

**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-4068, GS-4069, GS-4070, GS-4071, GS-4850, GS-4852, GS-4854, GS-4985

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

II. AUTHORITY

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

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

III. BACKGROUND AND PROCESS

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

The University of Alaska Land Management Office (UALMO) reviewed available State land selections and identified possible land for conveyance. UALMO submitted land selections to the DMLW Realty Services Section (Realty). Realty worked with UALMO to refine the selection, then completed state-wide agency review and public notice for the specific proposed relinquishment. This decision reflects a consideration of comments received during agency review and public notice 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 effected upon conveyance of the lands to the UA.

IV. ADMINISTRATIVE RECORD

The selection file for state selections GS-4068, GS-4069, GS-4070, GS-4071, GS-4850, GS-4852, GS-4854, GS-4985 constitutes the administrative record for this action.

V. LOCATION

The proposed for relinquishment lands are located within the Department of Natural Resources' (DNR) Northern Region, in nine townships. The proposed relinquish lands are located approximately 35 miles northeast of Kivalina, 44 miles northwest of Noatak, and 73 miles east of Point Hope, Alaska. See legal description for exact locations. Please see Attachment A for a visual depiction of the area.

- *USGS Map Coverage:* De Long Mountains A-2, A-3, A-4, B-2, B-3, B-4 15-Minute Quadrangle, Alaska
- *Regional Corporation:* Arctic Slope Regional Corporation
- *Federally Recognized Tribe:* Native Village of Kivalina, Native Village of Noatak, Native Village of Point Hope
- *Village Corporations:* NANA Regional Corporation, Inc. Successor in Interest to Kivalina Sinaukmeut Corporation and Napaaktukmeut Corporation; Tikigaq Corporation

VI. LEGAL DESCRIPTION

Within the Kateel River Meridian, Alaska:
Township 33 North, Range 18 West,
Tract A, ALL (Sections 1-16, inclusive)
Containing approximately 8,472.37 acres

Township 33 North, Range 19 West,
Tract C, ALL (Sections 29-32, inclusive)
Containing approximately 2,556.48 acres

Township 33 North, Range 20 West,
Sections 13-36, inclusive, ALL
Containing approximately 15,341 acres

Township 33 North, Range 21 West,
Sections 25-36, inclusive, ALL
Containing approximately 7,675 acres

Township 33 North, Range 22 West,
Sections 1-12, inclusive, ALL
Sections 15-19, inclusive, ALL
Containing approximately 10,842 acres

Township 33 North, Range 23 West,
Section 13, ALL
Sections 23-28, inclusive, ALL
Sections 33-36, inclusive, ALL
Containing approximately 7,040 acres

Township 34 North, Range 21 West,
Tracts A, B, D, and E, ALL (Secs. 7-11, inclusive; 14-36, inclusive)
Containing approximately 17,682.30 acres

Township 34 North, Range 22 West,
Section 13, ALL
Sections 24-28, inclusive, ALL
Sections 33-36, inclusive, ALL
Containing approximately 6,400 acres

Within Umiat Meridian, Alaska:
Township 12 South, Range 50 West,
Sections 25-27, inclusive, ALL
Containing approximately 1,998.24 acres

Total acreage aggregating approximately 78,007.39 acres.

VII. SELECTION HISTORY

- State records indicate lands in townships K033N018W, K033N019W, K033N020W, K033N021W, K033N022W, K033N023W, K034N021W, K034N022W, AND U012S050W were selected in 1978 and 1986.
- The lands listed above have valid selections.
 - The Alaska National Interest Lands Conservation Act (ANILCA) Section 804 federal subsistence priority for rural residents only applies on top-filed lands.
 - Lands that are validly selected by the State are not managed under federal subsistence regulations and are subject to State subsistence regulations.
- UA submitted requests to DNR to consider relinquishing the subject lands on November 25, 2025.
- The lands are currently ranked as a mix of priorities one (1) high and two (2) medium in the statehood selection prioritization.

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 15, 2025, through January 9, 2026. Public Notice with a concurrent agency review was conducted from February 13, 2026, to March 31, 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 and Public Facilities (DOT&PF): The Department of Transportation and Public Facilities has no comment at this time.

DMLW Realty Response: Thank you for your comment.

DNR Division of Oil & Gas (DOG): has no objection to the relinquishment 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 with the relinquishment.

DMLW Realty Response: Thank you for your comment.

DNR, DMLW Public Access Assertion and Defense Section (PAAD): PAAD does not oppose or object to the relinquishment of these lands. There are no navigable waters per AS 38.04.062. There are no known RS 2477 ROWs and no trails identified in the DOT 1973 inventory.

DMLW Realty Response: Thank you for your comment.

Alaska Department of Fish & Game, Division of Wildlife Conservation (ADF&G): ADF&G is opposed to the relinquishment of these lands. The conveyance of this land out of public ownership would hinder the Department's ability to conduct research and management activities impactful to several of the region's crucial wildlife species. ADF&G had the following comments and considerations:

Fisheries

The Kivalina River (AWC Code: 331-00-10044) is anadromous downstream of the land selection, about 20 km, and supports small populations of coho, Chinook, pink, and sockeye salmon with more abundant populations of chum salmon and anadromous Dolly Varden. Within the land selections of township 33N and range 23W, there is likely seasonal use of the headwater tributaries by Arctic grayling and juvenile Dolly Varden. Within the middle selection, near township 33N and 20W, the land selection encompasses the West Fork Wulik River above its anadromous extent. There is a presumed fish barrier at 68.18143 N, 163.39744 W, so ADF&G has assumed only resident fish are present above it. There may be resident populations of Dolly Varden within that middle land selection area. Within the easternmost selection in township 33N range 18W, there is an anadromous fork of the Wulik River (AWC Code: 331-00-10060-2220) that supports spawning Chinook salmon and anadromous Dolly Varden. Other documented anadromous fish include sockeye salmon and whitefish. The anadromous extent ends at the western border of Section 7, 33N, 18W, but there may still be anadromous fish present above that endpoint, so waterbodies within that land section may be nominated as anadromous should fish presence be documented in the future. There are many rusting seep influences surrounding these land selections, which can even be seen via satellite imagery. In general, the Wulik and Kivalina rivers are important for spawning and overwintering anadromous Dolly Varden populations, and their small tributaries provide important rearing habitat for juveniles.

Public access

From a public access perspective, any conveyance of land out of the public-use system would be a loss to both Alaskan residents and nonresidents. Game Management Unit (GMU) 23, which these lands are encompassed within, only has about 15% State-owned land with the remaining bulk being federally owned. In the past several years the Federal Subsistence Board has, at times, closed all federal public lands to non-local users wishing to hunt caribou or moose; this means that over 75% of GMU 23 becomes unavailable for hunting by most Alaska residents and all nonresidents who then become limited to State-owned land. Reducing State-owned land within GMU 23 by another 78,000 acres further restricts hunting, fishing, and recreational opportunity for all public user groups.

Dall sheep

This selection of the DeLong mountains is part of the northwestern extent of Dall sheep habitat within North America. The population of Dall sheep within the DeLong Mountains saw a precipitous decline between 2011 and 2013 with nearly an 80% reduction in abundance, thought to be the result of severe winter weather. Consequently, by 2015, all hunting opportunity was eliminated to minimize reduction in abundance and to promote population growth. However, the population has not rebounded, and harvest opportunity has remained closed. Dall sheep are dependent on steep alpine environments that provide escape terrain from predators, access to winter forage, and protection from inclement weather; any development or land-use activities that displace them from this critical habitat may further jeopardize the ability of this population to recover.

Caribou

The DeLong Mountains area is an important corridor for a large portion of the Western Arctic caribou herd (WACH) during the summer, fall, and winter with some amount of caribou occupying the vicinity nearly every month of the year. In some years up to 30% of the WACH pass through or overwinter in this land selection. As such, utilization of the land may impact localized caribou movements and presence. The Western Arctic herd has seen substantial declines in recent years and their presence in an area now has increased significance to local users who no longer have predictable access. Caribou in the DeLong Mountains and Kivalina River drainage are relied on for subsistence by residents of Kivalina and Point Hope, and for subsistence and recreation by non-local residents and nonresidents. Reduction in hunter access and success, or displacement of caribou from the area would likely lead to both an increase in user conflict and a decrease in a culturally significant food source. Additionally, with the herd approaching its lowest abundance since the late 1970s, any reduction in suitable habitat or activities that may adversely affect the herd should be minimized to the greatest extent possible.

