



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

Southeast Regional Land Office

**Preliminary Decision**

**ADL 109423**

**Goldbelt Inc.**

Application for Lease

AS 38.05.075(c)

This Preliminary Decision (PD) is the State's preliminary best interest finding regarding a proposed disposal of interest in state land. The public is invited to comment on this PD. The deadline for commenting is **11:59 pm November 23, 2026**. Please see the Public Notice section of this decision for requirements related to submitting comments for consideration.

**Requested Action**

On March 11, 2025, Solstice Alaska Consulting Inc. submitted an application on behalf of Goldbelt Inc. (applicant) to the Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW) for a 55-year tide and submerged land lease. The lease request is for construction and operation of two new cruise ship berths as well as associated small ship docks, a tour boat return dock, a private small boat harbor, and a small boat launch. According to the applicant, these facilities would provide cruise ship mooring and visitor access for up to 10,000 guests and 3,000 ship workers during the tourist season. The proposed site is located on approximately 152 acres of state-owned tide and submerged lands on the northwestern shore of Douglas Island in Stephen's Passage, approximately 9.32 miles west of downtown Juneau, Alaska. Final acreage will be determined by an approved survey of the leasehold. A development diagram is included as Attachment 1.

**Proposed Improvements:**

|                                |              |
|--------------------------------|--------------|
| • North Berth                  | 25,000 sq ft |
| • North Berth Small Boat Float | 3,500 sq ft  |
| • North Trestle                | 17,200 sq ft |
| • North Transfer Span          | 2,325 sq ft  |
| • South Berth                  | 25,000 sq ft |
| • South Berth Small Boat Float | 3,500 sq ft  |
| • South Trestle                | 12,200 sq ft |
| • South Transfer Span          | 2,325 sq ft  |
| • Multi-Use Harbor             | 44,216 sq ft |
| • Concrete Boat Launch         | 16,580 sq ft |
| • Tour Boat Return Dock        | 8,425 sq ft  |
| • Offshore Utilities           | 8,855 sq ft  |

Additional details of the proposed improvements were provided in the lease application and are included as Attachment 4.

### **Proposed Action**

DMLW proposes to issue a lease to the applicant for the construction, operation, and maintenance of the cruise ship berths and associated facilities requested. However, to allow for the re-evaluation of the land and state resources at a more regular interval and to reassess the use of the area, DMLW intends to authorize a 25-year term length.

### **Scope of Decision**

The scope of this decision is limited to the determination of whether it is in the State's best interest to issue a 25-year lease to the applicant. The administrative review for this authorization is defined by AS 38.05.035(e)(1)–(2) and 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.

### **Authority**

This lease application is adjudicated pursuant to AS 38.05.035(b)(1) and AS 38.05.035(e) Powers and Duties of the Director, AS 38.05.070 Generally, AS 38.05.075 Leasing Procedures, and AS 38.05.945 Notice. The authority to execute the PD, Final Finding and Decision (FFD), Entry Authorization (EA), and the lease has been delegated to the Regional Managers of DMLW under AS 38.05.035(b)(1).

### **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 Juneau State Land Plan, 1993 (JSLP) and other classification references described herein, and the casefile for the application serialized by DNR as ADL 109423.

### **Location Information**

#### **Geographic Location:**

The parcel is located on the northwest end of Douglas Island in Juneau, Alaska, a navigable body of water within Stephens Passage. The site is on state tide and submerged lands located approximately 9.3 miles west of downtown Juneau, Alaska.

#### **Legal Description:**

That portion of State Tidelands within the SE 1/4 of Protracted Section 19, the E 1/2 of Protracted Section 30, the SW 1/4 of Protracted Section 29 the NE 1/4 of Protracted Section 31 and the NW 1/4 Protracted Section 32, all in Township 41 South, Range 66 East, Copper River Meridian; Alaska, containing approximately 152 acres, more or less.

#### **Other Land Information:**

Municipality: City and Borough of Juneau (CBJ)

Regional Corporation: Sealaska Corporation (Sealaska)

Village Corporation: Goldbelt Inc. (Goldbelt)  
Federally Recognized Tribe: Central Council of the Tlingit and Haida Indian Tribes of Alaska (Tlingit and Haida) and Douglas Indian Association (DIA)  
Approximate Coordinate Location: 58.2326° N, 134.6584° W

### **Title**

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying Stephens Passage in the section(s) referenced above, on the basis of the Equal Footing Doctrine, the Submerged Lands Act of 1953 and AS 38.04.062 (Identification of State Submerged Lands). A DNR Title Report RPT-24008 issued on March 23, 2026, from DMLW's Realty Services Section attests to the state's ownership of the subject parcel.

