

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

FINAL FINDING AND DECISION

**Submerged Land Conveyance to the City and Borough of Juneau
ADL 109424**

AS 38.05.035(e), AS 38.05.825

RELATED ACTIONS

None

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated September 25, 2025. The PD (attached) has received the required public review.

I. Recommended Actions

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends conveying 10.0 acres, more or less, of state-owned submerged land within Gastineau Channel as described in the ADL 109424 PD, pursuant to AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities.

II. Authority

DNR has the authority under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, to convey State-owned lands suitable for occupation and development when requested by the municipality unless it is found that public interest in retaining state ownership clearly outweighs municipal interest, and if the land is: within the boundaries of the municipality; the use does not unreasonably interfere with navigation or public access; the municipality has applied for conveyance; the land is not subject to a shore fisheries lease under AS 38.05.082 Leases for shore fisheries development; account; the land classification is consistent with or compatible with the proposed use; and the land is required for a public or private development approved by the municipality.

III. Public Participation and Input

Pursuant to AS 38.05.945 Notice, public notice inviting comment on the PD for the primary proposed action was published and distributed in the following manner:

- Posted on the State of Alaska Online Public Notice website from September 25, 2025, to October 30, 2025.
- Posted on the Public Notices page of the DNR DMLW Alaska State Land Sales website from September 25, 2025, to October 30, 2025.
- Emailed and mailed to the applicant, City and Borough of Juneau, per AS 38.05.945(c)(1).
- Mailed to postmasters in Juneau at the Mendenhall Post Office, the Federal Station Post Office, Auke Bay Post Office, and Downtown Post Office with a request to post for 30 days, per AS 38.05.945(c)(4).
- Mailed to the Juneau Public Library, Douglas Library, Mendenhall Valley Public Library, and the Juneau-Douglas City Museum Library with a request to post for 30 days.

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- Mailed and/or emailed to Sealaska Regional Corporation, Central Council of the Tlingit & Haida Indian Tribes of Alaska, Douglas Indian Association, Goldbelt Incorporated, and Huna Totem Corporation per AS 38.05.945(c)(2)-(3).
- Mailed to 108 waterfront neighbors and landowners within 0.5 miles of the subject parcel.
- Mailed and/or emailed to Neighborhood/Homeowners Associations listed with the City and Borough of Juneau.
- Emailed to the Juneau Downtown Business Association, Northern Southeast Alaska Building Industry Association, JPR Management Services, Inc., Western Alaska Community Development Association, and the Greater Juneau Chamber of Commerce, with a request to disseminate the notice amongst their membership.
- Emailed to the Alaska Center for the Environment, Alaska Soil and Water Conservation District, Alaska Miners Association, University of Alaska – Land management, Trustees of Alaska, state legislators, and all state agencies that received the agency review notice.

The public notice stated that written comments were to be received by 3:00 PM October 30, 2025, to ensure consideration and eligibility to appeal. For more information, refer to the attached PD.

IV. Summary of Comments

DNR DMLW LCS received one agency comment and two comments from members of the public, as summarized and addressed below:

DNR DMLW Realty Services Section (RSS) Comment:

RSS acknowledged a current title report request. They also pointed out the stipulations stated in the PD that are conditions versus those that are restrictions and reservations, and may be identified on the final patent. RSS also reminded LCS of the inclusion of setbacks, easements, and to and along easements on the survey.

DNR DMLW LCS Response: LCS appreciates your review of the preliminary decision. Conditions, Restrictions, and Reservations will be separated out in the FFD. The applicant will be reminded via a Proceed to Survey letter issued by LCS that DMLW and the local platting authority must approve the survey. A To and Along easement pursuant to AS 38.05.127 Access to Navigable or Public Water, will not be included since this conveyance is for submerged land only. Thank you for your comment.

Public Comment:

The commenter supports the DNR DMLW LCS decision to convey the submerged land to the City and Borough of Juneau and requested that the conveyance occur as quickly as possible. The commenter stated that historically, the area was used for tug and barge landings and was supported for commercial large vessel shipping. The commenter believes that the conveyance supports the public interest and will improve safe navigation.

DNR DMLW LCS Response: LCS appreciates your review of the preliminary decision. Thank you for your comment.

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Public Comment:

The commenter supports the DNR DMLW LCS decision to convey the submerged land to the City and Borough of Juneau and has asked LCS to prioritize the application from CBJ. The need for CBJ to acquire the state-owned submerged land to facilitate the construction of Aak'w Landing at the Subport in downtown Juneau and the desire for CBJ "...to maintain one contiguous tideland lease for Aak'w Landing and ensure consistent port conditions" were mentioned by the commenter. The commenter discussed many facets of the Aak'w Landing project, including the floating dock, the showcasing of Tlingit culture, and the year-round public venues for visitors and residents alike. The commenter highlighted, further, the positive impacts of conveying the submerged land to CBJ, "...the project brings strong economic, safety, and environmental benefits to our community."

DNR DMLW LCS Response: LCS appreciates your review of the preliminary decision. Thank you for your comment.

V. Modifications to Decision and/or Additional Information

The recommended action has not been modified from the original proposed action described in the PD. A modification between the PD and the FFD was made to the **VI. Stipulations** section below. The stipulations in the FFD have been separated out into conditions, and restrictions and reservations when compared to the PD and wording has been updated. This was done to clarify wording and to specify the restrictions and reservations that will be included in the final conveyance document. Also, a current title report, No. 23978, has been received, and expires October 10, 2026. No new information was identified.