DMLW Realty Response: Thank you for your detailed comment. ADF&G will continue to retain management of fish and wildlife resources on the lands should ownership be transferred to the UA. Should the DeLong Mountain selection be conveyed to the UA, the Federal Subsistence Board would not be able to close the land to hunting or fishing—only the UALMO, in conjunction with ADF&G will be able to close them. Additionally, UALMO has established a program allowing hunting and subsistence activities, as well as trapping, and has committed to continue such access. Details of these programs are available at <https://www.alaska.edu/ualand/permits/hunting-revised.php>. 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.

DNR, DMLW, Resource Assessment and Development Section (RADS): The proposed selection area is located within NWAP Units L-08 and K-03. Unit L-08 is designated Habitat (Ha) and Harvest (Hv), while Unit K-03 is designated Mineral (M) and Habitat (Ha). The western half of Township 33 North, Range 18 West, Section 13 (K033N018W13), which is adjacent to Unit K-03, is unclassified. Per the Applicability of Plan Designations/Classifications section in Chapter 4, this area would be considered part of the adjacent Unit K-03. Sections 25, 26, and 27 of Township 12 South, Range 50 West (U012S050W), located within Unit L-08 (Ha, Hv), also fall within the boundaries of Special Use Area ADL 50666 – North Slope Area Special Use Lands. Management intent for unit L-08 states the unit will be managed to protect sensitive habitats and species. Particular importance is to be given to the maintenance of travel corridors and the protection of insect relief areas. Uses may be authorized in this unit, but consideration must be given to the impact upon the caribou herd by potential uses. Consult ADF&G prior to issuing an authorization involving a long-term or permanent use that may impact this population. Maintain harvest opportunities. Unit K-03 management intent states the unit is to be managed for its mineral values. Any authorizations issued in this unit involving long-term or permanent uses are to consider impacts upon the Western Arctic Caribou Herd (WACH). Special consideration is to be given to activities occurring during the summer migration period and particularly to uses that may impact areas used for insect relief. The protection of caribou movement corridors is also to be an important consideration. Consult ADF&G

RADS recommends retaining following:

1. Retain sections U012S050W25, 26, and 27 within the North Slope Area Special Use Lands area (ADL 50666). Page 2 of 2
2. Retain sections K033N023W27, 28, and the west half of K033N023W23 due to mining claims.
3. Retain sections K033N018W01, 02, 11, 12, and 13 (partial) and K033N018W03, 04, 05, 06, 07, 08, 09, 10, 14, 15, 16 due to its mineral potential.
4. Relinquish all other sections within the selection area.

DMLW Realty Response: Thank you for your detailed comment. ADF&G will continue to retain management of fish and wildlife resources on the lands should ownership be transferred to the UA. Retention of the recommended lands is addressed in Section X.

DNR, Division of Geological & Geophysical Surveys (DGGS):

Geologic Units: Alluvial deposits (aufies), colluvial deposits (solifluction, talus), eolian deposits (loess), lake deposits (glaciolacustrine), glacial deposits (drift and outwash), paludal peat deposits, bedrock

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

Permafrost: Continuous (90-100%)

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

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

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

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

Landslide Hazard: Variable

Tsunami Hazard: None

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

Radon: High; 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:

Summary: These lands are proximal to Red Dog Mine (12 miles), and even closer to undeveloped resources at Anarraaq (5 miles) and Lik (3 miles). However, there are no documented Alaska Resource Data File sites on the proposed lands, and the prospective geologic unit is not mapped at surface. The mineral potential of these lands hinges on the likelihood that the prospective geology projects into the middle land block (north of Lik; labeled "2") beneath a post-mineral thrust panel of unknown thickness.

For relinquishment, DGGs suggests "No" for the middle and eastern blocks, "yes" for the western.

Geology: Red Dog and related deposits are hosted by the Middle Mississippian Kuna Formation shale; the age of mineralization is also Middle Mississippian. Two small bodies of Kuna are mapped as lying between the Upper Mississippian Kogruk Fm and the Middle Jurassic to Pennsylvanian Etivluk Group. I consider these questionable Kuna, or Kuna shale facies, that is younger than Red Dog ore deposition. The Upper Mississippian Kogruk Fm is (according to the fossil control) slightly younger than Red Dog. In contrast to the Kuna Fm shale, the Kogruk is a 400-500m thick shallow water carbonate. These rocks are structurally emplaced on the Kuna Fm. There is some chance that the Mississippian limestones could contain carbonate-hosted deposits (e.g. Bornite, Baird Mountains). However, they apparently were deposited *after* the metallogenic event responsible for Red Dog. The western and eastern

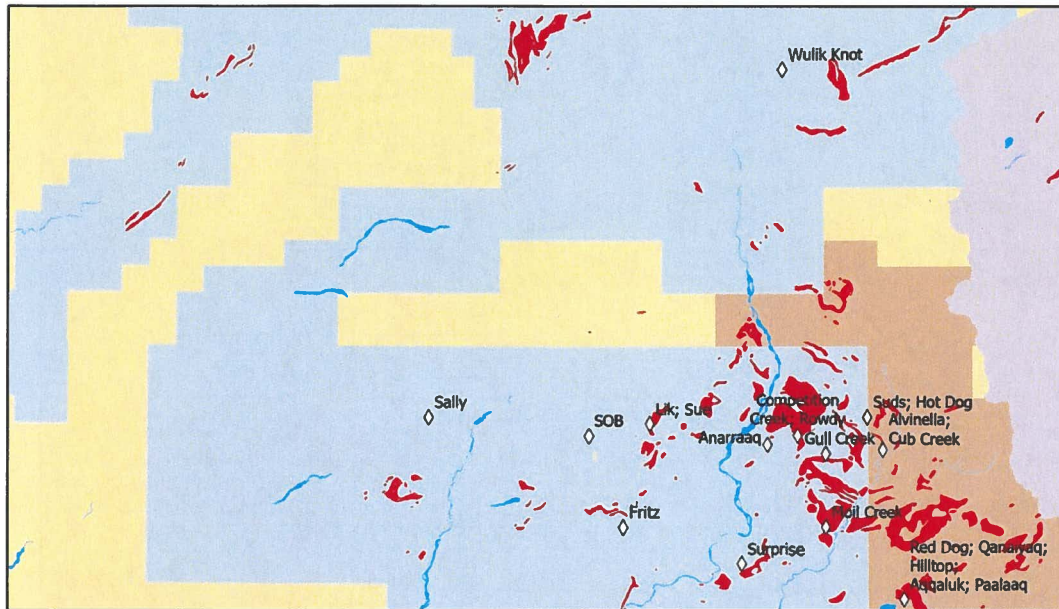
blocks of the UA selection are dominated by Lower Cretaceous Okpikrauk Formation, which is not prospective for Red Dog type deposits. The western block has the least potential. The eastern block (3) is more proximal to known mineralization, but the Kuna formation is concealed beneath structural and/or stratigraphic cover. The middle block (2) is most proximal to Lik and Anarraaq (5 miles to SE) and might be described as lying along the mineralized trend. The Kuna Fm is buried under structural cover of unknown thickness. However, if/when resources are discovered they would probably be high grade and minable by underground methods.

Program to further evaluate the mineral potential:

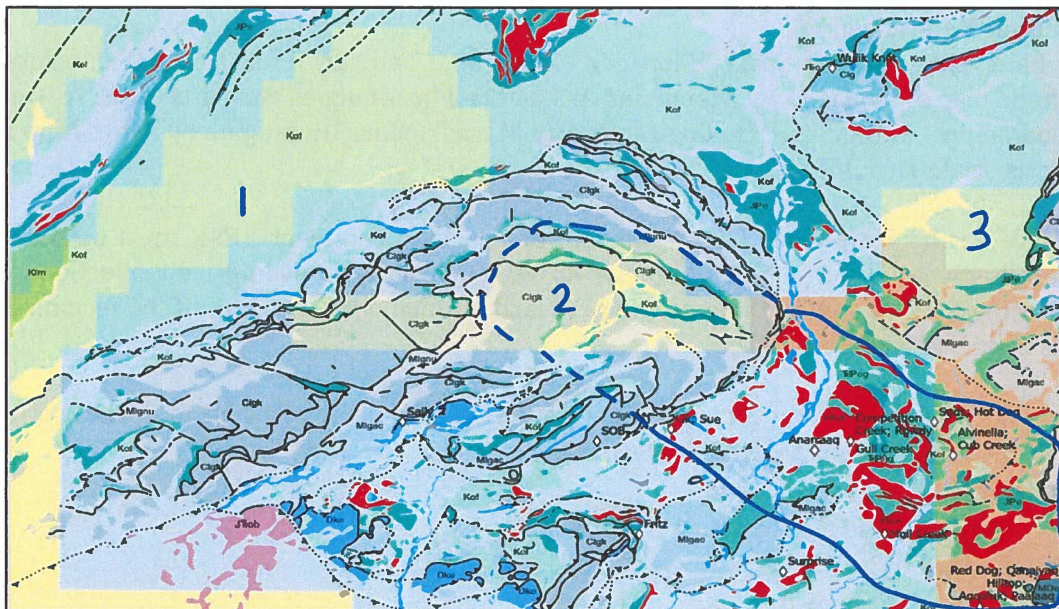
Specialist geophysical surveying is needed to evaluate and explore this property. A first-pass assessment of the geology might include a ground-based magnetotelluric (MT) survey, the goal being to find the thickness of the carbonate thrust panel. The Red Dog ore does not have particularly low resistivity, but the host shale should contrast with the carbonates. Induced polarization (IP) does detect the sulfide ore and might be applied, depending on the thickness of the overlying carbonates. Ground-based gravity surveys have been successful finding the high-density ores in the district, but the gravity signal of ore will be somewhat attenuated by the overlying geology. The Anarraaq deposit was discovered at a depth of 680 m targeting a gravity anomaly. This deposit isn't under the post-mineral thrust panel. It is likely that relevant exploration data (geophysics, geologic mapping) exist in private hands, e.g., Teck Red Dog. A first step could be to reach an agreement to view or purchase this data. No federal or State selected mining claims were found on the lands in question. DGGs doesn't know if that means industry evaluated them and found them unprospective.

Figures follow.

Kuna Fm is shown in red. UA land selection is most of the BLM land colored yellow. White diamonds are ARDF sites.



Geologic map from Wilson and others (2015). Kuna in red. "Clgk" is Kogruk Fm. "Kof" is Cretaceous Okpikrauk Fm. The blue outline encircles Red Dog, Anarraaq, Aktigiruk, and Lik deposits. The dashed blue line shows where the prospective geology (Kuna) may project under structural cover.



Optional Reference(s):

DMLW Realty Response: Thank you for your detailed comment. DNR must consider and weigh its own and the public's interests in retaining or relinquishing land selections while supporting the UA's public interests in new land entitlement. Retention of the recommended lands is addressed in Section X.

- DMLW Mining/Mineral Property Management
- DMLW Northern Region
- DMLW Land Conveyances Section
- DMLW Water Section
- Division of Forestry

IX. PUBLIC COMMENT

Public notice of the proposed relinquishment was conducted from February 13, 2026, to March 31, 2026. This was a combined public notice seeking public input on the proposed Delong Mountains selection as well as the West Fork Wulik River selection, which is located approximately nine miles to the south. The combined notice was posted to the State of Alaska Online Public Notice System. Copies of the combined 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 Kivalina, Noatak, and Point Hope; North Slope Borough; Northwest Arctic Borough; City of Kivalina, City of Point Hope; Native Village of Kivalina IRA Council; Native Village of Noatak IRA Council; Native Village of Point Hope IRA Council; Iñupiat Community of the Arctic Slope; Arctic Slope Native Association; Maniilaq Association; Arctic Slope Regional Corporation; NANA Regional Corporation; NANA Regional Corporation, Inc., Successor in Interest to Kivalina Sinaukmeut Corporation; NANA Regional Corporation, Inc., Successor in Interest to Napaaktukmeut Corporation; Tikigak Corporation; Kisimigiugtuq School; Napaaqtugmiut School; Tikigak School; Kivalina Native Store, Noatak Native Store, the Point Hope ACC Store, Noatak National Preserve; BIA Regional Realty Office and Title Services Center; BLM Arctic District Office; BLM Anchorage Field Office; Alaska Department of Natural Resources Commissioners Office; Alaska State legislature; adjacent landowners; and interested private parties.

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

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

Additionally, two of the comment submissions contained individualized remarks (see Individual Comment 1 – 2), which were deemed to be specific and separate from the common topics discussed above. These individualized remarks are addressed separately, with the comments being reproduced either in full or as excerpts in this decision and are followed by the Department's response and analysis.

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

DMLW Realty Response: Thank you for your comment. UALMO has created a program allowing 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 the lands within the area of discussion are validly selected by the State, therefore the federal subsistence priority created under the ANILCA does not apply. ADF&G would retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

Comment Topic 2: I personally use this area for Historical/Family Traditional Use. These areas

contain established trail systems and patterns of traditional use. I have concerns regarding potential closure of traditional use areas.

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

The scope of this decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. Comments regarding future land use restrictions, development, or land preservation options are beyond the scope of this decision. Realty notes that relinquishment of DNR's land selection does not authorize any future development. Should the land be conveyed to the UA, any future actions would be subject to applicable State and federal environmental laws, regulations, permits, and authorizations.

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/>.

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

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

UALMO has also created a program allowing hunting and subsistence activities on UA lands. During the review period of this decision UALMO further implemented a trapping program. More information about the program can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>.

The State would retain management of fish and wildlife resources on any conveyed lands.

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

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

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

Comment Topic 5: I have concerns regarding loss of public access to trails and routes, risk to existing/historic RS 2477 rights-of-way, relinquishing before routes are documented and protected will permanently disrupt generational access. I urge the State to retain its selection unless public access protections, including recognition of existing trails and rights-of-way, can be guaranteed prior to conveyance.

DMLW Realty Response: Thank you for your comment. No existing trails or rights-of-way, including RS 2477s, were located or identified by any State agency or commentor. Trails and access is discussed further in Section X below.

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

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

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

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

DMLW Realty Response: Thank you for your comment. The December 2022 CAA for fiscal Year 2023 created a mechanism for BLM to convey lands to the UA in furtherance of what was deemed by Congress to be a public purpose, and for management and use consistent with the University's public mission. The State is participating in the program towards those ends, consistent with the Alaska Constitution's Article VII directives for the University. While this land was selected by the State of Alaska under the Alaska Statehood Act, selections only represent a contingent right and there may be other public policy reasons — such as the imperative to support the University's operations reflected in both the federal program and the Alaska Constitution — that weigh in favor of relinquishing a selection, as here. The Statehood Act land selection process is further discussed in Section X below.

Individual Comment 1: It is for WE THE PEOPLE.

DMLW Realty Response: Thank you for your comment.

Individual Comment 2: On behalf of the Native Village of Point Hope (NVPH) Tribal Council, the federally recognized tribal governing body for the community of Tikigaq, we submit this formal comment in **unwavering opposition** to the proposed relinquishment of State entitled lands within our traditional territory.

Tikigaq is one of the oldest continuously inhabited sites in North America. Our identity, food security, and spiritual well-being are inseparable from the lands and waters currently under

review. The proposed action threatens to dismantle the legal and physical barriers that protect our traditional way of life and risks inviting unauthorized public access to lands that are sacred and vital to our survival.

1. Infringement on the Tikigaq Traditional Way of life

For millennia, the people of Tikigaq have lived in a reciprocal relationship with this land.

- **Subsistence and Food Security:** These lands are critical corridors for the migration of caribou and essential habitat for the terrestrial and marine life that feed our people. The lands in question encompass critical portions of the **Lisbourne Hills** and the migratory corridors of the **Western Arctic Caribou Herd**. These uplands are essential for our winter caribou harvest and provide the drainage for the **Kukpuk River**, the lifeblood of our freshwater fishing.
- **Cultural Continuity:** Our history is etched into this landscape through ancient sod house sites, burial grounds, and traditional hunting camps. This area contains numerous **Qalgi** (ceremonial gathering places) used by our ancestors. Relinquishing these lands risks the desecration of sites that hold the wisdom of our ancestors.
- **Spiritual Connection:** To the Iñupiat, the land is a provider. The peace and spiritual centering provided by an intact, undisturbed landscape are invaluable and cannot be mitigated by economic compensation.

2. Impacts on Sensitive and Endangered Species

The proposed relinquishment area overlaps with the critical habitat of several species protected under the Endangered Species Act (ESA).

- **Polar Bear (*Ursus maritimus*):** The coastal bluffs near Point Hope are designated Critical Habitat. Increased human presence will lead to higher rates of conflict and disturbance of essential denning sites.
- **Spectacled and Steller's Eiders:** These federally threatened birds rely on the North Slopes' wetlands for nesting. Increased public foot traffic and off-road vehicle (ORV) use could lead to nest abandonment, violating the Migratory Bird Treaty Act.
- **Arctic Ringed and Bearded Seals:** Coastal noise and pollution from increased public activity will disrupt critical pupping and molting phases.
- **Western Arctic Caribou Herd:** Habitat fragmentation caused by public trails or infrastructure will deflect the herd from traditional paths, violating the **subsistence priority** mandated by **ANILCA Section 804**.