Title is subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other State or federal conveyance, and in acts authorizing the issue thereof, easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.

### **Third Party Interests**

Two private easements for existing submerged cables intersect with the proposed project area. Kwaan Electric Transmission Intertie Cooperative, Inc. holds existing easement ADL 107202 while GCI Communication Corp. holds existing easement ADL 107374. Notice of this preliminary decision will be sent to all interested parties. Goldbelt Inc. has, however, informed DMLW that they contacted both Kwaan Electric and GCI, and states that design for the project "has taken the easements as well as the cable runs for power and fiber into account during the current layouts of the project."

### **Planning and Classification**

The proposed location is subject to the Juneau State Land Plan (JSLP, 1993) and is located within Management Unit 10 - West Douglas, and more specifically, Subunits 10b2 and 10b3 (JSLP 3-187-190). Subunit 10b2 is designated Hb (Fish & Wildlife Habitat) and Hv (Fish & Wildlife Harvest) which both convert to a Wildlife Habitat Land classification (JSLP 4-30). Subunit 10b3 is designated Hv (Fish & Wildlife Harvest), which again converts to a Wildlife Habitat Land classification. The area plan guides the management and use of state-owned tide, submerged, and uplands and further defines the applicable designations as follows:

Habitat (Hb) – "Hb" fish and wildlife habitat areas are the second-most valuable habitat types. "Hb" habitats are highly productive components of the ecosystem where alteration of the habitat or human disturbance would reduce the yield of fish and wildlife populations whether directly or cumulatively. These habitats include: beaver concentration areas; herring over-wintering areas; highest quality land otter habitat; highest quality wolf habitat; highest quality deer winter habitat; and eelgrass beds (not near anadromous stream mouth) (JSLP 3-4).

Harvest (Hv) – “Hv” fish and wildlife harvest areas are localized, traditional harvest areas of limited size where alteration of habitat could permanently limit sustained yield to traditional users; or areas of intense harvest where the level of harvest has or is projected to reach the harvestable surplus for the resource. This includes the following areas: cost recovery fishery for hatcheries; public clam harvest areas; important access for human use of fish and wildlife; areas with multiple uses of fish and wildlife; localized, very intensive harvest areas of limited size; intensive sport/personal use fishing areas; intensive commercial salmon fishing areas by gear type; intensive commercial crab harvest areas by species; and intensive hunting areas for a game species (JSLP 3-4).

11 AAC 55.230 defines the classification of Wildlife Habitat Land as “land which is primarily available for (1) fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or a diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or (2) a unique or rare assemblage of a single or multiple species of regional, state, or national significance.”

The areawide land management policies presented in chapter 2 of the JSLP address department policy when other uses are proposed in areas that are otherwise designated as “Hb” and “Hv.”

“If, within fish and wildlife habitat designated “Hb”, a use other than fish and wildlife is proposed, the department policy is to allow the proposed use: if consideration is given to the type of fish and wildlife habitat upon which the “Hb” designation is based; any necessary mitigating measures are designed to protect the specific type of fish and wildlife habitat that occurs in the designated area; and the other proposed use is consistent with the management intent and guidelines of the plan” (JSLP 2-6).

“If, within areas designated “Hv” for fish and wildlife harvest, a use other than fish and wildlife harvest is designated, the department policy is: the designated uses are compatible, or; that with appropriate design, siting, and operating stipulations, the other designated use can be made compatible and significant impacts to the harvest use avoided, or; that the other use is of sufficient importance or lacks a feasible and prudent alternative and it should be allowed within the harvest area consistent with the guidelines of the plan” (JSLP 2-9).

The areawide management guideline regarding fish and wildlife mitigation says that DNR and ADF&G are to determine any mitigation measures and appropriate stipulations needed to protect fish, wildlife, or their habitats (JSLP 2-4). During DMLW’s standard agency review process for this application, ADFG provided DMLW with area-specific research, comments, and timing recommendations which are documented in the agency review section of this decision.

Speaking to management intent, Chapter 3 of the JSLP explains that unit 10b is designated as a Conceptual New Growth Area by the CBJ Comprehensive Plan and is in a CBJ Rural Reserve zoning district. The plan mentions the history of CBJ and Goldbelt both considering and selecting the area for future developments. Without a specific development proposal or direct site access at the time the plan was written, the tidelands were not designated as Waterfront

Development. However, the JSLP goes on to say: “the use of the tidelands in this area for access to and support of community expansion and other coastal development activities that are consistent with the CBJ Coastal Management Plan, is an allowable use in this area” (JSLP 3-187).

Since the proposed use will directly support community expansion and coastal development through tourism, tideland access structures, and job opportunities, the lease is consistent with the management intent of the area. Coordination with other agencies and implementation of construction timing recommendations will mitigate significant resource impacts to the greatest extent possible and further meet the requirements of the area management plan, making this project allowable per the area plan.

### **Traditional Use Finding**

The proposed site is located within the City and Borough of Juneau. Pursuant to AS 38.05.830, a traditional use finding is not required. The Borough will be notified of this Preliminary Decision. If further traditional uses are identified during the public notice period, they will be discussed in the final finding and decision.

### **Access**

Physical and legal access to the proposed lease site is via navigable waters of Stephens Passage. Access is also provided through Goldbelt Inc. owned uplands, extending from North Douglas Highway.

### **Access Along Public Waters:**

The site is located within Stephens Passage. Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Under 11 AAC 51.045 and AS 38.05.127, DMLW is required to reserve specific public-access easements to and along these waters. Unless comments and other information submitted to DMLW provide justifiable and convincing evidence to do otherwise, this disposal of state interest will be subject to a 50-foot public access easement seaward of the line of mean high water.

Site operations will involve loud, heavy equipment and daily use will involve increased marine traffic. Public access along public waters at this site may be unsafe during operation; therefore, DMLW will allow temporary, seasonal closure of the public access easement. DMLW would establish a stipulation for the lease, to state:

“Pursuant to provisions of AS 38.05.127(a)(2) the public access easement may be temporarily closed for short periods when construction or operation of the site may pose a risk to public safety. Closure of the public access easement may only occur during the cruise ship season, subject to the annual Cruise Lines Agencies of Alaska JNU port schedule of each calendar year. Closure shall only occur when necessary, due to a risk to public safety and the lessee shall provide notice to the public in the form of posted signage near the easement area. If DMLW receives notification of concerns or issues

related to any restriction of public access, DMLW may require alternative measures to address site-specific access issues to ensure that public access can be reasonably provided.”

### **Public Trust Doctrine**

Pursuant to AS 38.05.126, the proposed lease will be subject to the principles of the Public Trust Doctrine; specifically, the right of the public to use navigable waterways and the land beneath them for: navigation, commerce, fishing, hunting, protection of areas for ecological studies, and other purposes. These rights must be protected to the maximum extent practicable while allowing for the development of this project. As such, DMLW is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

### **Reservation of Mineral Estate**

In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125, the state, in this decision reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.

### **Mineral Orders**

The proposed leasehold does not fall within the areas delineated in an Administrative Mineral Closing Order (MCO). Neither an MCO nor a leasehold location order is necessary or appropriate for this lease.

### **Hazardous Materials and Potential Contaminants**

The use and storage of all hazardous substances must be done in accordance with existing federal, state, and local laws. Debris (such as soil) contaminated with used motor oil, solvents, or other chemicals may be classified as a hazardous substance and must be removed from the leasehold and disposed of in accordance with state and federal law. Stipulations will be included in the lease to ensure proper handling and storage of any hazardous materials, specifically fuel, motor oil, power generators, human waste, trash, or gray water stored within the proposed leasehold.

According to the application documents, during the construction phase, the applicant anticipates that construction equipment, vessels, and aircraft will be fueled within the proposed lease area. Once the lease site is operational, vessel fueling would occur regularly at the small boat harbor’s fuel dock. Fuel will not be stored on the lease site but will be pumped from tanks located on the adjacent uplands. The applicant also states that a spill response plan will be developed for the site and spill response materials will be located at all facilities in the cruise ship terminal.

## **Agency Review**

An agency review was conducted on October 24, 2025. The deadline for agency comments was November 26, 2025. The City and Borough of Juneau and the following agencies were included in the review:

- ADF&G – Wildlife Cons.
- ADF&G – Habitat Division
- AACD – Alaska Association of Conservation Districts
- DEC – Commissioners Office
- DEC – Water Plan Review Section Manager
- DNR OHA – Review & Compliance
- DNR Parks and Outdoor Recreation
- DOT&PF – Statewide ROW Chief
- DNR DOF – Division of Forestry

## **Agency Review Comment and Response**

OHA Comment:

“State law requires all activities requiring licensing or permitting from the State of Alaska to comply with the Alaska Historic Preservation Act, which prohibits the removal or destruction of cultural resources on land owned or controlled by the State. This also includes reporting on historic and archaeological sites on land covered under contract with or licensed by the State or governmental agency of the State.”

OHA noted that the Alaska Heritage Resources Survey database indicated five archaeological sites north of the project area. Because of this and the fact that only a very small portion of the state has been surveyed for cultural resources, OHA requested that an archaeological cultural resource survey be conducted on the land prior to construction.

DMLW Response:

DMLW followed up with both the applicant and OHA. The applicant provided additional documentation to show that a Cultural Resource Survey was previously completed in September of 2024. OHA confirmed that the survey encompassed the ADL 109423 project area and that OHA concurred with the finding of No Historic Properties Adversely Affected submitted. OHA did note that if changes are made to the project’s scope or design, they may need to reevaluate the concurrence.

ADFG Comment:

ADF&G has no objections to the issuance of the lease but provided the following information:

- Summary of comments previously provided by ADF&G Southeast Region Office, Habitat Section to US Army Corps of Engineers which contained:
  - Reviews of the nearby Peterson Creek area and a determination that the proposed development avoids all tributaries to Peterson Creek.

- Recommended specific infrastructure for area specific erosion and sedimentation needs, but only impacting upland developments not within the project area.
  - Recommended limiting in-water pile driving activity and noise during April 15 – June 1 where practicable, “such as using vibratory pile driving to the maximum extent before impact hammering and working during low tides” to avoid salmon fry and other juvenile fish outmigration.
  - Reviews of shellfish fisheries and habitats that were also provided separately to DMLW, as seen below.
- Summary of comments from ADF&G Commercial Fisheries, Shellfish Section which discussed:
  - The project location is within statistical area 111-40 and ADF&G provided a 10-year average from 2015-2025 of 67,075 lbs. of commercial Dungeness crab harvested from the area by 11 permit holders.
  - Statistical area 111-40, being within Section 11-A, does not have a customary and traditional use finding for any species of crab, therefore crab fishing under subsistence regulations does not occur in this project area. However, the surrounding area is used by personal use crab fishermen.
  - The project will likely interfere with and reduce ADF&G stock assessment survey areas within statistical area 111-40, which could impact the regulatory harvest strategies put in place by the Alaska Board of Fisheries.
  - The project will likely also have a significant impact on commercial and personal use crab fisheries, but impacts could be mitigated or lessened by avoiding construction during certain key dates.
  - Recommended avoiding construction during June 15-July 15, the last two weeks of August, and early November to lessen impacts to commercial fishery, the RKC personal use fishery, and the RKC commercial fishery respectively.
- Sport fishing for salmon and groundfish occurs in the general area of this proposed development and will likely be impacted at some level. It’s difficult to say anything more specific than that for the sport fishery. The specific location of this proposed facility is not a sport fishing hot spot, but sport fishing does occur in the general area and given the scale of this development and the associated activity it will generate, there will likely be some impact.
- “The Marine Mammal Program provided the following comments
  - There is no marine mammal critical habitat designated within the project area. However, several marine mammal species have ranges that overlap with the project area. Species include humpback whale, Steller sea lion, Dall's porpoise, gray whale, harbor porpoise, harbor seal, killer whale, minke whale, Pacific white-sided dolphin, and northern sea otter. These animals are managed under the Marine Mammal Protection Act and may require authorization from the National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (USFWS). For NMFS consultation inquiries: [nmfs.pr1.apps@noaa.gov](mailto:nmfs.pr1.apps@noaa.gov) . For sea

otter information: [r7mmmregulatory@fws.gov](mailto:r7mmmregulatory@fws.gov) or call 907-201-2034.

- “Report marine mammal strandings as soon as possible:
  - i. For any injured, entangled, or dead marine mammal, contact the NOAA Fisheries Alaska Statewide 24-hour Stranding Hotline: (877) 925-7773
  - ii. For sea otters specifically, contact the USFWS at 1-800-362-5148 (business hours) or the Alaska SeaLife Center Hotline at 1-888-774-7325 (24 hours)
- If the lessee documents any negative interactions with marine mammals, please notify the Alaska Department of Fish and Game Marine Mammal Program at: [dfg.dwc.mmcomments@alaska.gov](mailto:dfg.dwc.mmcomments@alaska.gov)
- To reduce risks to marine mammals, we recommend the following best practices:
  - i. Keep lines used to tether vessels taut and out of the water whenever possible to reduce the risk of entanglement. In addition, the project proponent should secure all ropes, nets, and other marine mammal entanglement hazards so they cannot enter marine waters.
  - ii. Consistent with AS 46.06.080, trash should be disposed of in accordance with state law. Food waste should also be properly disposed of to avoid attracting marine mammals to the area. The project proponent should ensure that all closed loops (e.g., packing straps, rings, bands, etc.) are cut prior to disposal to reduce the risk of entanglement.
  - iii. Store fuel securely to prevent entry into the marine environment. A spill kit should be kept on-site for any potential spills.
  - iv. Do not approach marine mammals on shore (e.g., seals, sea lions, sea otters) by foot or vehicle.
  - v. To reduce disturbances to harbor seals hauled out onshore of recognized harbor seal haulout sites, vessels should remain a minimum of 500 meters (1640 feet) offshore in these areas, without compromising safe navigation. This is especially important during travel to/from the operation site, as there are two key haulouts in Stephens Passage, with the closest haulout located approximately 2 miles from the project location. For reference, see the NOAA haulout location map: <https://noaa.maps.arcgis.com/home/item.html?id=2c6ca3e595024d3990127bfe061d7ed3>”
- “Fuel Storage and Spill Prevention: While the Department of Environmental Conservation (DEC) does not have a requirement for secondary containment for petroleum storage for the volume that will be onsite, it is strongly recommended that a secondary containment system be used as a best practice. Please remind the applicant that any spill into the water, regardless of volume, must be reported

to the DEC immediately. For more information, visit <https://spills.alaska.gov> or contact the DEC Response Team office at 1-800-478-9300.”

- “Avoiding Conflict with Wildlife:

- a. Wildlife Safety & Attractants:

All fuel, trash, food, fish waste, gray water, and other potential wildlife attractants (including petroleum-based products) must be securely stored in bear-resistant containers. These containers should be made of durable materials such as metal or hard-sided plastic and have tight-fitting lids with secure latches. Only containers specifically designed and approved for bear resistance should be used. Where feasible, electric fencing should also be installed around food and waste storage areas. Camps must be kept clean at all times to minimize odors and food sources, and none may be left unattended overnight. Failure to properly secure attractants as described may be considered negligent and unlawful feeding of wildlife, subject to enforcement under applicable state regulations.

- b. Bear Safety:

Guidance on staying safe in bear country and avoiding negative interactions, including the use of bear-resistant containers and electric fences, is available on the ADF&G website:

<http://www.adfg.alaska.gov/index.cfm?adfg=livingwithbears.main>

- c. Reporting Wildlife Interactions:

Any human-wildlife conflicts should be reported to ADF&G’s Division of Wildlife Conservation:

<https://www.adfg.alaska.gov/index.cfm?adfg=reportwildlifeencounter.main>

- d. Disposing of Fish Remains:

- i. If cleaning fish on-site, chop remains into small pieces and discard them in fast-moving water.
    - ii. If processing fish elsewhere, dispose of waste at a waste transfer station or landfill (if permitted), or freeze it to eliminate odors and place it out with the trash only on pickup day (not the night before).
    - iii. Do not dispose of waste in slow-moving or still water, as it can attract wildlife.
    - iv. Use bear-resistant containers and follow local waste disposal guidelines.

- e. Gray Water & Wastewater Management:

Dispose of gray water responsibly to protect fish habitat and reduce wildlife encounters. Gray water should never be dumped into or near waterbodies, as it can degrade water quality and harm sensitive aquatic ecosystems. Improper disposal can also attract wildlife, including bears, increasing the risk of dangerous encounters. To minimize impacts, manage gray water away from cabins or campsites and follow all Alaska DNR stipulations for wastewater disposal in remote areas.

- f. Defense of Life or Property (DLP):

Shooting bears that access camp supplies does not qualify as a Defense of

Life or Property (DLP) action unless all attractants were properly secured.

g. Feeding Wildlife:

Feeding wildlife is illegal in Alaska and poses serious safety risks. Doing so to get pictures or for any other reason is strictly prohibited. It can lead to aggressive animal behavior and often results in the animal being killed.

h. Responsible Wildlife Viewing:

For guidance on responsible wildlife viewing, see ADF&G's Wildlife Viewing Ethics page:

- <https://www.adfg.alaska.gov/index.cfm?adfg=viewing.ethics>

DMLW Response:

In response to the research provided by ADF&G regarding potential impacts to resources in the area, DMLW will include the recommended construction dates as stipulations of the Entry Authorization. This includes limiting in-water pile driving activity and noise during April 15 – June 1 where practicable to avoid fish outmigration and avoiding construction during June 15-July 15, the last two weeks of August, and the first week of November to lessen various fishery impacts. In response to comments that reference other regulatory agencies or permitting processes, the applicant is responsible for acquiring all necessary federal, state, or local authorizations and the discussion section of this PD lists those the applicant is actively pursuing. Additionally, all provided reminders such as marine mammal siting and hazardous spill reporting are noted within this comment section for the applicant's awareness.