VI. Stipulations

If approved for conveyance, applicable conditions, and restrictions and reservations will be imposed upon the transfer of equitable title when the FFD is effective and on the final conveyance document, including but not limited to the following:

A. Conditions

1. Management authority for the approved submerged land will be transferred to CBJ when the FFD is effective. When approved, CBJ may execute leases and permits prior to issuance of a state conveyance document in accordance with AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. Applications for state leases or permits in the subject area that have not been adjudicated or issued will be closed.
2. All mineral-related permits, licenses, claims, and leases affecting the submerged land proposed for conveyance, if any, will remain under the authority of the State.
3. A notice to proceed to survey will be issued if no appeals are received, or when appeals are resolved, after issuance of the FFD. CBJ must hire a surveyor, and the surveyor must apply to DMLW's Survey Section for Survey Instructions. CBJ's survey must be approved by DMLW and the local platting authority, if any, as set forth in the Survey Instructions. Survey costs shall be borne by CBJ.
4. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) Preservation of Historic, Prehistoric, and Archeological Resources

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Threatened by Public Construction, is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains, or objects.

5. CBJ may not lease land conveyed under this section for shore fisheries, but after conveyance, the land may be leased by the State for shore fisheries under AS 38.05.082 Leases for Shore fisheries Development.

B. Restrictions and Reservations

Conveyance document will be issued subject to the following restrictions and reservations:

1. The approved submerged land conveyance 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.
2. Pursuant to AS 38.05.125 Reservation, the mineral estate shall not be conveyed.
3. Further Subject to the terms and conditions of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, including the condition the grantee may lease the land, but may not sell it; ensure that reasonable access to public waters and tidelands is provided; title to the land conveyed under this authority reverts to the State of Alaska upon dissolution of the municipality and the grantee takes title to the tidelands subject to the rights of the public under the Public Trust Doctrine.

Recommendation and Approval of the Final Finding and Decision follow.

Final Finding and Decision

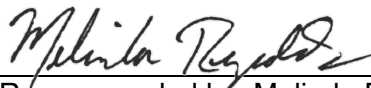
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VII. Final Finding and Decision

The Land Conveyance Section recommends proceeding with the action as described in the Preliminary Decision. This action is undertaken under relevant authorities. The public interest in retaining the proposed parcel in state ownership does not outweigh the municipal interest.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945 Notice and comments received were considered. The project file has been found to be complete and the requirements of all applicable statutes have been satisfied. The action is consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.



Recommended by: Melinda Reynolds
Natural Resource Specialist
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

11/24/2025

Date

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended action as described and referenced herein.



Approved by: Hannah Uher-Koch
Section Chief
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

11/24/2025

Date

Appeal Provision

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of “issuance” of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).

If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court (11 AAC 02.020 (a) and (b)). A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

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

PRELIMINARY DECISION

ADL 109424

Proposed Submerged Land Conveyance to City and Borough of Juneau
AS 38.05.035(e), AS 38.05.825

RELATED ACTIONS

None

PUBLIC COMMENT PERIOD ENDS 3:00 PM, THURSDAY, OCTOBER 30, 2025

I. Proposed Action

Preliminary Decision: Proposed Submerged Land Conveyance to the City and Borough of Juneau – ADL 109424

Attachment A: Vicinity Map

Attachment B: Public Notice

Primary Proposed Action: The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS), proposes to convey one parcel of submerged land to the City and Borough of Juneau (CBJ), pursuant to Alaska Statute (AS) 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. The subject parcel is located within the Gastineau Channel at the Port of Juneau, and is approximately 10 acres in size, final acreage will be determined by completing survey requirements. See *Attachment A: Vicinity Map* for a depiction of the project area.

This decision determines whether the submerged land selection by the City and Borough of Juneau meets the requirements for conveyance in accordance with AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities and under the Submerged Lands Act of 1953 and the Equal Footing Doctrine.

Proposed Related Actions: No related actions proposed.

Public Notice of Proposal: In accordance with AS 38.05.945 Notice, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this Preliminary Decision (PD).

See **Section XV. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit comment for consideration. If LCS moves forward with the proposal after consideration of timely, written comments, a Final Finding and Decision (FFD) will be issued.

II. Authority

DNR has the authority under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, to convey State-owned tide and submerged land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by AS 38.05.035(e) Powers and Duties of the Director. Article VIII, Section 1 of the Constitution of the

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State of Alaska states, "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest."

III. Administrative Record

Submerged land conveyance case file ADL 109424 constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Juneau State Land Plan (JSLP, adopted December 1993) and associated land classification files;
- *Alaska Department of Fish and Game (ADF&G) Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *Comprehensive Plan of the City and Borough of Juneau (adopted 2013)*;
- City and Borough of Juneau *Long Range Waterfront Plan* (adopted 2004, amended 2022); and
- DNR case files: Tideland conveyance ADL 109052, Tideland conveyance ADL 2335, and Alaska Tidelands Survey (ATS) 3.

IV. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section II. Authority**, is limited and specific to the determination of whether it is in the State's best interest to convey the subject parcel to CBJ under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. It also includes identifying any third-party interests, other interests of record, and stipulations necessary to ensure that statutory requirements have been met. This decision does not consider any future development or the effects of such development that may occur after the transfer.