3. Risks of Public Access and Legal Deficiencies

The proposed relinquishment creates a dangerous pathway for unregulated public access.

- **Unauthorized Use:** Opening these lands will inevitably lead to increased trespass on adjacent tribal lands, disturbing wildlife and interfering with tribal subsistence.
- **ANILCA Section 810 Analysis:** Under ANILCA Title VIII, agencies must evaluate effects on subsistence. This proposal fails to explain how relinquishment will not significantly restrict subsistence resources.
- **The "Katie John" Precedent:** We remind the agency of the **Katie John** cases, which established the priority of rural subsistence users. Relinquishing these lands may strip them of federal subsistence protections.
- **Administrative Procedure Act (APA) Violations:** Proceeding without a robust Environmental Impact Statement (EIS) that considers cumulative effects violates the Administrative Procedures Act.

4. **Failure of Tribal Consultation and Sovereignty**

As a federally recognized Tribe, we have an inherent right to a government-to-government relationship. This proposal lacks meaningful, early, and sustained consultation. Decisions affecting our traditional territory must not be made without the direct involvement of the Native Village of Point Hope Tribal Council.

5. **Formal Request for In-Person Public Hearing**

The Native Village of Point Hope Tribal Council formally requests that **State of Alaska Department of Natural Resources** hold an in-person public hearing in **Point Hope (Tikigaq)**.

- **Cultural Communication:** Our knowledge is shared through oral testimony; an in-person hearing allows our **Elders and hunters** to share expertise in a manner consistent with Tikigaq culture.
- **Language Access:** This ensures **Iñupiaq speakers** can participate without language barriers.
- **Technological Barriers:** Reliance on digital testimony is discriminatory due to the region's **unreliable internet**.

The Native Village of Point Hope Tribal Council will facilitate local facilities and insists the hearing be scheduled outside of peak subsistence seasons (such as the spring or fall whale hunts).

Conclusion

The Native Village of Point Hope Tribal Council demands that the **State of Alaska Department of Natural Resources Realty Services Section** reject the proposed land relinquishment. The potential for irreversible harm to Tikigaq's culture, food security, and land rights far outweighs any administrative benefit.

DMLW Realty Response: Thank you for the detailed comments provided in your letter. Realty's responses to the five topics outlined in the letter are as follows:

- **Comment Topic 1: Infringement on the Tikigaq Traditional Way of Life**

DMLW Realty Response: The scope of this decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. Comments regarding future land use restrictions, development, or land preservation options are beyond the scope of this decision. Realty notes that relinquishment of DNR's land selection does not authorize any future development. Should the lands be conveyed to the UA, any future actions would likely be subject to applicable State and federal environmental laws, regulations, permits, authorizations, such as the National Environmental Policy Act (NEPA), Alaska Historic Preservation Act, and the National Historic Preservation Act.

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 BOR policies affecting these lands. The UALMO provides public notices for actions on university lands via their website: <https://www.alaska.edu/ualand/>.

Realty also notes that the University's Delong Mountain selections are federal inholdings surrounded by State and Alaska Native Claims Settlement Act (ANCSA) owned lands and are adjacent to existing large-scale mining operations.

- **Comment Topic 2: Impacts on Sensitive and Endangered Species**

DMLW Realty Response: The ESA Section 7 Consultation process is required for any federal discretionary action undertaken by a federal agency. The scope of this decision includes an action by the State of Alaska to decide to relinquish or retain the State's entitlement selections on these lands. This decision is being carried out under the authorities described in Section II and does not require ESA Section 7 consultation.

Additionally, Realty submitted a query to the U. S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC)¹ web service which indicated that polar bear (*Ursus maritimus*) and Spectacled Eider (*Somateria fischeri*) could potentially occur in the proposed relinquishment area. USFWS IPaC query results also indicated that the proposed relinquishment does not overlap with the critical habitat of these species or any other ESA-listed species. The National Oceanic and Atmospheric Administration's (NOAA) National ESA Critical Habitat Mapper² also indicated that no ESA-listed endangered or threatened species critical habitat managed by the National Marine Fisheries Service overlaps with the proposed relinquishment.

The Migratory Bird Treaty Act outlaws the take (e.g., killing, capturing, selling, trading, and transport) of protected bird species without authorization by the USFWS³. This decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. It does not waive or change these federal legal requirements in any way.

While comments related to potential impacts from future land use are beyond the scope of this decision, Realty notes that relinquishment of State-selected lands would not allow for unrestricted development by the UA. Many projects and developments require State and federal permits and authorizations 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.

Management of the Western Arctic Caribou Herd, along with other fish and game resources throughout the Delong Mountains selection, currently rests with ADF&G. ADF&G will continue to retain management of fish and wildlife resources on the lands should ownership be transferred to the UA.

Realty notes that lands within the proposed relinquishment are validly selected by the State and therefore do not currently fall under the legal definition of "public lands" in

¹ USFWS. 2026. Information for Planning and Consultation. Accessed on June 12, 2026 at: <https://ipac.ecosphere.fws.gov/>

² NOAA. 2026. National ESA Critical Habitat Mapper. Accessed on June 14, 2026 at: <https://www.fisheries.noaa.gov/resource/map/national-esa-critical-habitat-mapper>

³ USFWS. 2026. Migratory Bird Treaty Act of 1918. Accessed on June 22, 2026 at: <https://www.fws.gov/law/migratory-bird-treaty-act-1918>

ANILCA Section 102. The federal subsistence priority created under ANILCA Section 804 only applies to “federal and public lands”; this means that the federal subsistence priority does not exist on the Delong Mountain lands. A decision to retain the DNR selection on these lands would not result in the land returning to the federal subsistence priority or management.

UALMO has created a program allowing non-commercial hunting and subsistence activities on university lands. The program has recently been expanded to allow for trapping. More information about the program can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>.

- **Comment Topic 3: Risks of Public Access and Legal Deficiencies**

DMLW Realty Response: The potential for trespass on these or other lands is beyond the scope of this decision. The lands are currently federal lands open to the public, including general unpermitted or dedicated permitted public access. Transfer of ownership to the UA should not inherently increase access to these or adjoining lands. The surrounding lands are owned by the State, which means the lands are open to public use and access under DNR’s Generally Allowed Uses system. Realty notes that, while the State makes efforts to discourage trespass on private property, private landowners are responsible for protecting their interests, including addressing trespassers.

Dedicated access to and through UA lands, or for commercial applications, is available by obtaining a permit from the UALMO. Public access and use of UA lands for non-commercial uses such as hiking and berry picking are allowed without a permit. More information on the permit process can be found here: <https://www.alaska.edu/ualand/permits/>. In addition, UALMO has created a program allowing hunting and subsistence activities, including trapping, on university lands. More information about the program can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>.

ANILCA Section 810 requires federal agencies to evaluate the impact of any proposed federal land-use action in Alaska on subsistence uses but does not apply to state agencies. The subsistence analysis requirement in ANILCA Section 810 does not apply to State of Alaska actions. This relinquishment process is being carried out under the authorities described in Section II AUTHORITY. Realty also notes that the lands within the proposed relinquishment area are currently validly selected by the State, therefore the federal subsistence priority created under ANILCA does not currently apply to these lands.

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 land use restrictions, development, or land preservation are beyond the scope of this decision. Realty notes that should the land be conveyed to the University, any future sale, development, or other action would be subject to applicable State and federal environmental laws, regulations, permits and authorizations.

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 BOR policies affecting these lands. The UALMO provides public notices for actions on university lands via their website: <https://www.alaska.edu/ualand/>.

The precedent established by the Katie John decisions⁴ applies to federally managed public lands and to navigable waters where the federal government holds subsistence management authority under Title VIII of ANILCA. Because the lands within the proposed relinquishment are validly selected by the State, federal subsistence priority created under ANILCA does not currently apply. A decision to retain the DNR selection on these lands would not result in the lands returning to federal subsistence management. UALMO has created a program allowing hunting and subsistence activities on UA lands. More information about the program can be found here: <https://www.alaska.edu/ualand/permits/hunting-revised.php>.

