Use patterns are dispersed over a fairly large area, and few public facilities are provided other than boat launches, docks, and mooring buoys. Tidelands can be conveyed to municipalities under certain conditions, but cannot be transferred to individuals. (NSEAP, p. 3-3)

According to the NSEAP's Management Intent in Chapter 3, this moorage is consistent with the area plan's management intent. This float has been authorized on state submerged lands since 1994 and supports public facilities and public recreation. This float promotes safe passage for visitors and Alaskan residents recreating in the waters between Lynn Canal and Icy Strait.

Background

DMLW received an ILMA application for the construction and maintenance of a moorage refuge float in Swanson Harbor, Alaska submitted under ADFG on March 31, 1993. Dock construction completed November 1994. DMLW issued an ILMA to ADFG, serialized as ADL 105898 on April 17th, 1996. The ILMA expired in 2021. On August 26th, 2025, an ILMA application was submitted by ADFG for the continued operation and maintenance of the moorage refuge float. The application was deemed complete August 04th, 2026.

Agency Review

Agency Review Summary

Agency Review of the application was conducted from August 11th, 2026 to September 15th, 2026. The notice was sent to the following recipients:

- Alaska Association of Conservation Districts (AACD), Administrator's Office
- Alaska Department of Fish & Game (ADF&G), Division of Habitat, Southeast Region
- ADF&G, Division of Habitat, Ketchikan & POW
- ADF&G, Division of Wildlife Conservation (DWC), Access Defense Program
- Department of Environmental Conservation (DEC), Commissioner's Office, Hearings, Regulations, & Special Projects
- DEC, Division of Water, Director's Office (DO)

- DEC, Division of Water, Wastewater Discharge Authorization Program, Engineering Support and Plan Review
- DMLW, Director's Office (DO), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyances Section (LCS)
- DMLW, Public Access Assertion and Defense (PAAD)
- DMLW, Water Resources Section, Southeast Region
- Parks & Outdoor Recreation (DPOR)
- Office of History & Archaeology (OHA), Review & Compliance Section
- Department of Transportation & Public Facilities (DOT&PF), Design & Engineering Services, Design & Construction Standards, ROW Office

Agency Review Comment & Response

No comments were received during the agency notice period.

Environmental Consideration

This decision considers environmental factors directly related to the authorization for use of state lands, specifically whether the approval of the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest, while informing the overall decision of whether to approve the authorization.

Environmental contamination risk associated with this proposed ILMA is minimal. Fuel, lubricants, and other hazardous materials will be restricted to those necessary and will be contained within vessels? No fuel or other hazardous materials will be stored on site. There are no other known environmental considerations or constraints in this location. The applicant is ultimately responsible for determination of site suitability.

Survey

The DMLW Survey Section approved Alaska Tideland Survey (ATS) No 1486 of the proposed ILMA on January 19th, 1996.

Fees

This project is in the public interest, as it will provide safe moorage for visitors and residents recreating between Lynn Canal and Icy Strait. Per 11 AAC 05.020(b), land use fees are hereby waived.

Term

The authorization requested under ADL 105898 will be issued for 30 years from the effective date of this decision.

Following termination, whether by abandonment, revocation, or any other means, the applicant shall rehabilitate the site(s) to a condition that is acceptable to DMLW.

Recommendation

Based upon the information provided by the applicant, as well as review of relevant planning documents, statutes, and regulations related to this application, it is the recommendation of staff to issue an ILMA as described above, on the condition that all stipulations are followed as described in the attached authorization.

Melissa Allen — 9/18/2026

Melissa Allen, Natural Resource Specialist I — Date
DMLW, Southeast Regional Land Office

Decision

Based on information provided by the applicant, agency and public review, and review of relevant planning documents, statutes, and regulations related to this application, it is the decision of the DMLW to issue an ILMA to ADFG as recommended above. During the term of the ILMA, periodic inspections may be conducted, at the discretion of DMLW, to ensure compliance. DMLW reserves the right to issue other compatible uses within this same area.

This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the first business day after the twentieth calendar day after signature.

Mason Auger — 9/18/2026

Mason Auger Natural Resource Manager II — Date
DMLW, Southeast Regional Land Office

Attachments

Attachment A: ATS 1486
Attachment B: ILMA

Appeal

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at $200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf.