

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

FINAL FINDING AND DECISION

AS 38.05.035(e), AS 38.05.600, AS 38.05.185, AS 38.04
Remote Recreational Cabin Sites Program 2004 Land Offering
Remote Recreational Cabin Sites Program
Mineral Closing Order

This Final Finding and Decision is intended to complement and update the Preliminary Finding and Decision (portion of Appel II), Amendment to Preliminary Finding and Decision (Snake River and a portion of Appel II) and Amendment to Final Finding and Decision (Cannery Creek) that was issued January 21, 2004. The department proposes three areas in the southcentral region to offer for staking under the Remote Recreational Cabin Sites program. This proposed finding has had the required public review and has received borough approval.

I. PROPOSED ACTION:

DNR intends to offer approximately 250 authorizations for staking in six to ten areas of the state in September 2004. The three areas approved by this decision are in the southcentral region and will be offered in 2004.

Attached are the Mineral Orders closing a portion of the Appel II and Snake River proposed staking areas, and a list of individuals whose written comments were received during the public review and comment period.

II. SCOPE:

The scope of this Final Finding and Decision is limited to DNR's authority to allow the staking of state land under AS 38.05.600, the Remote Recreational Cabin Sites program, to provide for the eventual conveyance of the parcels into private ownership. Under this program, successful applicants will be authorized to stake parcels of land between five and 20 acres for a remote recreational cabin site within a certain time period, lease the site until the department completes survey and appraisal of the parcels, and then purchase the parcels at market value. The sites will be restricted to recreational use while under lease and purchase contract. The division does not intend to impose deed restrictions to control post-patent use. Local zoning governs any land use restrictions as with other private land. The numbers of stakings in each area do not exceed the net acres recommended for offering in the area plans.

These staking areas were classified for settlement in the area plans. The department will close the staking areas to new mineral entry prior to the offering. The department may also identify and survey additional parcels in a staking area up to the total number of stakings authorized during the staking period, to be sold later.

Summary of Modifications to the Preliminary Finding and Decision:

The platting boards or appropriate entities approved the proposed staking areas within the Kenai Peninsula Borough and unorganized borough. As a result of the title report, the Snake River staking area was modified to exclude a portion of Section 15 around an un-surveyed Native Allotment. Appel II and Cannery Creek will remain unchanged from the Preliminary Decision. Title information and more on the modifications can be found in VI, "Modifications to the January 21, 2004 Preliminary Decision/Proposed Amendments to Preliminary Finding and Decision/Proposed Amendments to Final Findings and Decisions".

BACKGROUND:

In 1997, the legislature passed a new law, AS 38.05.600, the Remote Recreational Cabin Sites program. The program allows an individual to stake a parcel of state land for a cabin site in a designated remote settlement area and purchase the land at market value. The site is leased until a survey and appraisal are completed. Regulations to implement the new program went into effect February 9, 2001 (11 AAC 67.800 – 11 AAC 67.850).

The first land offering under this program was in 2001. Since 2001, 816 staking authorizations have been offered in 26 staking areas in the northern and southcentral regions of the state. Twenty-three of the staking areas were areas previously offered under the old open-to-entry, remote parcel or homestead programs. Three were brand new areas that had never been offered under any prior program. The Remote Recreational Cabin Sites program does not offer lands in the southeast region at this time.

The 2004 offering authorizes approximately 150 staked parcels in the southcentral region. These areas are Appel II and Snake River, which have never been offered under any program, and Cannery Creek, which was previously offered in 1985 under the Homestead program.

The Preliminary Decision/Proposed Amended Final Findings and Decision/Amendment to Final Finding and Decision, dated January 21, 2004 and color maps of each staking area can be viewed at http://www.dnr.state.ak.us/mlw/landsale/remote_recsites.htm, DNR's public information web site. The staking area boundaries on the maps are correct; however, the maps have not yet been edited to reflect all of the trail and other information obtained during the public comment period for this Final Finding and Decision. The maps should be only used for general reference for this decision and may be updated with new information at any time prior to staking.