DEC Contaminated Sites Program (CSP) Comment:

CSP found that no contaminated sites are documented within 1,500 feet of the proposed project and does not have further comment. They shared that DEC must be notified if contamination is encountered. Questions about spill responses can be directed to the appropriate spill response teams found at <https://dec.alaska.gov/spar/ppr/spill-information/reporting/>. Information about spills can also be found under the DEC Prevention Preparedness and Response Program (PPRP) database at <https://dec.alaska.gov/Applications/SPAR/PublicMVC/PERP/SpillSearch>.

DMLW Response:

No response required.

## Background

On June 1, 2025, DMLW issued land use permit, LAS 35471, to Turnagain Marine Construction for moorage of a commercial use barge that conducted generally allowed geotechnical study work related to the proposed lease. A separate land use permit, LAS 35662, was issued by DMLW for August 1, 2025 - October 31, 2027, to Turnagain Marine Construction for driving heavy equipment across state tidelands in support of the geotechnical work and to subsequently access the adjacent uplands. While the geotechnical work was completed and LAS 35471 was closed on October 24, 2025, LAS 35662 is still active and allows for heavy equipment use in the tidelands of the proposed lease area.

## Discussion

On March 11, 2025, Goldbelt Inc. submitted the proposed tideland lease application and described the project as facilities that “would provide cruise ship mooring and visitor access to a Douglas Island Terminal area and Juneau during the tourist season.” These facilities are part of a multi-phase project proposed on West Douglas Island. As the owner of the uplands adjacent to the proposed project area, Goldbelt Inc. applied for this lease under AS 38.05.075(c) and therefore holds a preference right to lease the adjoining 152 acres of state tide and submerged lands.

As part of initial project plans, the applicant is working with various management authorities regarding known environmental and habitat considerations to secure additional approvals where necessary. Goldbelt Inc. provided DMLW with a list of additional permits and authorizations they have been seeking and what the status of each was at the time of submission to DMLW. The list was as follows:

| Permit                                                                                          | Status                                                         |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| US Army Corps of Engineers                                                                      | Submitted (#POA-2025-00119)                                    |
| NMFS Incidental Harassment Authorization                                                        | Submitted                                                      |
| NMFS Endangered Species Act Consultation                                                        | Submitted                                                      |
| NMFS Essential Fish Habitat Assessment                                                          | Submitted and Concurrence Received                             |
| USFWS Incidental Harassment Authorization                                                       | Submitted                                                      |
| USFWS Eagle Nest Take Permit (x3)                                                               | In Progress                                                    |
| AK DEC Water Qualification Certification                                                        | Acquired                                                       |
| State Historic Preservation Office, National Historic Preservation Act Section 106 Consultation | Concurrence Received with Stipulations and Mitigation Measures |
| Tribal Entities National Historic Preservation Act Section 106 Consultation                     | Invitation to Consult Sent                                     |
| ADF&G Fish Habitat Permit                                                                       | In Progress                                                    |
| CBJ Floodplain Development Permit                                                               | In Progress                                                    |
| CBJ Conditional Use Permit                                                                      | In Progress                                                    |

Each authorization on this list carries its own process and requirements, reflecting the statutory responsibilities of the managing agencies. By coordinating with NMFS, USFWS, DEC, and ADF&G—the agencies responsible for managing water, fish, and wildlife resources—the applicant is exercising due diligence to ensure compliance. These collaborative efforts also indicate that potential mitigation measures to reduce environmental impacts are being thoroughly considered.

DMLW anticipates direct economic benefit to the state through annual use payments and other related authorization fees. DMLW also anticipates indirect economic benefits will be generated from increased development on the west side of Douglas Island. This project will expand the

geographical footprint of Juneau's tourism industry and could potentially stimulate opportunities for varied local economic development.

In consideration of the potential economic benefits the project may generate through infrastructure development, expanded capacity for tourism-related operations and activities, increased revenue, as well as the project's consistency with the Conceptual New Growth management intent for the North Douglas area, DMLW finds the proposed lease to be in the best interest of the state. DMLW will implement agency recommendations to mitigate potential impacts to habitat and resources, consistent with the Division's mandate to manage state lands and waters for multiple use. The lease shall be subject to the standard DMLW Lease Agreement, Special Stipulations and the terms and conditions set forth therein (Attachment 2).