An EIS is a component of the environmental review process required under NEPA. The NEPA process is triggered when a federal agency proposes to undertake a federal discretionary action. The proposed action (described within Section I) is distinct in that it involves an action by the State, not the federal government, to either relinquish or retain the State's selections on these lands. As the relinquishment is a State action, NEPA does not apply. Any proposed future use, development, or sale of the land would include a public process on the part of the UA. In addition, applicable State regulations would require permitting for most development projects and would also likely include a federal permitting process and NEPA review.

The APA is not applicable to the proposed action because it governs federal administrative procedures and does not apply to the State procedures within the scope of this decision.

- **Comment Topic 4: Failure of Tribal Consultation and Sovereignty**

DMLW Realty Response: Government-to-government consultation is a deliberative federal process required by federal laws and Executive Orders based on a unique legal relationship between the federal government and Tribes. While there is not a government-to-government consultation process under Alaska law, DNR recognizes the importance of collaboration with local communities and tribal entities when managing natural resources.

DNR's divisions typically engage with all relevant stakeholders – including Tribal entities, municipal governments, private landowners, and federal agencies – during public comment periods outlined in AS 38.05.945, and our experts carefully consider this feedback.

DNR provides engagement at the public notice level, consistent with statute, and while Tribal entities have asked for earlier engagement, our statutory authority places that engagement during public notice rather than during internal agency review phase.

- **Comment Topic 5: Formal Request for In-Person Public Hearing**

⁴ *Katie John et al. v. United States, et al.* 247 F. 3d 1032 (9th Cir.2001).

DMLW Realty Response: Public hearings are not a requirement under AS 38.05.945, which provides for public notice of those disposals and unfortunately due to resource limitations the Department cannot hold one at this time.

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 particular parcels of State-selected land and thus DNR is considering UA selections in light of the balanced interests of the State.

The land described in Section VI represents large to moderately sized, compact, and near contiguous blocks of land. Conveyance of medium to large sized blocks of land generally simplifies land and resource management. Large blocks help enable landscape level considerations when land use authorizations are proposed. It helps the public understand land ownership 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. Conversely, checker-boarded ownership can create confusion and ambiguity for both landowners and users. For this reason, after agency review comments were considered, it was administratively determined that it was in the best interests of the State and public to consider the Delong Mountain selection as a single block of lands for possible relinquishment and conveyance to the UA.

Lands surrounding the UA's Delong Mountain selection are a mixture of: federal public lands managed by the BLM, federal public lands with valid State land selections currently managed by the BLM, federal public lands managed by the National Park Service, private Native Allotments, State-owned, and Native Corporation lands. The UA's proposed 8,864-acre West Fork of the Wulik River selection is located approximately nine miles to the south. The State selected the lands in 1978 and 1986 as possible acquisitions for natural resources, mineral resources, and fish and game interests. The UA selections are currently ranked as a mix of high and medium priority for acquisition by DNR.

Land ownership patterns in the area show that the lands are adjacent to a large block of State lands and on the periphery of large blocks of federal and Native Corporation lands. The selection is remote and isolated with the nearest constructed overland access approximately 13 miles to the southeast. Any access to the coast would potentially have to cross federal, State, or Native Corporation lands or use the existing Delong Mountain Transportation System.

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

The UA has excluded the beds of navigable waterbodies where title was conveyed to the State at Statehood under the Submerged Lands Act and the Equal Footing Doctrine. Ownership of the lands below the ordinary high-water mark of navigable water bodies will remain with DNR. A review of the lands by PAAD showed there are no navigable waters within the proposed relinquishment per AS 38.04.062.

AS 38.05.127 requires that before a disposal of an interest in State land, DNR must determine if waterbodies within or adjacent to the proposed area for disposal are navigable or public water; and if they are to reserve access easements. However, statehood entitlement selections do not provide the State with management authority or title in land, but rather a valid prior existing right requiring BLM to convey to the State the selection when certain conditions are met. Given this, the State is unable to reserve access easements for relinquishments of entitlement selections.

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

Balancing development, access, subsistence use, public recreation, and wildlife habitat are challenges that must be addressed when managing the Delong Mountains lands, irrespective of ownership. This balance is achieved through the development of land management plans, clear land use guidelines and regulations, and a robust public notice process. Relinquishment of State-selected lands would not allow unrestricted development by the UA. Many projects and developments require State and federal permits, authorizations, and oversight regardless of land ownership. Most development projects also require extensive studies, public consultation, as well as coordination and consultation with State and federal agencies before a project is approved. Any proposed development, sale, or disposal of the lands by the UA would have to be approved by the UA BOR and would be public noticed under existing UA policies. It is unclear how transfer of lands out of the public domain and into UA ownership would increase public access on adjoining private Native lands when the Delong Mountain lands are currently open to the public under BLM management. The same is true if DNR

acquires the land and it remains public land. If trespassing on private Native lands is an ongoing issue, there are several remedies available to the landowners to protect their interests, and these remedies exist regardless of who owns the DeLong Mountain lands.

Agency comments received from ADF&G opposed the transfer of the lands to the UA. RADS and DGGS were partially opposed to the transfer. ADF&G and RADS noted the lands' value for hunting, fishing, subsistence activities, and fish and wildlife habitat. The DeLong Mountains area is an important corridor for a large portion of the Western Arctic caribou herd during the summer, fall, and winter. Caribou in this area are relied on for subsistence as well as recreation. ADF&G noted concern that displacement of WACH from the area could lead to a decrease in a culturally important food source, especially given that the herd has been approaching its lowest abundance since the 1970s and is therefore more vulnerable to adverse impacts. The steep alpine terrain in these lands is also important habitat for the DeLong Mountains population of Dall sheep, which recently suffered a steep decline. ADF&G expressed concern that development or land-use activities that displace Dall sheep from habitat in this area may hinder population recovery. RADS noted that DMLW's management intent for the lands is to protect wildlife resources and habitat. However, DMLW management plans are only applicable on DNR owned lands.

While the lands have value as wildlife habitat, particularly for the WACH and Dall sheep, as well as for subsistence, these values are not inherently threatened by conveying the lands to the UA. Relinquishment of DNR's land selection does not authorize any specific future development. Were the state to receive the lands rather than relinquishing the selection, the Constitutional obligation to pursue use and development of the lands would guide state management, and under federal control it is possible future use and development could occur as well. Balancing the habitat value and development prospects and impacts will have to be done under any ownership regime.

Should the land be conveyed to the UA, any future actions would be subject to applicable State and federal environmental laws, regulations, permits, and authorizations. In addition, ADF&G will continue to retain management of fish and wildlife resources on the lands should ownership be transferred to the UA. The lands are not currently available under ANILCA's federal subsistence priority, which would not change if DNR relinquished its selection in favor of the UA. 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 and commercial hunting and guiding can be permitted under UALMO's land use permit system.

DGGS indicated there are no documented metallic mineral resource prospects in the Alaska Resource Data File for the area and the prospective geologic unit is not mapped at surface. However, DGGS and RADS indicated that there is mineral potential within a portion of these lands. The eastern and middle UA selections are near the Red Dog Mine and the Anarraaq and Lik deposits. The westernmost block of the UA selection appears to be of low to moderate mineral potential. Determining the extent of the deposits is difficult due to the scarcity of publicly available mineral data and lack of comprehensive testing. If the selection is relinquished and the lands conveyed to the UA, UA acquisition of an area with mineral potential allows for the possibility of providing future benefits to the State by securing a potential source of long-term revenue to the UA and jobs for Alaskans. As one of the purposes of the land grant under CAA 2023 is to provide valuable land to UA, the value of these lands

alone does not constitute a reason to refuse relinquishment.

There are several “at-risk” State mining claims located on a small part of the western block of the UA selected lands. Such claims are initiated under Alaska Statute 38.05.275 and 11 AAC 86.115 of the Alaska Administrative Code. The claims are contingent and not valid until DNR acquires title to the land. The claims do not confer an interest in the land or the mineral resources and will be terminated if the land is not conveyed to DNR. Additionally, no federal mining claims occur on the UA selected lands. Teck American, Inc. (Teck), the operator of the nearby Red Dog Mine, has numerous State mining claims filed immediately adjacent to the north and south of the proposed relinquishment area. Lands within the proposed relinquishment are available for parties to file at-risk State mining claims at minimal cost (i.e., no initial rent payment fees). If the lands were mineralized it seems likely that Teck would have filed at-risk claims on these lands considering that the company already has existing mining infrastructure and operations in the region and the relatively low cost to file. The lack of claims on these lands further suggests mineral potential may be low. If the selection is relinquished and the lands conveyed to the UA, the UAMLO has a mineral leasing program should parties be interested in mineral exploration or development in the future.

