

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

FINAL FINDING AND DECISION

**Proposed Land Offering
East Fork Pass Remote Recreational Cabin Sites - ADL 419351
AS 38.05.035 (e), AS 38.05.045, and AS 38.05.600**

**RELATED ACTION(S):
Proposed Mineral Order (Closing)
AS 38.05.185 and AS 38.05.300**

This Final Finding and Decision complements and updates the Preliminary Decision dated February 10, 2014 for the proposed action(s) incorporated by reference herein.

Attachment I: Preliminary Decision

I. Recommended Action(s)

As detailed in Attachment I: Preliminary Decision, the State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) recommends offering for sale State-owned land for private ownership within the East Fork Pass project area (ADL 419351).

DNR DMLW proposes to offer up to 60 authorizations to stake parcels ranging from 5 to 20 acres in this project area, for a maximum of 1,200 acres sold through this offering under *AS 38.05.600 Remote Recreational Cabin Sites*. Authorizations will be awarded by lottery. When so authorized, entrants may stake a parcel within a defined staking area, lease the staked parcel during the survey, platting, and appraisal process, and convert the lease to a sale at a purchase price established by the appraised value, plus associated fees.

After the staking period closes, DNR DMLW may also identify and survey additional parcels, known as administrative parcels, within a staking area. Administrative parcels are not restricted to the minimum and maximum acreage listed above. Parcels that are staked but later relinquished, terminated, or expired before converting to sale, and parcels administratively created by DNR DMLW, will be offered at public auction or by another method under *AS 38.05.045 Generally [Sale of Land]*. The total number of staked and administrative parcels will not exceed the total number of authorizations offered, or the total number of acres to be conveyed.

There is one related action with this proposal: a mineral order.

Mineral Order: DNR DMLW proposes to close the project area to new mineral entry.

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Public notice for these related actions was conducted concurrently with the notice for the primary action's Preliminary Decision. These related actions have not been modified from the original proposed action.

II. Authority

DNR has the authority under AS 38.05.045 Generally [Sale of Land] to sell State-owned 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. Additionally, *AS 38.05.185 Generally [Mining Rights]* and *AS 38.05.300 Classification of Land* allow for closing lands to mineral entry.

III. Traditional Use Finding

The proposed project area is within the Unorganized Borough and is therefore subject to a traditional use finding in accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*. A traditional use finding was included in Attachment I: Preliminary Decision. No new information was received during the public comment period.

IV. Public Notice and Response to Comments

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment appeared on the State of Alaska Online Public Notices website at <http://notes.state.ak.us/pn/>. Notice also appeared on the Land Sales webpage at <http://landsales.alaska.gov/>. Additionally, public notices with a request to post for 30 days were mailed to libraries and post offices in the general area of the proposed offering. Notices were also mailed to local communities, regional and village corporations; as well as adjacent land owners, permit holders, or managers of record. The public notice stated that written comments were to be received by 5:00pm March, 18, 2014 in order to ensure consideration and to be eligible to appeal. No written comments, timely or otherwise, were received for this proposed action.

V. Modifications to Decision and/or Additional Information

The recommended action has not been modified from the original proposed action(s) described in Attachment I: Preliminary Decision.

Recommendation and Approval of the Final Finding and Decision follow.

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VI. Final Finding and Decision

The Department recommends proceeding with the proposed action as described in Attachment I: Preliminary Decision and as supplemented, amended, changed, or deleted herein. This action is undertaken under relevant authorities. Offering these parcels for sale will help meet the State's goal to provide land for settlement for sale to the public and raise revenue for the State.

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 recommended actions are consistent with constitutional and statutory intent for State-owned land.

It is hereby found to be in the best interest of the State of Alaska to proceed with the recommended action(s) as described and referenced herein.

/s/

Recommended: Kathryn Young, Section Manager
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources, State of Alaska

May 13, 2014

Date

/s/

Approved: Brent Goodrum, Director
Division of Mining, Land, and Water
Department of Natural Resources, State of Alaska

May 22, 2014

Date

/s/

Approved: Joseph R. Balash, Commissioner
Department of Natural Resources, State of Alaska

July 31, 2014

Date

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Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request 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, Ste. 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. If reconsideration is not requested by that date or if the commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st calendar day after issuance. Failure of the commissioner to act on a request for reconsideration within 31 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.