V. Location

Located within DNR's Southeast Region, the selected submerged land is located within Gastineau Channel, adjacent to Alaska Tideland Survey (ATS) 3, within the City and Borough of Juneau. It is located within Section 23, Township 41 South, Range 67 East, Copper River Meridian.

USGS Map Coverage: Juneau B-2

Geographic: Southeast Alaska

Borough/Municipality: City and Borough of Juneau

Regional Native Corp.: Sealaska Corporation

Federally Recognized Tribe: Central Council of the Tlingit and Haida Indian Tribes of Alaska, Douglas Indian Association

Village Corporation: Goldbelt Incorporated

VI. Legal Description

A Portion of Tidelands within Protracted Section 23, Township 41 South, Range 67 East, Copper River Meridian, Alaska; further depicted on the Preliminary Requested Lease Area, Proposed AAK'W Landing Dock Tidelands Lease, dated June 30, 2025, and attached to the Development Plan for a Purchase of State Tide and Submerged Land to Municipalities Application dated April 10, 2025, containing approximately 10.0 acres, more or less. Final acreage will be determined prior to disposal by the required ATS.

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VII. Title

Preliminary title research indicates that the State of Alaska received title to tide and submerged land under the Alaska Statehood Act (Public Law 85-508), the Submerged Lands Act (Public Law 83-31), and under the Equal Footing Doctrine. The management of the tide and submerged land is subject to the Public Trust Doctrine. A Title Report has been requested for the parcel covered by this decision. As of the issuance date of this decision, the report remains outstanding; however, to avoid delaying the issuance of this decision, a careful review of the area was completed to identify title issues associated with this submerged land. None have been identified. Any title actions identified by the completed title report will be incorporated into the FFD and addressed accordingly.

State Reservation of and Access to Mineral Estate: In accordance with Section 6(i) of the Alaska Statehood Act and AS 38.05.125 Reservation [of Rights to Alaska], the State retains ownership of the mineral estate that may be in or upon the submerged land that it sells. This retention is for all minerals, including locatable minerals (such as gold, copper, silver, etc.) and leasable minerals (such as oil, gas, coal, etc.).

The State and its successors reserve the right to enter upon the submerged land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all surface uses. The State may also lease these retained interests to mineral developers or allow mining locations to be staked. However, AS 38.05.130 Damages and Posting of Bond, also provides that the land estate owner will be compensated for damages resulting from mineral exploration and development.

Navigable Waters: Gastineau Channel is a navigable body of water. Per AS 38.05.126(b) Navigable and Public Waters, "...the State has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the state." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the Constitution of the State of Alaska and protected in the United States Constitution. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made, and access will be reserved per AS 38.05.127 Access To and Along Public and Navigable Water. For more information, see **Section XI. Access, Including Access To and Along Public or Navigable Water** within this document.

Other Conflicts or Pending Interest: None.

VIII. Background and Discussion

CBJ submitted an application on August 16, 2024, for the conveyance of approximately 10 acres of submerged land in Gastineau Channel. The application was incomplete at the time of submittal and wasn't considered complete until April 14, 2025. The parcel is located seaward of Alaska Tideland Survey (ATS) 3, within CBJ.

CBJ has applied for a submerged land conveyance with the intention of leasing the land to Huna Totem Corporation (HTC); HTC then intends to construct a floating cruise ship dock in the proposed conveyed lands. The dock will extend from HTC-owned uplands, across tidelands owned by CBJ, and onto the proposed state-submerged land. If approved, this will be the fifth cruise ship dock in Juneau, will accommodate U.S. Coast Guard use, and is part of a larger HTC project, Aak'w Landing.

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AS 38.05.825 Submerged Land Conveyance - ADL 109424

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While the scope of this decision is limited to the conveyance of the subject submerged land for the cruise ship dock, the Aak'w Landing project will encompass uplands as well as the proposed submerged land. Per HTC, the project will celebrate Tlingit culture and improve connectivity for residents and visitors alike. It promises significant economic benefits, including job creation and increased visitor spending, while enhancing safety and reducing congestion by eliminating lightering and providing shore power for docked ships. The project will also expand public spaces, support local cultural institutions, and integrate environmentally sustainable practices. The proposed project will consist of a Welcome Center, retail and dining spaces, a public park, underground parking, a cultural and science center dedicated to Indigenous knowledge, and the subject floating cruise ship dock.

The Long Range Waterfront Plan (LRWP) for CBJ, dated January 22, 2004, as amended and included through Ordinance 2022-12, adopted March 14, 2022, allows a fifth cruise ship dock in the Subport area, the subject area of this decision. The LRWP 2022 Amendment allows for the creation of a dock facility capable of accommodating one large cruise ship and provides moorage for government agencies, like the U.S. Coast Guard and National Oceanic and Atmospheric Administration (NOAA) vessels. The approval to pursue conveyance of the subject parcel from DNR to CBJ was adopted April 7, 2025, through CBJ Resolution No. 3098.