Additional mineral resource concerns included the potential loss of mineral potential in the area, presumably for the State revenue that may be provided by development of those resources. The purpose of the CAA 2023 is to provide new entitlement land and potential revenue sources for the UA. The mineral potential and sustainable land use opportunities of the Delong Mountains selection supports the Congressional intent in the land transfer legislation.

All public comments opposed the transfer of the land to the UA. The main topics of many of the comments were concerns regarding the loss of access, hunting and fishing, subsistence, traditional use and recreational uses of the land. Commentors also raised concerns that the Delong Hills parcel is part of a larger strategic selection by the State under the Statehood Act, and relinquishing the lands would deprive the State and public of access guarantees in the State Constitution and the resources that engendered the original State selections. Commentors recommended that the land remains public land unless public access protections can be guaranteed prior to the conveyance.

The public voiced concerns about limited public access to and through the Delong Mountain selections. Current UA policies allow for greater public access than many non-public 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 for dedicated public and private access easements to reach inholdings or specific areas. While large, the block of land is smaller than many contiguous blocks of ANCSA Native Corporation land, which often has more restrictive public use requirements than those developed by the UA BOR.

While BLM recognizes some RS 2477 trails as prior valid rights, Statehood Act land grant Federal regulations do not provide a mechanism for BLM to reserve those interests from UA’s land title. Consequently, Realty worked with UALMO to exclude areas with valid RS2477 trails from their selections, but that did not apply here. Realty also worked with UALMO to exclude areas with known publicly used or developed trails from their selections. While public comments referenced trails in and near the Delong Mountain parcels,

no commentor provided specific trail location or seasonal use information. Reviewing aerial and satellite imagery failed to find evidence of trails on the lands.

Individual commentors voiced concerns that the proposed relinquishment had the potential to: irreversibly harm culture, food security, and land rights; infringe on the traditional way of life; impact sensitive and endangered species; create public access risks, such as unregulated public access and unauthorized use; rely on legal deficiencies, such as a lack of ANILCA Section 810 analysis, a failure to consider ANILCA Section 804 subsistence priority, and a lack of NEPA review; and fail to provide for tribal consultation and sovereignty.

Should DNR relinquish the Delong Mountain selection to the UA there may ultimately be adverse impacts to the traditional way of life, although efforts should be made to mitigate and minimize such impacts to the greatest degree possible. Although it is challenging to assign economic value to the gains that occur from non-commercial harvests and uses of fish, wildlife, and plants which are shared among communities, the significance of these resources to the livelihood and wellbeing of Alaska communities should be carefully considered. The importance of harvests of fish and wildlife resources to Alaska communities can be regarded to surpass the economic value due to key cultural values, such as passing on skills and traditional knowledge (ADF&G 2019).⁵ Spiritual values that people may have for the lands and resources in this region can also not be quantified. However, Realty notes that transfer of these lands to the UA does not authorize any specific future development. Should the lands be conveyed to the UA, any future actions would be subject to applicable State and federal environmental laws, regulations, permits and authorizations, such as the Alaska Historic Preservation Act and the National Historic Preservation Act, that are meant to protect such values and interests. The fact that the proposed relinquishment lands are State-selected federal inholdings surrounded by lands already owned by the State may lessen any impacts resulting from conveyance of the land out of public ownership. Additionally, impacts may be decreased by the fact the proposed relinquishment is located over 30 miles from the nearest community (i.e., Kivalina to the south).

ESA-listed species such as polar bear and Spectacled Eider have the potential to occur on the lands within the UA's Delong Mountain selection. However, the proposed relinquishment does not overlap with critical habitats for either of these species and does not change the applicability of the federal law. Most aspects of the ESA applies to federal actions or federal permits. The proposed action is being undertaken by State statutes and regulations which do not require ESA consultation or permitting. The Migratory Bird Treaty Act applies to actions that would involve the take of a protected migratory bird species without authorization by USFWS. This decision is limited to whether DNR should relinquish its land selection to facilitate conveyance of the lands to the UA. Comments related to potential impacts from future land use are beyond the scope of this decision. Realty notes that any proposed development of these lands by the UA would likely trigger State and federal permitting, which may require ESA or other environmental review.

ANILCA Section 810 provisions only apply to federal actions, not State actions. The lands are validly selected by the State, therefore the federal subsistence priority as defined in ANILCA do not apply to these lands. The lands within the Delong Mountain selection are not "public

⁵ ADF&G. 2019. *Food production and nutritional values of noncommercial fish and wildlife harvest in Alaska*. Alaska Department of Fish and Game Division of Subsistence, Anchorage, AK.

lands” as defined in ANILCA; therefore, the ANILCA Sections 804 and 810 considerations and restrictions do not apply to the proposed action or these lands. Realty notes that the UALMO has created a program allowing most hunting and subsistence activities on their lands.

NEPA applies to actions undertaken by a federal agency, or when a federal permit is required for an action. This action is being undertaken by the State of Alaska under its statutes and regulations and is not a federal action. Therefore, NEPA does not apply to this action.

Tribal consultation is a deliberative federal process required by various federal laws and is based on the unique legal relationship between the federal government and Tribes. Although there is no separate government-to-government consultation under Alaska law, DNR recognizes the importance of engagement and collaboration on proposed State actions. DNR uses the AS 38.05.945 public notice process and period to engage with interested stakeholders during the public comment period.

The scope of this decision is limited to whether DNR should relinquish its land selections within the UA’s Delong Mountains land selection to facilitate conveyance of the lands to the UA under the CAA 2023. There are three suggested alternative courses of action that are considered within the scope of this decision:

- Retain DNR’s selection on the entire proposed relinquishment to allow the State the unencumbered ability to manage wildlife species and allow ADF&G to conduct research and management activities impactful to several of the region’s crucial wildlife species. This option also provides for the State to acquire the land under the Statehood Act land entitlement.
- Retain DNR’s selection on the middle and eastern blocks of the proposed relinquishment due to mineral potential, as proposed by DGGS.
- Retain DNR’s selection on the following land proposed by RADS:
 - U012S050W25, 26, 27 for the North Slope Area Special Use Lands area
 - K033N023W27, 28, and the west half of K033N023W23 due to mining claims
 - K033N018W01, 02, 11, 12, and 13 (partial); and K033N018W03, 04, 05, 06, 07, 08, 09, 10, 14, 15, 16 due to mineral potential

Maintaining the DNR selection on the North Slope Area Special Use Lands area would allow the State to protect sensitive habitats important to the Western Arctic Caribou Herd, Dall Sheep, and other wildlife species, as well as manage subsistence resources within the State. If DNR relinquishes its selection, UALMO can work with ADF&G to protect sensitive habitat areas while the land remains undeveloped. Should the lands be developed, the UALMO will likely be required to address wildlife impacts and protections for sensitive habitats as part of a development plan or to obtain State and federal permits.

If DNR declines to relinquish its selection on the UA’s Delong Mountains selection area the lands would remain in federal ownership and in selected status by the State. This would most likely be temporary, as DNR would seek conveyance and ownership of all available lands within the Delong Mountains selection area.

The State may also benefit from potential mineral exploration and development of the Delong Mountains selection if conditional relinquishment was declined, but the resource potential has not been fully explored nor have mineral resources been completely defined. The presence of potentially valuable resources is not inherently a sufficient reason for the State to maintain a

selection. Nor would the potential value of those resources be harmed by UA ownership. While the State might lose potential income from development, if the lands were to be relinquished, that same revenue going to the UA would help fund the public interest in higher education in Alaska. Both options could provide benefits to the wider State economy. It is not clear that it is in the State's best interest to maintain a selection on these lands solely based on mineral potential, given the uncertainty of economic benefit to the State.

Mineral potential in the area may provide economic opportunities for the UA and may also contribute to furthering in-state educational opportunities to those enrolled at the University. UA acquisition of an area with mineral potential may also allow for the possibility of providing future benefits to the State by securing a potential source of long-term revenue to the UA and jobs for Alaskans with the potential of economies of scale benefiting the potential development of resources on adjacent State-owned lands. Sustainable land use opportunities such as the creation of conservation easements or the continuation of existing land uses through the UA's land use programs also support the congressional intent in the CAA 2023.

If the Delong Mountains selection area is transferred to the UA, it would create three large to moderately sized blocks of UA-owned land surrounded by State, federal, and Native Corporation lands. There are concerns about impacts to subsistence and traditional use, impacts to wildlife, loss of public access, as well as hunting, fishing, and recreational opportunities on the land. However, current UA policies allow for greater public access and use than many lands around the state. UA policies allow unpermitted non-commercial access and provide a permitting framework for other activities. UALMO has a permit system to provide for dedicated public and private access easements to reach inholdings or specific areas. Additionally, public access and use would be provided on the surrounding State and federal lands. Relinquishment of State-selected lands would not allow unrestricted development by the UA, which would require separate environmental permitting and review.