Title Information:

Appel II: The Title Report for the Appel II staking area, title report no. NO-04-011 is current as of December 26, 2003. Appel II was acquired under Statehood entitlement, General Grant, under the Act of July 7, 1958, 72 Stat. 339, as amended. The State received tentative approval to the portions of the staking area within Township 28 South, Range 18 East, Kateel River Meridian under this entitlement on September 20, 1982. The applicable State case file is GS 2790. The State received patent to the portions of the staking area within Township 29 South, Range 18 East, Kateel River Meridian, under this entitlement on November 16, 1998. The patent number is 50-99-0037. The applicable State case file is GS 2790.

State third party interests are: Revised Statute 2477 RST 140, RST 203 and RST 345.

Cannery Creek: The Title Report for the Cannery Creek staking area, title report no. SC-04-063 is current as of February 9, 2004. Cannery Creek was acquired under Statehood entitlement, General Grant, under the Act of July 7, 1958, 72 Stat. 339, as amended. The State received patent under this entitlement on February 10, 1966. The patent number is 50-66-0334. The applicable State case file is GS 359.

State third party interests are: Residential Homestead, ADL 223153, Residential Homestead, ADL 222244, Residential Homestead, ADL 222150, Residential Homestead, ADL 222144, Residential Homestead, ADL 222247, Residential Homestead, ADL 222734, Residential Homestead, ADL 222921, Residential Homestead, ADL 222721, Residential Homestead, ADL 223499, Residential Homestead, ADL 222658, Residential Homestead, ADL 222153, Residential Homestead, ADL 225054, Residential Homestead, ADL 222450, Residential Homestead, ADL 225245, Sale, ADL 22790.

Township 6 North, Range 17 West, Seward Meridian was formerly within Cook Inlet Bombing and Gunnery Range. The case status is “closed” as of July 12, 1963.

Snake River: The Title Report for the Snake River staking area, title report no. SC-04-055 is current as of January 20, 2004. Snake River was acquired under Statehood entitlement, General Grant, under the Act of July 7, 1958, 72 Stat. 339, as amended. The State received Tentative Approval under this entitlement on May 11, 1982, Sections 13-36, Township 12 South, Range 57 West, Seward Meridian, excluding U. S. Survey No. 4933 and excluding the Snake and Weary Rivers. The applicable State case file is GS 734.

Native Allotment number ADA 055996 Parcel C application status is pending for Section 15, Township 12 South, Range 57 West, Seward Meridian.

III. AUTHORITY:

The authority for the Remote Recreational Cabin Sites program and offering includes but is not limited to the following: Alaska Statutes (AS): AS 38.04.010, AS 38.05.020, AS 38.05.035, AS 38.05.057, AS 38.05.185, AS 38.05.600, AS 38.05.945, AS 38.05.946; Alaska Administrative Code (AAC): 11 AAC 67.005 through 11 AAC 67.240, 11 AAC 67.800 through 11 AAC 67.850.

IV. ADMINISTRATIVE RECORD:

The division’s project files for the project areas constitute the administrative record for this proposed decision. Also incorporated by reference are the *Bristol Bay Area Plan*, the *Kuskokwim Area Plan*, the *Kenai Area Plan* and the *Preliminary Volcano-Hazard Assessment For Redoubt Volcano, Alaska*, published in 1998.

V. ALASKA COASTAL MANAGEMENT PROGRAM: The project was found consistent with the Alaska Coastal Management Program.

VI. PUBLIC NOTICE/ PUBLIC COMMENTS:

Public Notice: Public Notice pursuant to AS 38.05.945 for the Preliminary Finding and Decision was published in the *Anchorage Daily News* on January 21, 2004, the *Peninsula Clarion* on January 21, 2004, the *Fairbanks Daily News-Miner* on January 21, 2004, the *Bristol Bay Times* on January 22, 2004 and in the *Mukluk News* on February 5, 2004. (see Attachment B of the January 21, 2004, Preliminary Finding and Decision).

