

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

**FINAL FINDING AND DECISION**

**Proposed Land Offering  
Change of Method of Conveyance for the Sale of 286 Heterogeneous Parcels**

AS 38.05.035 (e), AS 38.05.045

This Final Finding and Decision is intended to complement and update the Preliminary Decision dated December 19<sup>th</sup>, 2011. The proposed decision to offer parcels described in Attachment I: List of Parcels for sale at public auction has had the required public review.

Attachment I: List of Parcels  
Attachment II: Statewide Map of Parcel Locations  
Attachment III: Preliminary Decision

**I. Proposed Action**

The State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water proposes to offer for sale up to 286 parcels of State-owned land for sale, as detailed on Attachment I: Statewide Map of Parcel Locations and Attachment II: List of Parcels. This Final Finding and Decision serves as an amendment, update, and complement to prior Final Finding and Decisions for the project areas within which these parcels are located, so as to change the method of conveyance (where needed for uniformity and to conform to current statutes and regulations) and to provide a public notice process so that the State may dispose of these parcels in a future, public auction. If the parcels do not sell when offered at auction, they may be offered by another method under AS 38.05.045 Generally [Sale of Land].

The parcels are located throughout the State and vary in size up to approximately 40 acres. Many of the parcels encompassed by this decision were offered and contracted for sale through previous State land disposal programs, but were subsequently returned to State ownership through relinquishment or by contract termination. The remaining parcels were identified and surveyed either administratively or after a relinquished or terminated lease period under another land disposal program. All of the parcels in this proposal have previously been through a complete decision process that included public notice and review. For more specific information on each parcel, refer to Attachments I and II.

There are no associated actions with this proposal.

**II. Authority**

The State of Alaska, Department of Natural Resources (DNR) has the authority under AS 38.05.035 (e) Powers and Duties of the Director and 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. The Land Sales and Contract Administration Section of the Division of Mining, Land, and Water (DMLW) is delegated authority to offer parcels through

## **Final Finding and Decision**

Proposed Land Offering

Change of Method of Conveyance for the Sale of 286 Heterogeneous Parcels

Page 2 of 5

public auction under AS 38.05.050 Disposal of Land for Private Ownership and AS 38.05.055 Auction Sale Procedures. Additionally, if the parcels do not sell when offered at auction, DNR DMLW is authorized to offer the parcels through other methods under AS 38.05.045.

### **III. Traditional Use Findings**

For those parcels located within an organized borough, a traditional use finding is not necessary.

For those parcels located within the Unorganized Borough, a traditional use finding is required under AS 38.05.830 Land Disposal in the Unorganized Borough. The proposed disposal and use of these parcels is consistent with past land uses within and around the proposed parcels and all of the land in this proposal has been through a previous, complete notice, review, and decision process. It is anticipated that the sale of these parcels will not change the traditional uses. There were no conflicts identified through the public notice process for this action.

### **IV. Modifications to Decision and/or Additional Information**

The following modifications have been made to the proposed action described in Attachment III: Preliminary Decision.

1. A typographical error was identified in Attachment C: List of Parcels. Within the Teklanika area, ADL 416687 was incorrectly listed as Tract M. ADL 416687 is in fact Tract N.
2. A typographical error was identified in Attachment C: List of Parcels. Within the Teklanika area, ADL 417006 was incorrectly listed as Tract O encompassing approximately 3.65 acres. ADL 417006 is in fact Tract P and is approximately 5.55 acres.
3. A typographical error was identified in Attachment C: List of Parcels. Within the Teklanika area, ADL 417007 was incorrectly listed as Tract P encompassing approximately 5.55 acres. ADL 417007 is in fact Tract Q and is approximately 5.48 acres.
4. A typographical error was identified in Attachment C: List of Parcels. Within the Teklanika area, ADL 417008 was incorrectly listed in the Fairbanks Meridian, Township 5 South, Range 9 West, Sections 1 and 12 as Tract Q encompassing approximately 5.48 acres. ADL 417008 is in fact in the Fairbanks Meridian, Township 6 South, Range 10 West, Sections 1 and 12 as Tract O and is approximately 3.65 acres.

These corrections are now reflected on Attachment I: List of Parcels. Correction of typographical errors is not considered a significant change to the Preliminary Decision.