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

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

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

Alternative 3: Conditionally relinquish the State's selection on lands described in Section VI, excluding the middle and eastern blocks of these lands described below:

- K033N018W, Sec. 1-16, inclusive.

- K033N019W, Sec. 29-32, inclusive.
- K033N020W, Sec. 13-36, inclusive.
- K033N021W, Sec. 25-36, inclusive.

Alternative 4: Conditionally relinquish the State's selection on lands described in Section VI, excluding the lands described below:

- U012S050W25, 26, 27
- K033N023W27, 28, and the west half of K033N023W23
- K033N018W01, 02, 11, 12, and 13 (partial); and K033N018W03, 04, 05, 06, 07, 08, 09, 10, 14, 15, 16

XI. DECISION

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

Recommended by:

Ashley Hovis

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

9/15/2026

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

9/15/2026

Date of Signature

Approved by:

John Crowther

Commissioner John Crowther
Department of Natural Resources

9/15/2026

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

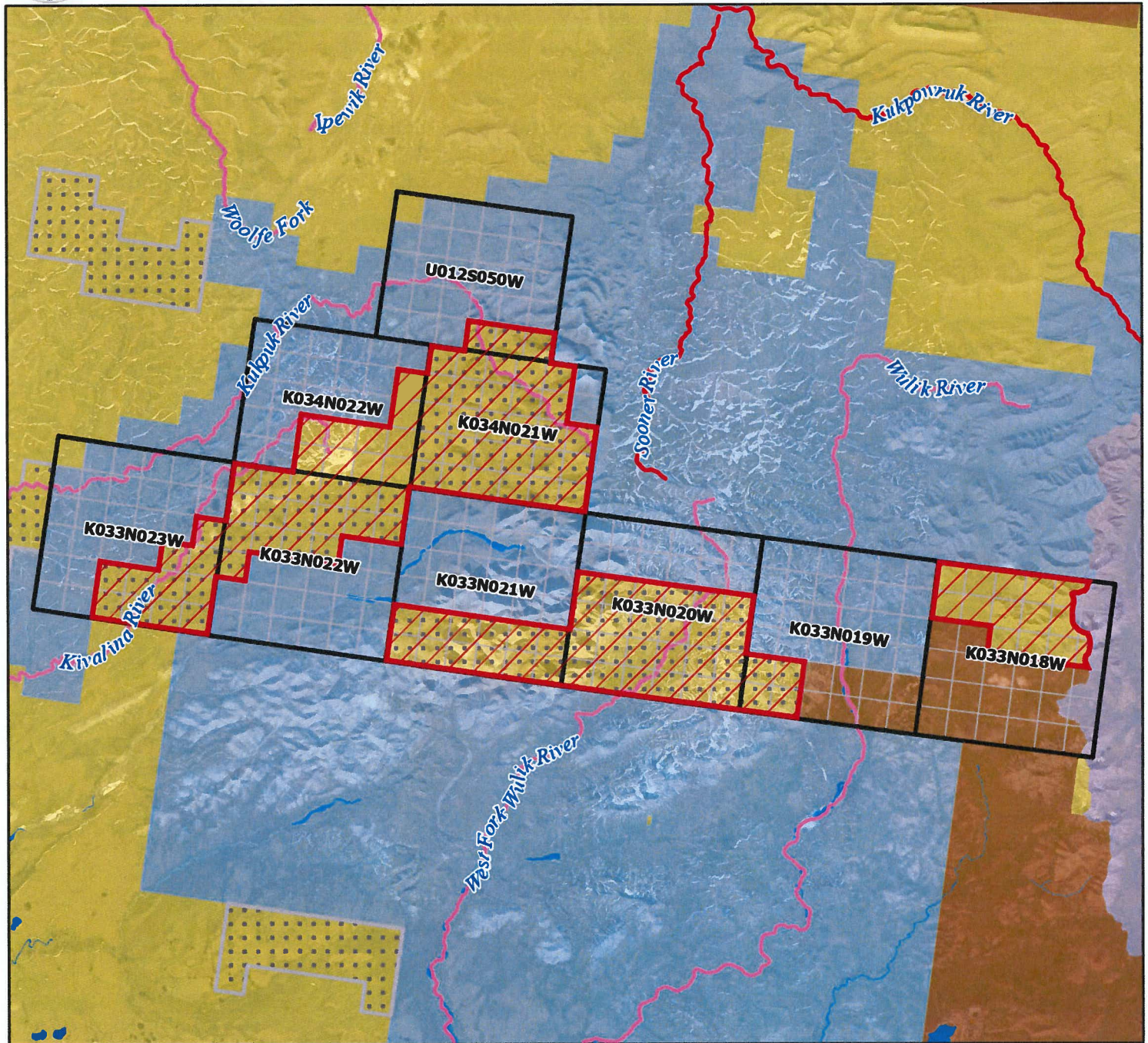
Commissioner per AS 44.37.011 and 11 AAC 02. Any request for reconsideration must be received by the Commissioner's Office within twenty (20) calendar days after issuance of the decision under 11 AAC 02.040. The Commissioner may order or deny a request for reconsideration within thirty (30) calendar 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>.



Kateel Meridian
Umiat Meridian
Alaska

Attachment B: Land Ownership Map
University of Alaska, Land Selection Program
Delong Mountains Selection

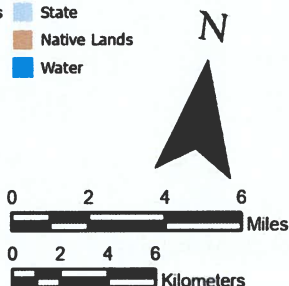


State of Alaska Department of Transportation and Public Facilities (DOTPF) in Fairbanks. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Bureau of Land Management (BLM), Alaska State Office, Maxar Products. Dynamic Mosaic © 2020 Maxar Technologies Inc., Alaska Geospatial Office, USGS, Alaska Department of Natural Resources, Esri, USGS

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

- State Selected Land - All
- Bureau of Land Management
- National Park Service
- State
- Native Lands
- Water

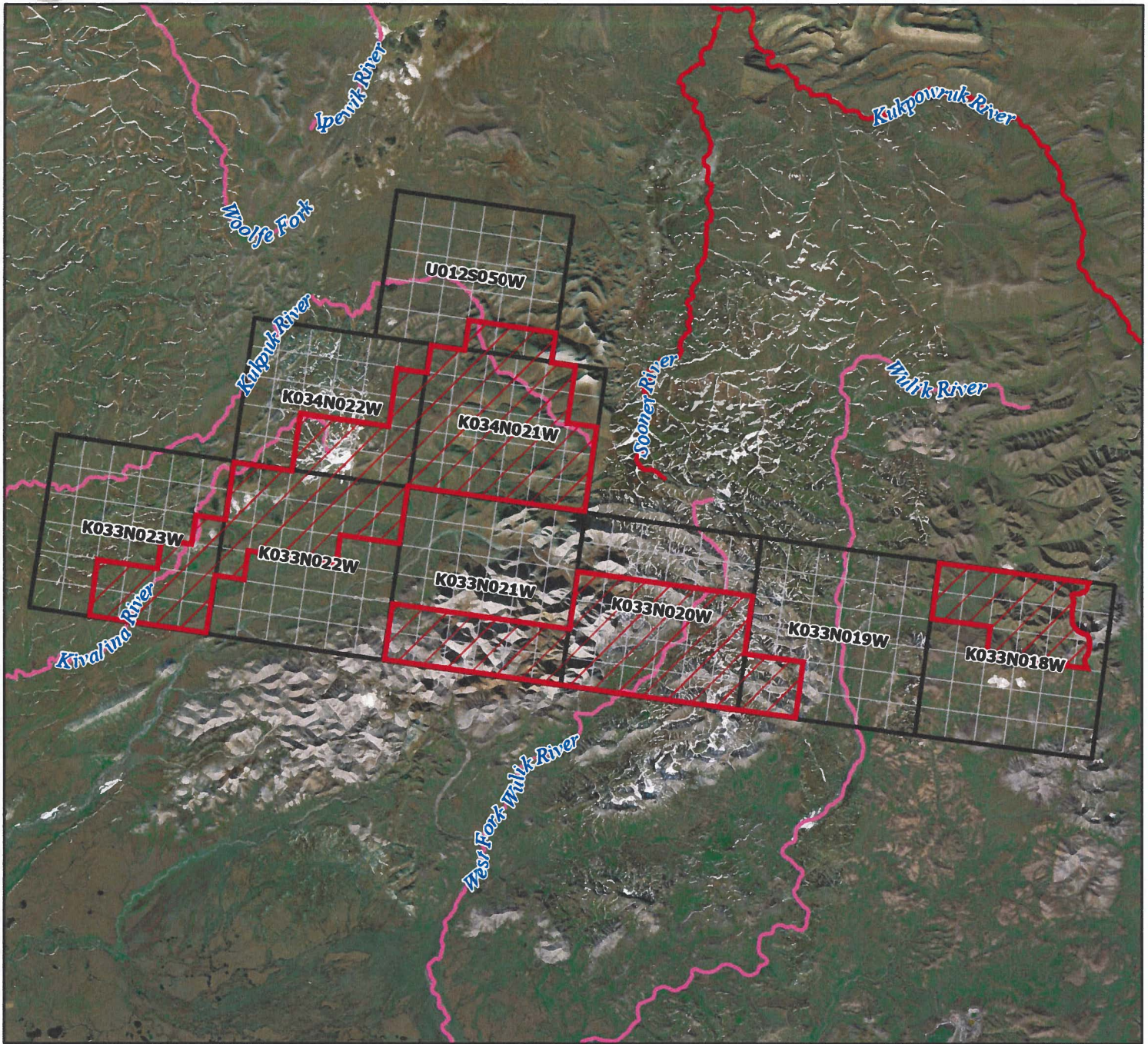
USGS QUAD 1:25,000
Delong Mountains B-4 NE, B-2 SW,
B-3 SE, B-3 SW, B-4 SE, and A-4 NE
For more information contact:
Meiglan Ray
Department of Natural Resources
Division of Mining, Land, and Water
Realty Services Section
Phone: 907-269-8697
Email: meiglan.ray@alaska.gov