AS 38.05.825(a) Conveyance of Tide and Submerged Land to Municipalities, requires DNR to convey to the municipality tide and submerged land suitable for occupation and development when requested by the municipality unless it is found that public interest in retaining State ownership clearly outweighs municipal interest. The municipality must apply for conveyance, the tide and submerged land must be within the boundaries of the municipality, the use cannot unreasonably interfere with navigation or public access, the land may not be subject to a shore fisheries lease under AS 38.05.082 Leases for Shore Fisheries Development, the land classification must be consistent with or compatible with the proposed use, and the land must be required for a public or private development approved by the municipality. CBJ has met the application requirements of the statute through the following:

- Public Interest - The public interest in retaining the land within the subject parcel in State ownership does not outweigh the municipal interest in managing the submerged land. CBJ plans to lease the submerged land to Huna Totem, who plans to develop facilities that will be used by the public. LCS believes that there are no other overriding State interests in the subject parcel for conveyance; the municipal interest clearly rises above the public interest in retaining the land in State ownership.
- Location - The land is within the boundary of the municipality.
- Navigation - The proposed use would not unreasonably interfere with navigation.
- Public Access - The proposed use would not unreasonably interfere with public access.
- Application - CBJ has submitted an application for conveyance.
- Shore Fisheries Leasing - The land is not subject to a shore fisheries lease.
- Land Classification - The land classification in the Juneau State Land Plan area plan amendment is consistent with the proposed action.
- Municipal Approval of Development - The City and Borough of Juneau Assembly supports the proposed development for this submerged land conveyance through City and Borough of Juneau Resolution No. 3098, adopted on April 7, 2025.

IX. Planning and Classification

1. *Planning*: The subject parcel is located within the Juneau State Land Plan (JSLP, adopted January 1993), Unit 6a, Subunit 6a8. The plan designates the subject parcel as Fish and Wildlife Habitat (Hb) and Fish and Wildlife Harvest (Hv). Amendment SE-93-004A10 to the JSLP and Land Classification Order No. CL SE-93-004A10 (adopted May 2021) added the

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designation Waterfront Development (Wd) to the entirety of this subunit. These designations convert to the classification of Wildlife Habitat Land and Waterfront Development Land.

AS 38.05.825(a)(5) Conveyance of Tide and Submerged Land to Municipalities, requires that land to be conveyed must be either “classified for waterfront development or for another use that is consistent or compatible with the use proposed by the municipality, or the proposed use of the land is consistent or compatible with a land use plan adopted by the municipality or the department.” The JSLP states the Waterfront Development designation is intended for the use of tidelands, submerged lands, or shorelands for water-dependent or water-related facilities, usually for industrial or commercial purposes. Waterfront development includes: piers, wharves, harbors, log storage, log or mineral transfer facilities, seafood processing facilities, commercial recreational facilities, and other resource development support facilities. The JSLP amendment (adopted May 2021) added the Waterfront Development designation to this subunit.

The JSLP, along with the amendment, discusses the use of the submerged land adjacent to the Juneau waterfront. These uses “...involve significant maritime activities, including the daily arrival and departure of several cruise ships between April and September and associated float plane and lightering activity and private boating of all types. Additionally, fishing activity occurs year-round.” The JSLP amendment explains the added designation of Waterfront Development as a way to more accurately reflect “...the ongoing and significant maritime commercial activities of the Juneau waterfront associated with tourism.”

The management intent in the JSLP discusses use for maritime activities in this area while minimizing detrimental consequences to habitat and harvest areas. More specifically, the management intent for Subunit 6a8 states:

The tidelands and submerged lands in these subunits will be managed to provide both land and water space for uses and activities which are directly related to maritime activities while minimizing significant adverse impacts on habitat and harvest for which these subunits are co-designated.

Maritime activities include private boating of all types, tourism, (including cruise ships, transient pleasure vessels, and floatplanes), commercial fishing, use by charter boat, floatplane activity, and any other activities involving human use of waterbodies for sport, recreation, or commerce...[P]ortions of future developments such as breakwaters, marinas, and docks may require authorizations for use of State tidelands.

Development directly related to maritime activities along the edges of the subunits that extend onto state tidelands and submerged lands are an allowable use if they do not pose hazards to navigation.

The management intent specified within the JSLP is consistent with the current and proposed future maritime activities within the submerged land. LCS finds that the classifications of Wildlife Habitat Land, and Waterfront Development Land as set forth in the JSLP amendment and LCO, fulfill the requirement of AS 38.05.825(a)(5) Conveyance of Tide and Submerged Land to Municipalities.

2. *Land Use Classification:* The JSLP classifies the subject parcel as Wildlife Habitat Land under Classification Order CL SE-93-004 and Waterfront Development Land under Classification Order CL SE-93-004A10.

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- Local Planning:* CBJ has a Comprehensive Plan (adopted 2013) that contains long-term goals and helps provide direction, "The Comprehensive Plan is a long-range blueprint designed to guide the growth, development, and conservation of valued resources within our community over the next 20 years, to the year 2033." CBJ also has a Long Range Waterfront Plan (LRWP, adopted 2004, amended 2022) that highlights goals which are focused on the management and development of the waterfront of downtown Juneau. This LRWP discusses the expansion of cruise ship facilities, marinas, etc. as a way to fulfill the goal of strengthening tourism product offerings. The proposed parcel is adjacent to the Waterfront Commercial Zone in the Downtown Waterfront Area presented in the Long Range Waterfront Plan. Both the Comprehensive Plan and the Long Range Waterfront Plan mention development of the downtown waterfront as priority.

X. Traditional Use Findings

The subject submerged land is located within CBJ and a traditional use finding is, therefore, not required pursuant to AS 38.05.830 Land Disposal in the Unorganized Borough. However, information on current or traditional use is welcomed and can be given during the public comment period. **See Section XV. Submittal of Public Comments** within this document and *Attachment B: Public Notice* for details on how to comment.