### **Development Plan**

The Development Plan (DP) attached to this decision (Attachment 1) is under consideration by DMLW. Should the proposed lease be granted, it is anticipated that the DP will need to be updated throughout the life of the lease as activities and/or infrastructure are added or subtracted. All updates must be approved, in writing, by DMLW before any construction, deconstruction, replacement of infrastructure, or change in activity will be authorized. DMLW reserves the right to require additional agency review and/or public notice for changes that are deemed by DMLW to be beyond the scope of this decision.

### **Entry Authorization**

Pursuant to AS 38.05.075(f), DNR-DMLW will authorize the applicant entry onto state land through the issuance of an Entry Authorization (EA) to allow site development and conduct the required survey and appraisal, described below. The proposed EA is for a term of three years and would be issued after the Final Decision becomes effective. Once the conditions of the EA are met, the lease will be issued. The total lease term is inclusive of the term of the EA.

### **Performance Guaranty**

In accordance with AS 38.05.035 and AS 38.05.860, the applicant will be required to submit a performance guaranty for the lease to incentivize performance of the conditions of the EA and the lease and to provide a mechanism for the state to ensure that the lessee shares in financial burden in the event of noncompliance for site cleanup, restoration and any associated costs after termination or expiration of the leases, the following bonds will be required.

Performance guaranties provide a means to pay for corrective action if the lessee fails to comply with the lease requirements. In accordance with AS 38.05.035(a)(4), the applicant will be required to submit a performance guaranty. The amount of the performance guaranty is based on the scope and the nature of the activity and the potential cost of restoring the site. Performance guaranties are subject to periodic adjustments being made during the term of the authorization to address increases or decreases in the costs of rectifying problems and rehabilitating state land due to inflation, changes in the level or nature of development, or other appropriate factors.

The Lessee must post a performance guaranty in the amount of \$600,000 to secure faithful performance with all terms and condition of the lease and to ensure site restoration of the leasehold. The performance guarantee must remain in effect for the duration of the lease term or until released in writing by the AO.

Failure by the Lessee to provide replacement security, upon notice of non-renewal of an existing form of security, shall be grounds for the AO to make a claim upon the existing security to protect the Lessor's interests.

The guaranty amount will be subject to periodic adjustments and may be adjusted upon approval of any amendments to the lease, assignments, re-appraisals, changes in the development plan, approval of a reclamation plan, any change in the activities conducted or performance of operations conducted on the leased premises and as a result of any violations to the lease agreement.

The guaranty may be utilized by the AO to cover actual costs incurred by the State of Alaska to pay for any necessary corrective actions in the event the Lessee does not comply with the site utilization, restoration requirements and/or other stipulations contained in the lease agreement. If the Lessee fails to perform the obligations under the lease agreement within a reasonable timeframe, the AO may perform the Lessee's obligations at the Lessee's expense. The Lessee agrees to pay within 20 days following demand, all costs and expenses reasonably incurred by the State of Alaska as a result of the failure of the Lessee to comply with the terms and conditions of the lease agreement. The provisions of these authorizations shall not prejudice the State's right to obtain a remedy under any law or regulation.

The performance guaranty will be released upon expiration of the lease provided that all terms and conditions of the lease have been met, including complete removal and restoration of the leased area leaving the site in a safe and clean condition.

### **Insurance**

Consistent with AS 38.05.035 (a) to protect the State from liability associated with the use of the site, the applicant shall provide and maintain a comprehensive general liability insurance policy with the State of Alaska named as an additional insured party per the stipulations of the Lease Agreement. The applicant shall secure or purchase at its own expense, and maintain in force at all times during the term of this lease, liability coverage and limits consistent with what is professionally recommended as adequate to protect the applicant and the State, its officers, agents and employees from the liability exposures of all the insured's operations on state land. The insurance requirement may be adjusted periodically.

### **Survey**

In accordance with AS 38.04.045, the applicant must complete an approved survey that meets the standards of DMLW's Surveys Section prior to lease issuance. The measurements identified in the approved survey will be used to accurately calculate the total acreage. The survey must be performed by a Professional Land Surveyor registered in the State of Alaska, under survey instructions issued by the Surveys Section. The applicant is responsible for the cost of the

survey. The applicant shall submit an initial draft of the survey within two years of the issuance of Survey Instructions. Within 10 business days of the execution of the EA, the applicant shall contact the DNR Survey Section at (907) 269-8523 to obtain instructions.

Before any fill is placed on state tidelands, a Mean High Water Line (MHWL) survey must be completed consistent with 11 AAC 96.040(d). This pre-construction survey must be conducted in accordance with instructions from DMLW Surveys Section.