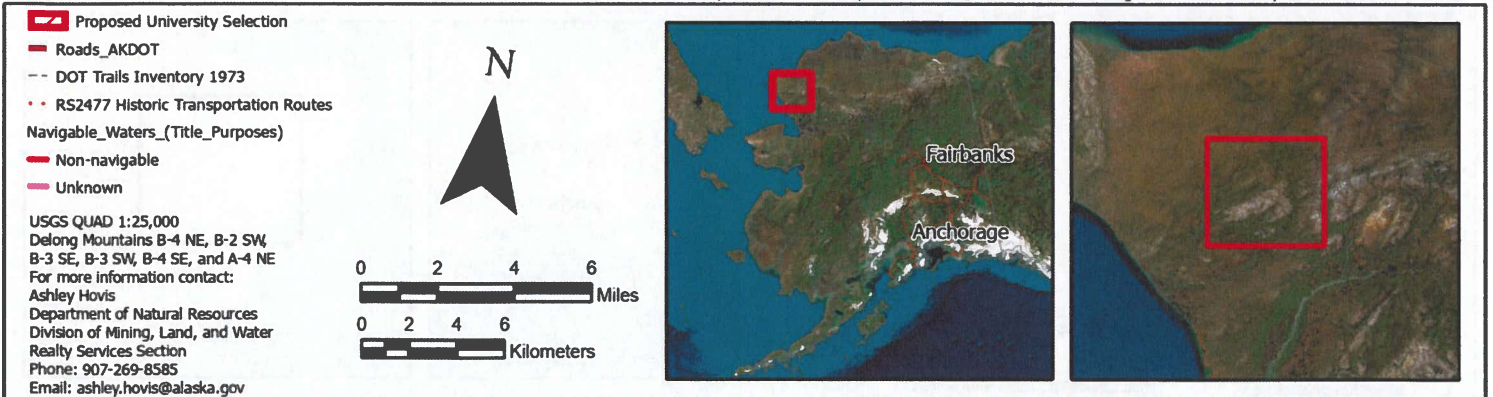


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Alaska

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



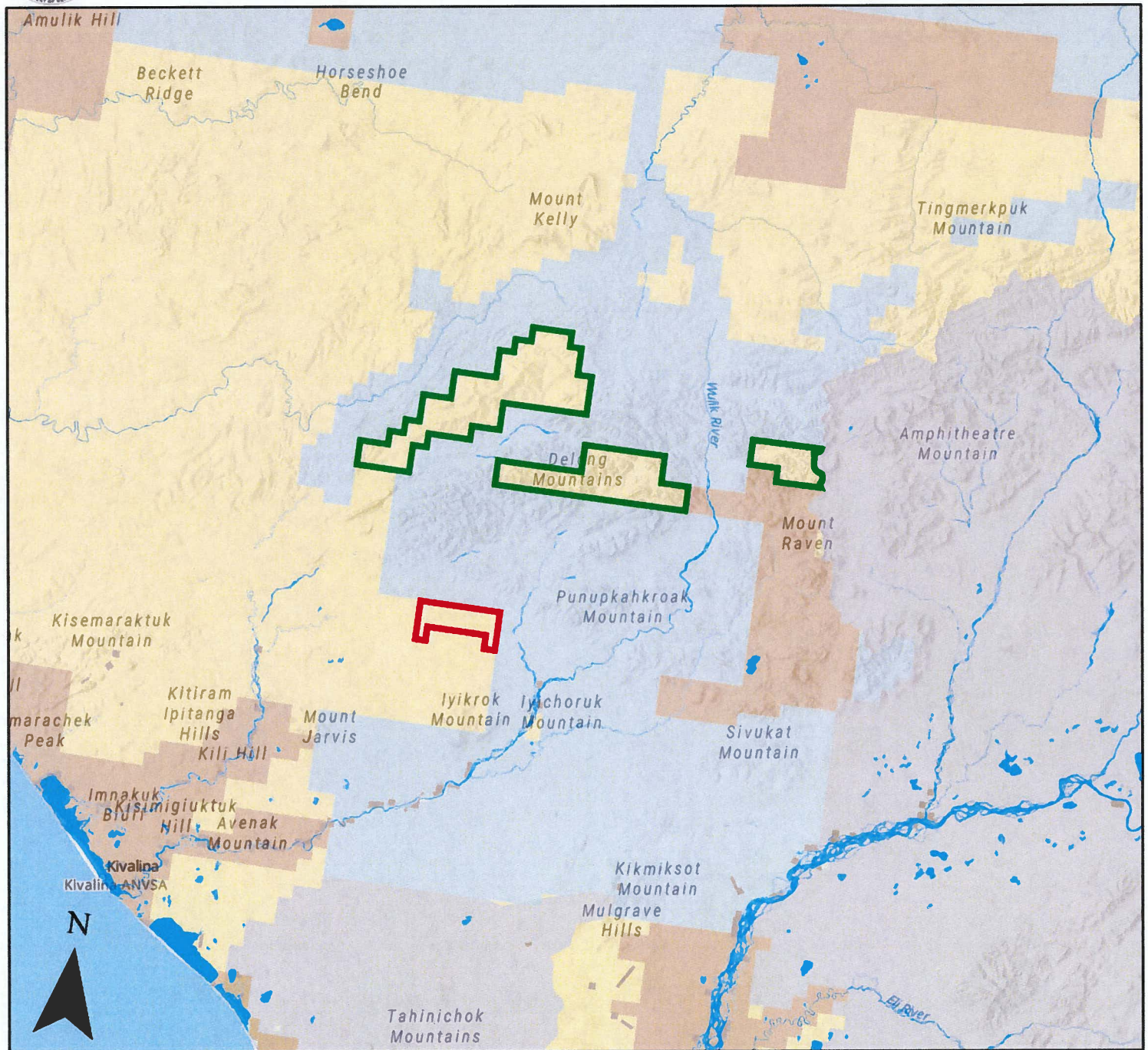
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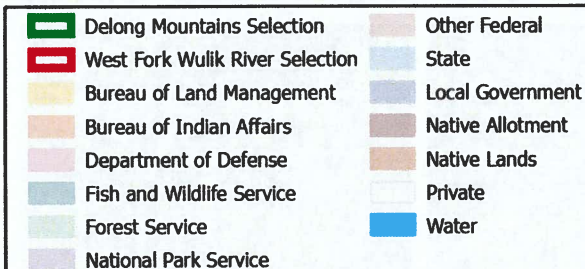


Kateel Meridian

University of Alaska, Land Selection Program
Delong Mountains Selection
West Fork Wulik River Selection



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