XI. Access, Including Access To and Along Public or Navigable Water

The subject parcel is accessible by Gastineau Channel, a navigable body of water, via boat or float plane. The parcel is adjacent to tidelands owned by CBJ. Pursuant to AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, the conveyance of tideland and submerged land cannot unreasonably interfere with navigation or public access and the municipality must provide reasonable access to public waters and tidelands.

Access To and Along Public or Navigable Waters: In accordance with AS 38.05.127 Access To Navigable or Public Water, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 Determination of Navigable and Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water, and 11 AAC 53.450, Buffer Strips, Reserved Areas, and Public Easements. Gastineau Channel has been determined to be a navigable water body.

Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

XII. Hazardous Substances and Contaminations

Based on review of the Alaska Department of Environmental Conservation's (DEC) list of Contaminated Sites, no hazardous material or contamination from hazardous material is known to affect the subject parcel.

CBJ is expected to inspect the subject submerged land to ascertain the quality and condition of the submerged land. The State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the submerged land proposed for conveyance to CBJ. The State does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site, should such substances ever be identified.

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XIII. Survey

Upon DNR approval for the conveyance of the parcel, an Alaska Tideland Survey (ATS) performed by an Alaska Registered Land Surveyor under the direction of the DMLW Survey Section will be required at the applicant's expense. The survey will be required before issuing a state submerged land patent. There is no requirement under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, to appraise the land prior to conveyance.

A Preliminary Survey Determination (Updated SURV 20255020), dated May 13, 2025, conducted by the DMLW Survey Section, determined the subject parcel to be unsurveyed.

XIV. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this PD. Agency review was conducted between June 3, 2025, through July 3, 2025. The intent of an agency review is to request comments from agencies that may be affected by a conveyance of tide and submerged land decision. Agencies are given the opportunity to evaluate and comment on CBJ's submerged land selection to determine if the State should retain all or a portion of the selected submerged land and, if so, provide supporting reasons for the requested action. Additionally, agencies are requested to identify any stipulations that may be appropriate if the submerged land is to be conveyed out of state ownership.

DNR DMLW LCS received brief comments of non-objection from the following agencies: DNR DMLW Public Access Assertion & Defense, DNR DMLW Resource Assessment & Development Section, DNR Division of Oil and Gas, Alaska Department of Environmental Conservation, and Alaska Department of Transportation and Public Facilities.

DNR DMLW LCS Response: LCS appreciates your review of the proposal.

Comments from Alaska Department of Fish and Game (ADF&G):

ADF&G has **no objection** to this CBJ selection; however, they require detailed information on the construction activities and timing windows to assess potential impacts on marine mammals and to recommend appropriate mitigation measures. They provided the following comments and recommendations:

1. Bear-Human Conflict Considerations:

- ADF&G does not object to the construction of the cruise ship dock itself, but rather has significant concerns about future development – such as dining facilities or other infrastructure associated with the larger Aak'w Landing project – that could increase the risk of bear-human conflicts if food and waste are not adequately secured. They strongly recommend incorporating mitigation measures into the project, including bear-resistant dumpsters, secure trash storage, and where feasible, indoor dining facilities. ADF&G welcomes the opportunity to collaborate further on this issue. Please contact the Juneau, ADF&G Division of Wildlife Conservation (DWC) Area Management Biologist (907-465-4266).

2. Marine Mammal Considerations:

- More details about the type of construction activities and the specific time window during which the activities will occur would be helpful to allow for an assessment of potential impacts.

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- Several marine mammals may occur within the project area, including humpback whale, Dall's porpoise, gray whale, harbor porpoise, harbor seal, killer whale, minke whale, Pacific white-sided dolphin, Steller sea lion, and northern sea otter. We suggest consulting with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service about marine mammal presence in the area and potential mitigation measures for disturbances. For inquiries regarding the NMFS consultation process, email AKR.PRD.Section7@noaa.gov. For information about sea otters in the project area, email FW7_AK_Marine_Mammals@fws.gov or call 800-362-5148.
- As soon as possible, please report any injured, entangled, or dead marine mammal to the NOAA Fisheries Alaska Statewide 24-hour Stranding Hotline: (877) 925-7773. If the stranded animal is a sea otter, please call the U.S. Fish and Wildlife Service (1-800-362-5148, business hours) or the Alaska SeaLife Center Hotline (1-800-774-7325, 24 hours).
- If the lessee documents any negative interactions with marine mammals, we request to be kept informed. Please direct any relevant information to the Alaska Department of Fish and Game Marine Mammal Program at dfg.dwc.mmcomments@alaska.gov.
- To reduce risks of negative interactions:
 - Keep lines used to tether vessels taut and out of the water whenever possible to reduce the risk of entanglement.
 - Dispose of food waste and garbage properly to avoid attracting marine mammals to the area.
 - Store fuel securely to prevent it from entering the marine environment. A spill kit should be kept on-site for any potential spills.
- Project activities may affect species listed under the Endangered Species Act (ESA) and other sensitive resources, such as migratory birds, which are managed by the U.S. Fish and Wildlife Service (USFWS). We recommend using the Information for Planning and Consultation (IPaC) tool (<https://ipac.ecosphere.fws.gov/>) to identify USFWS trust resources that may be present within the project boundary, including the likelihood of presence during project activities. For further details, contact the Southern Alaska Fish & Wildlife Field Office at 907-271-2888 (phone) or 907-271-2786 (fax).