### **Appraisal**

In consultation with DMLW Appraisals Unit and in accordance with AS 38.05.840(a), it was determined that an appraisal is required. The applicant must provide a fair market value appraisal of the proposed leasehold prepared by a licensed appraiser approved by the Appraisals Unit. The cost of the appraisal shall be borne by the Applicant.

### **Compensation**

#### **Annual Land Use Fees:**

The annual land use fee shall be the minimum lease fee of \$1,000.00 as established in 11 AAC 58.410(b) until a fair market value appraisal has been completed. Once the appraisal has been completed and fair market value rent for the subject parcel has been determined, if the amount is less than \$1,000 per annum the annual fee shall remain at \$1,000 in accordance with 11 AAC 58.410(b). However, if it is determined from the appraisal that the fair market value for the subject parcel is greater than the minimum land use fee, then the annual land use fee will be adjusted to reflect this amount from the effective date of the lease. Additionally, the applicant will be responsible for the payment of any difference from payments made during the term of the Entry Authorization.

For information on general appraisal requirements and acceptable appraisers, contact the Chief Review Appraiser at:

Department of Natural Resources  
Division of Mining, Land & Water  
550 West 7th Ave., Suite 1050-A  
Anchorage, AK 99501-3579  
Phone: 907-269-8512  
Fax: 907-269-8914

#### **Periodic Rate Adjustment:**

In accordance with AS 38.05.105, the annual land use fee payment will be subject to adjustment at five-year intervals after the issuance of the lease.

### **Subleases**

Subleasing may be permissible through AS 38.05.095, if the proposed lease is approved. All potential subleases must first be approved in writing by DMLW. DMLW may conduct further agency review and/or public notice before making a determination on the appropriateness of the

proposed sublease. The sublease fee will not be less than 25% of the annual fee paid to the lessee by the sublessee.

### **Reclamation**

In accordance with AS 38.05.090, the leasehold must be restored to a “good and marketable condition” as determined by DMLW within 120 days after termination of the lease.

### **Public Notice**

Pursuant to AS 38.05.945, this PD will be noticed for a 30-day public comment period, starting on October 23, 2026. In addition, the post office(s) located near the proposed leasehold will be requested to post the notice pursuant to AS 38.05.945(b)(3)(C). The notice will also be posted on the State of Alaska Online Public Notice website pursuant to AS 38.05.945(b)(3)(B) located at: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>. In accordance with AS 38.05.946, a municipality or a corporation entitled to receive notice under AS 38.05.945(c) may hold a hearing within 30 days after the receipt of the notice.

### **Comments**

The public is invited to comment on this PD. All comments received during the public comment period will be considered in the FFD. If public comments result in significant changes to the PD, additional public notice may be given. A copy of the FFD, along with instructions on filing an appeal, will be sent to all persons who comment on the PD. To be eligible to appeal, a person affected by the FFD must provide written comments during the public comment period per AS 38.05.035(i).

**Written comments about this project must be received in this office no later than 11:59 PM on November 23, 2026 to be considered.**

To submit comments please choose one of the following methods:

Mail: Department of Natural Resources  
Division of Mining, Land and Water  
Southeast Region Office  
ATTN: *Melissa Allen*  
400 Willoughby Avenue, 4<sup>th</sup> Floor  
PO Box 111020  
Juneau, AK 99811-1020  
Email: [melissa.allen@alaska.gov](mailto:melissa.allen@alaska.gov)  
Fax: (907) 269-8904

DNR-DMLW complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services or special modifications to comment should contact Alaska Relay at 711 or 1-800-770-8973 for TTY services.

*Signature page follows.*

**Recommendation**

DMLW has completed a review of the information provided by the applicant, examined the relevant land management documents, agency comments, and land ownership, and has found that this project is consistent with all applicable statutes and regulations. DMLW considered both direct and indirect benefits to the State. DNR finds granting of the proposed lease provides the greatest benefit to the State.

I recommend proceeding to public notice for the purpose of providing the members of the public and those entities identified in AS 38.05.945 an opportunity to review and submit comments.

Laurel Smith

Laurel Smith, Natural Resource Specialist 3

10/23/2026

Date

**Preliminary Decision**

It is the determination of the Division of Mining, Land & Water that it may be in the State's best interest to issue a 25-year lease to the applicant, as described above. This preliminary decision shall now proceed to public notice.

Mason Auger

Mason Auger, Natural Resource Manager  
Southeast Regional Land Office, DMLW

10/23/2026

Date

**ATTACHMENTS:**

- Attachment 1. Development Plan
- Attachment 2. Standard Lease Agreement and Special Stipulations
- Attachment 3. Entry Authorization
- Attachment 4. Lease Application