Notices were mailed to state agencies, the National Park Service, Wood-Tikchik State Park, Togiak National Wildlife Refuge, Alaska Center for the Environment, Alaska Miner's Association, the Kenai Peninsula Borough, Soil and Water Conservation Districts, community organizations in Kenai, Ninilchik, Soldotna, McGrath and Dillingham; the cities of Dillingham, McGrath, Manokotak, Aleknagik, Nikolai, Soldotna and Kenai, the legislators for those areas, Native Corporations and Tribal Councils in the vicinity of the proposed staking areas, and to private landowners of record in the vicinity (see Attachment B of the January 21, 2004, Preliminary Finding and Decision). The notice appeared on the State of Alaska Online Public Notices web site at <http://notes3.state.ak.us/pn/pubnotic.nsf>. The public notices were also sent to post offices and libraries in the affected communities and selected locations throughout the state. The public notice stated that written comments must be received by 5:00 p.m., February 20, 2004, in order to ensure consideration and to be eligible to appeal. All written comments received are on file, and have been reviewed and considered in this decision process.

Public Meetings: Public open houses were held in communities near the proposed new staking areas to obtain local information, and to collect written and oral comments. Open houses were held in Dillingham for Snake River, and in McGrath for Appel II. The Dillingham meeting was held in conjunction with the Bristol Bay Area Plan Revision public meeting on November 19, 2003, 7:00-9:00 p.m. at the City Hall in Dillingham and was advertised with the Bristol Bay Area Plan display ad. The McGrath open house was held on January 29, 2004 from 6:30-8:30 p.m., at the City of McGrath building. The meeting location, date and time was included in the public notice. The location was moved from the McGrath School to the City Building due to a school district conflict. The change of location was posted on the McGrath community discussion board and at the school building.

Summary of Public Comments: Sixteen written comments were received. Of these comments, nine were for Appel II, two were for Snake River and two for Cannery Creek. Three were from state agencies and pertained to all three areas.

Most comments were by individuals who owned land near the staking areas or in the nearby communities. Four comments supported the proposal and expressed a desire to obtain land in the area. Five did not support the proposal due to the location of the staking area, land quality and access issues.

The following agencies responded: Alaska Department of Fish and Game; Division of Parks and Outdoor Recreation, Office of History and Archaeology, the Department of Transportation and Public Facilities, and the Kenai Peninsula Borough. The Alaska Volcano Observatory submitted written comments on March 5, 2004, after the end of the public comment period. Although these comments were late, the Kenai Area Plan specified that the Alaska Volcano Observatory be

contacted prior to offering the Cannery Creek area, therefore these comments will be considered in this decision.

Public open house questions and comments were related primarily to specifics of the proposed staking area. Many participants expressed support for the staking program, but wanted areas with better access and in locations popular for recreation.

Since all the comments were not submitted in writing, they will not be included in the discussion below and the commenters are not eligible to appeal the decision.

The written comments and DNR's responses are described below.

A. Local Review of Staking Areas:

In accordance with 11 AAC 67.810, notice was provided to the Kenai Peninsula Borough under the provisions of AS 38.05.945(c).

DNR staff submitted the request for conceptual approval from the Kenai Peninsula Borough on December 30, 2003, to introduce the proposed staking areas to the Kenai Peninsula Borough platting authority. DNR staff introduced the proposed re-offer of the Cannery Creek staking area to the Kenai Peninsula Platting Board at its public hearing on January 26, 2004.

Kenai Peninsula Borough: At its January, 26, 2004 public hearing, the Kenai Peninsula Borough Platting Board granted conceptual approval of the Cannery Creek staking areas for offering under the Remote Recreational Cabin Sites program. The approval was contingent upon:

- 1) The State has agreed that all parcels will have designated public access, both through State land and through clustered parcels.
- 2) Access will be specifically granted by easement and shown on the plat.
- 3) Per the submittal letter from the State, each parcel will have a minimum 25-foot public access and utility easement reserved along interior lot lines.
- 4) Per the submittal, parcels may not be staked over surveyed section lines.
- 5) Per the submittal, parcels will be subject to surveyed and protracted section line easements.
- 6) Per the submittal, parcels will be subject to existing trails.
- 7) No parcels will be denied public access.
- 8) All parcels will be located in a remote area, not accessible through the traditional Borough road system.
- 9) All parcels will be platted at the same time, allowing resolution of any problem areas prior to final plat.

- 10) The State will incorporate this exception into their final plat by placing a note on the plat to indicate that the exception was granted by the Planning Commission on January 26, 2004.
- 11) Recommend that individuals be advised of easements and accesses to the area.

Response: DNR clarified Findings #1, #2, and #6 in a letter to the Kenai Peninsula Borough dated February 17, 2004.