Thank you for the opportunity to review and comment. We ask that you share any applicable comments with the applicant. Additionally, we request a copy of the decision document once it is issued.

DNR DMLW LCS Response: LCS appreciates your response and the additional information. LCS will provide this information to CBJ via this decision. LCS will provide a copy of any issued decision documents to ADF&G and will reach out if any questions arise.

Comments from DNR Division of Geological & Geophysical Surveys (DGGS):

DGGS has **no objection** to this CBJ selection with the understanding of elevated risk of geologic hazards. They provided the following comments and recommendations:

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1. Hydrology and Surficial Geology Considerations:

- The Gastineau Channel is a water body within the Coastal Foothills Physiographic Province, which consists of blocks of high mountains 3 - 30 miles across, separated by flat-floored valleys and straits 0.5 - 10 miles across. The low-relief coastal region, north and northeast of the subject parcel was mapped and found to be undifferentiated unconsolidated surficial deposits, which include alluvium, colluvium, tidal mudflat deposits, and some glaciofluvial deposits. This area has been mapped as a fan with mine fill in distal areas.
- An evaluation of imagery indicates that mountain slopes north and south of the subject parcel are steep with abundant colluvium and debris flow channels and may include reworked glacial drift or glaciofluvial deposits. Terraces, potentially of marine origin, are visible in imagery on both sides of the Gastineau Channel.
- Deposits along the subject parcel in Gastineau Channel have been interpreted to be from fathometer traverses. These show water depths reaching 100 ft within the channel. Areas near the coast include glaciomarine deposits, deltaic sediments, and mine tailings, with soft bottom silts in deeper areas, although sands and gravels exist in places. The potential for underwater landslides has not been thoroughly investigated in the Juneau area. The subject parcel is characterized by an abundance of silt and is not considered a high-priority target for construction material resources.

2. Mineral Resource Considerations:

- The area is situated within the Juneau Placer Mining District, suggesting potential resource value; however, it is not known to be a high-priority target.

3. Geologic Hazard Considerations:

- The U.S. Forest Service has identified and mapped numerous landslides along the coast throughout southeast Alaska. It should be noted that numerous landslides have occurred near the site of the proposed dock and crossed Gastineau Avenue and Franklin Street, including fatal landslides in 1920 and 1936 that damaged buildings along the waterfront. A few debris flows have impacted homes on Gastineau Avenue in recent years.
- Permafrost in the area is absent, although there may be some slope instability associated with freeze/thaw.
- Numerous active faults exist in southeast Alaska. The region's general seismic hazard potential is moderate, therefore standard best building practices should be used. Any dock or infrastructure should be constructed with potential tsunami hazards in mind. Evacuation safety measures recommend that anyone on the dock or shore evacuate to higher ground after a long-duration earthquake. Tsunami hazard evacuation signage and information is recommended.
- The area has also been subject to ashfall from erupting volcanoes.

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- Extreme weather events are relatively common in Juneau and may be accompanied by secondary effects such as erosion and flooding. High winds, locally known as Taku Winds, constitute the most common extreme weather event in Southeast Alaska. When such high winds are combined with coastal storms or high tides, they can generate storm surge, which can cause significant damage to coastal infrastructure by coastal flooding and/or erosion. These effects should be considered, and appropriate measures should be taken when designing the proposed dock. Coordination with the National Weather Service (NWS) is recommended as they monitor severe weather and release forecasts that can help the community prepare in advance for any potential hazards.

DNR DMLW LCS Response: LCS appreciates your response and the additional information. LCS will provide this information to CBJ via this decision. LCS will provide a copy of any issued decision documents to DGGS and LCS will reach out if any questions arise.

The following agencies or groups were included in the agency review, but no comment was received:

- U.S. Fish and Wildlife Service;
- Alaska Conservation District;
- Alaska Mental Health Trust Land Office;
- Department of Natural Resources;
 - Division of Forestry & Fire Protection;
 - Division of Parks and Outdoor Recreation – Office of History and Archaeology;
 - Office of Project Management & Permitting;
 - State Pipeline Coordinator's Office.

XV. Submittal of Public Comments

See Attachment B: Public Notice for specific date and conditions

Pursuant to AS 38.05.945 Notice, LCS is issuing public notice for comment on this Preliminary Decision.

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Notice, may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision, additional public notice for the affected submerged land will be given. Reducing the amount of submerged land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent Final Finding and Decision without further notice.

Only persons from whom LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision will be made available online at

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<http://landsales.alaska.gov/> and sent with an explanation of the appeal process to any party who provides timely written comment.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact DNR's Public Information Center. For more information, refer to the attached Public Notice.