## **Final Finding and Decision**

Proposed Land Offering

Change of Method of Conveyance for the Sale of 286 Heterogeneous Parcels

Page 3 of 5

### **V. Agency Comments**

An agency review to gain additional information, expertise, and comment was conducted concurrently with the public comment period. The agency review period began December 20, 2011 and ended 5:00PM, January 24, 2012. The following Agency comments were received.

State of Alaska, Department of Fish & Game, (DFG) Comment: DFG has reviewed the proposed Change of Method of Conveyance in which the DNR intends to offer up to 286 parcels of State-owned land for sale. As all of the parcels proposed to be sold were previously reviewed prior to their initial offering to be sold to the public, some over 25 years ago, DFG defers to our previous comments submitted for the previous reviews that were conducted and maintains the same positions expressed in those previous comments.

Land Sales and Contract Administration Section (LSCAS) Response: LSCAS appreciates DFG's review and response. Comments submitted during earlier review periods were addressed in the original best interest finding processes. No further changes are warranted to reoffer these parcels.

State of Alaska, Department of Natural Resources, Pipeline Coordinator's Office (SPCO) Comment: SPCO has reviewed the locations of the 286 heterogeneous parcels proposed for sale. The reoffering of these surveyed parcels for sale will not adversely impact any existing AS 38.35 pipeline right-of-way lease.

Land Sales and Contract Administration Section (LSCAS) Response: LSCAS appreciates SPCO's review and response.

No other agencies provided comment on this action during the review period.

### **VI. Summary of Public Notice and Comments**

Pursuant to AS 38.05.945 public notice inviting comment was published in the Anchorage Daily News, a statewide publication, on December 21, 2011. As a courtesy, notice was also published in the Fairbanks Daily News Miner, Mat-Su Valley Frontiersman, and the Juneau Empire. Notices were mailed to cities and affected Boroughs per AS 38.05.945 (c) (1), as well as regional and village corporations per AS 38.05.945 (c) (2)-(3). Additionally, notices and a request to post for 30 days were mailed to postmasters and librarians around the State and the notice was posted on the State of Alaska, Department of Natural Resources and Land Sales websites for the entire public notice period. The public notice stated that written comments were to be received by 5:00PM, January 24, 2012 in order to ensure consideration and to be eligible to appeal. For more information, refer to Attachment III: Preliminary Decision.

No comments were received during the public comment period.

Recommendation follows.

**Final Finding and Decision**

Proposed Land Offering

Change of Method of Conveyance for the Sale of 286 Heterogeneous Parcels

Page 4 of 5

**VII. Final Finding and Decision**

Reoffering these parcels for sale through a public auction will provide a method for DNR DMLW to help meet the obligations laid out in the Constitution and statute. The lands affected by this decision have been deemed appropriate for settlement through a previous public process and these parcels were previously identified as appropriate for sale through past decisions.

Additionally, the findings presented above were reviewed and considered and an updated public notice was conducted accordance with AS 38.05.945 Notice. No objections were noted and only minor, typographical modifications were made to the Preliminary Decision. The case file has been found to be complete and the requirements of all applicable statutes have been satisfied. The proposed actions are consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.

It is the finding of the Director of the Division of Mining, Land, and Water that it is in the best interest of the State of Alaska to proceed with the proposed action under AS 38.05 Alaska Land Act, as described herein, including any modifications and additional information noted.



Recommended by Kathryn Young  
Section Manager  
Land Sales and Contract Administration Section  
Division of Mining, Land, and Water

2/3/2012  
Date



Approved by Brent Goodrum  
Director  
Division of Mining, Land, and Water

2/3/2012  
Date

## **Final Finding and Decision**

Proposed Land Offering

Change of Method of Conveyance for the Sale of 286 Heterogeneous Parcels

Page 5 of 5

### **Appeal Provision**

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02 Appeals. 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) [Timely filing; issuance of decision] and may be mailed or delivered to Daniel Sullivan, 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](mailto:dnr.appeals@alaska.gov). If no appeal is filed by that date, this decision goes into effect as a final order and decision on the 31<sup>st</sup> day after issuance. An eligible person must first appeal 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.