DEADLINE TO SUBMIT WRITTEN COMMENT IS 3:00 PM, THURSDAY, OCTOBER 30, 2025

XVI. Stipulations

If approved for conveyance, applicable conditions, restrictions, and reservations will be imposed upon transfer of equitable title when the Final Finding and Decision is effective and on the final conveyance document, including but not limited to the following:

1. Administration of state leases and permits in the surface estate, if any, will be transferred to CBJ when the FFD is effective. Applications for state leases or permits in the subject area that have not been adjudicated or issued will be closed.
2. Management authority for the approved submerged land will be transferred to CBJ when the FFD is effective. When approved, CBJ may execute leases and permits prior to issuance of a state conveyance document in accordance with AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. However, CBJ may not lease the submerged land approved for conveyance for shore fisheries.
3. All mineral related permits, licenses, claims, and leases affecting the submerged land proposed for conveyance, if any, will remain under the authority of the State.
4. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) Preservation of historic, prehistoric, and archeological resources threatened by public construction is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains, or objects.
5. A notice to proceed to survey will be issued if no appeals are received, or when appeals are resolved, after issuance of the FFD. CBJ must hire a surveyor, and the surveyor must apply to DMLW's Survey Section for Survey Instructions. CBJ's survey must be approved by DMLW and the local platting authority, if any, as set forth in the Survey Instructions. Survey costs shall be borne by CBJ.
6. The approved submerged land conveyance is subject to the terms and conditions of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, including: 1) Grantee may lease the land, but may not sell it; 2) Grantee takes title to the tide and submerged land subject to the Public Trust Doctrine that may be enforced by the State in a court of competent jurisdiction; 3) The municipality shall be required to ensure that reasonable access to public waters and tidelands is provided; 4) The municipality may not lease land conveyed under this section for shore fisheries, but after conveyance, the land may be leased by the State for shore fisheries under AS 38.05.082 Leases for Shore Fisheries Development, if the Commissioner determines that the lease is compatible with the municipality's use of the land; and 5) Title to the land conveyed under this authority reverts to the State upon dissolution of the municipality.

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7. Pursuant to AS 38.05.125 Reservation, the mineral estate shall not be conveyed.
8. The approved submerged land conveyance 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.

XVII. Discussion and Alternatives

The following alternatives were considered:

Alternative 1: Convey Subject Parcel

Approve the proposed conveyance of the approximate 10.0-acre submerged land parcel to CBJ with management authority to be transferred when the Final Finding and Decision becomes effective. The subject parcel encompasses the area required for a potential lease to Huna Totem for cruise ship dock development that was referenced in the application. This alternative meets the intent of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, to convey tide and submerged land to municipalities where the municipality's interest in obtaining the subject parcel outweighs the public interest in retaining State ownership.

Alternative 2: Retain

LCS will reject and retain the submerged land requested by CBJ. This alternative would, in effect, preclude CBJ's ownership of the submerged land considered to be important for their community development and access. This action would be inconsistent with the purpose of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, and inconsistent with the basis for the disapproval of a submerged land conveyance request in that section of the statute. A submerged land conveyance request can only be rejected when the State's interest outweighs that of the municipality, and there is no basis for such a determination.

For the aforementioned reasons, Alternative 1 is the preferred alternative.

Recommendation follows.

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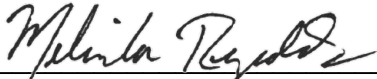
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XVIII. Recommendation and Preliminary Decision

LCS has determined that Alternative 1 is the preferred action and is concurrent with the intent and requirement of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. This Preliminary Decision for the proposed disposal of State lands described throughout this document and its attachments are consistent with the overall management intent for state-owned submerged land. Under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, the State realizes no direct economic benefit, but further development of this parcel will serve the needs of the City and Borough of Juneau. Facilitating community development activities in Juneau indirectly provides economic benefit to the State by encouraging settlement and related economic activity. LCS believes that the proposed conveyance complies with the requirements of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, as discussed above. Unless public comment indicates that the parcel does not qualify for conveyance under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, or that the public interest in retaining the parcel clearly outweighs the municipality's interest in acquiring the parcel, DNR must convey the parcel subject to the completion of an ATS.

This Preliminary Decision represents the preferred alternative and has been reviewed and considered. After review and consideration of materials in this PD, I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to Public Notice in accordance with AS 38.05.945 Notice.


After public notice, the subsequent review process may result in changes to the preferred alternative or disapproval of the proposed action altogether. A Final Finding and Decision will address any significant issues or concerns raised during the public review process.



Prepared by: Melinda Reynolds
Natural Resource Specialist
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

9/25/2025

Date



Approved by: Hannah Uher-Koch
Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

9/25/2025

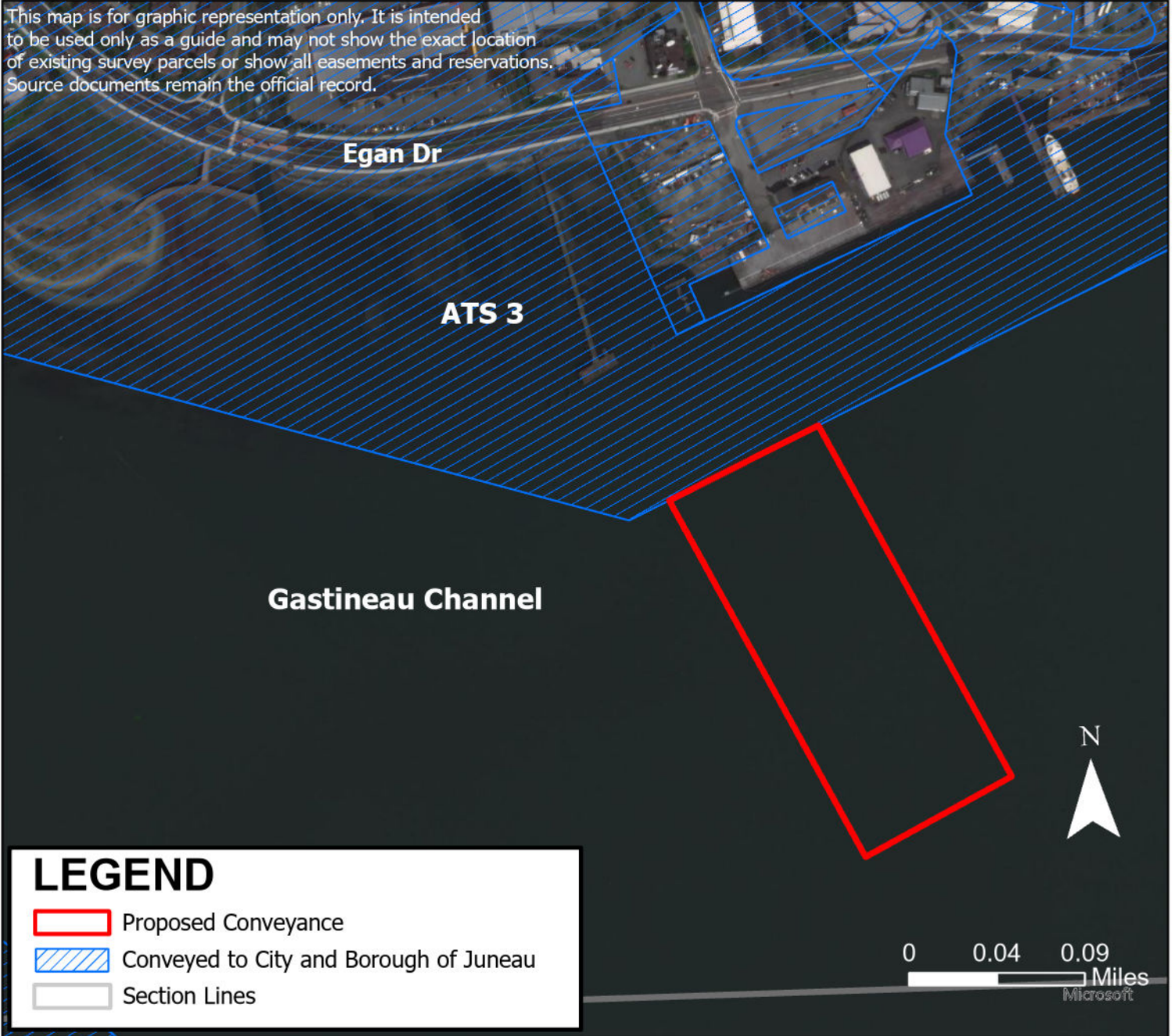
Date



City and Borough of Juneau
ADL 109424

Attachment A: Vicinity Map
Proposed Submerged Land Conveyance
Pursuant to AS 38.05.825

This map is for graphic representation only. It is intended to be used only as a guide and may not show the exact location of existing survey parcels or show all easements and reservations. Source documents remain the official record.



**Section 23, Township 41 South,
Range 67 East,
Copper River Meridian**

USGS Quad 1:63,360 Juneau B-2

For more information contact:
Melinda Reynolds
Department of Natural Resources
Division of Mining, Land and Water
Land Conveyance Section
Phone: 907-269-5664
Fax: 907-269-8916
Email: melinda.reynolds@alaska.gov

MJR 9/17/2025



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

Attachment B: PUBLIC NOTICE

Requesting Input for Proposed Submerged Land Conveyance - ADL 109424
AS 38.05.035(e), AS 38.05.825

COMMENT PERIOD ENDS 3:00 PM, THURSDAY, OCTOBER 30, 2025

The Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) is conducting a public notice for a proposed submerged land conveyance to the City and Borough of Juneau. The parcel is located within the Gastineau Channel in the Port of Juneau. The legal description for the parcel is A Portion of Tidelands within Protracted Section 23, Township 41 South, Range 67 East, Copper River Meridian, Alaska; further depicted on the Preliminary Requested Lease Area, Proposed Aak'w Landing Dock Tidelands Lease, dated June 30, 2025, and attached to the Development Plan for a Purchase of State Tide and Submerged Land to Municipalities Application dated April 10, 2025, containing approximately 10.0 acres, more or less.

Proposed Offering: Approximately 10.0 acres, final acreage will be determined by completing survey requirements.

To obtain the notice, Preliminary Decision (PD), or instructions on submitting comment, go to <https://dnr.alaska.gov/mlw/landsales/> or <https://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 8:30 AM and 4:00 PM in Anchorage at (907) 269-8400 or Fairbanks at (907) 451-2705 or the Southeast Land Office in Juneau at (907) 465-3400 or TTY: 711 for Alaska Relay or 1-800-770-8973 or go to <https://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, Thursday, October 23, 2025.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comments on the Preliminary Decision. **The deadline for public comment is 3:00 PM, THURSDAY, OCTOBER 30, 2025.** Only persons from whom DNR DMLW LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision (FFD). Written comment may be received by fax, email, or postal mail. To submit comments or for direct inquiries, contact Melinda Reynolds by mail at 550 West 7th Ave, Suite 640, Anchorage, AK 99501 or by fax at (907) 269-8916 or by email at melinda.reynolds@alaska.gov. If you have questions, call Melinda Reynolds at (907) 269-5664.

If no significant change is required, the PD, including any minor changes and a summary of comments and responses, will be issued as the FFD without further notice. A copy of the FFD will be sent to any persons who commented timely on the PD.

DNR reserves the right to waive technical defects in this notice.