For Finding #1: The department will identify access routes to the Cannery Creek staking area, however DNR is not funded to survey access routes to each parcel within the staking area. Instead, access is generally allowed across any vacant state land. If, however, parcels are staked in clusters, we will identify access between each parcel within the cluster. Access routes to isolated parcels within these “stake it yourself” areas tend to shift over the years and DNR’s preference is to “generally allow” the access and postpone creation of easements until the actual use pattern is established.

For Finding #2: Access within parcels will be reserved along interior lot lines and shown on the plat.

For Finding #6: If a parcel is staked over an existing trail, a 60-foot public access easement will be reserved through the parcel. Parcels may not be staked over trails where an easement has been identified with a ADL number.

B. Written Public Comments by Staking Area

The following discussion of public comments does not reflect the specific recommendations of the borough platting authorities. Those recommendations are discussed under Section A: Local Review of Staking Areas above.

Appel II: Commenters had concerns about the poor quality of the trees for building materials, the steepness of the terrain, and the difficult access. Comments were also submitted about reopening the old Appel I homestead area, and requesting new areas be offered by DNR that would have more river frontage or access by road. A commenter was concerned about pressure on local native lands.

The SHPO’s office recommended a cultural resources survey be conducted on a large hill within the staking area.

Response: The DNR selected Appel II staking area in order to offer lands in the McGrath area. The area was designated Settlement in the *Kuskokwim Area Plan* and was “considered as a high priority for near-term disposal”. The proposed staking area has approximately 1 mile of frontage on the Kuskokwim River along the south boundary, and has the McGrath-Telida trail (RST 140 and RST 345) one half mile from the northern boundary.

DNR contacted the Division of Forestry concerning the removal of trees for building materials on state lands for the Appel II area. Forestry answered that a permit is necessary except for dead and down trees. The Forestry Division contact information will be made available in the brochure and staking packet.

Access to the area is available. Two small creeks drain from the mountains into the Kuskokwim River. The confluences of these streams and the river are within the Appel II boundaries. A 300-foot staking setback will be retained along the river and the unnamed streams. This setback will maintain a public access corridor, and protect riparian habitat and any unidentified cultural sites along the streams. The wider buffer is recommended because of the limited amount of river frontage, the steep, eroding banks and to maintain the access corridor along the river.

Since the McGrath area residents want either river or road access, DNR is currently researching the areas suggested by McGrath residents at the open house and hopes to make requested areas available in future offerings.

The past disposal, Appel Mountain, has been reclassified to Forestry. This classification does not allow for additional settlement. DNR will investigate the possibilities of a classification change.

Native (private) lands, while adjacent to the staking area should not be adversely affected. Access to the area will be by river or the McGrath-Telida Trail and across State lands only, and do not cross private lands. Any adjacent private lands will be noted on the staking map to avoid potential trespass.

As stated in the January 21, 2004 Preliminary Decision and Final Finding, DNR does not have funding to conduct non site-specific surveys of the area. To protect against impact to potential cultural resources, DNR will place a 300-foot staking setback along the Kuskokwim River and the unnamed streams within Sections 1 and 2, Township 28 South, Range 18 East, Kateel River Meridian, and will include standard language in the brochure, staking instructions and lease regarding the Alaska Historic Preservation Act. All stakers will be required to report any historic, prehistoric, or archaeological sites discovered in an area, and cease any activities that may damage the site. The wider buffer will protect any cultural resources that may associated with the river, protect the stakers from some of the erosion that might occur along the river, and maintain an access corridor along the river.

Cannery Creek: The Alaska Volcano Observatory, which is a cooperative program of the USGS, UAF/Geophysical Institute, and the DNR/GGS, provided volcano hazards comments, and a copy of a publication concerning the nearby Redoubt Volcano.

Response: DNR will provide information to stakers from the comments sent by the Alaska Volcano Observatory concerning the Redoubt Volcano and the possible hazards to stakers. Information concerning the potential danger in the area should Redoubt Volcano erupt will be included in the brochure and in the staking packet. The publication, *Preliminary Volcano-Hazard Assessment for Redoubt Volcano, Alaska*,

published by the Alaska Volcano Observatory in 1998, will be made available for stakers in the DNR Public Information Centers in Fairbanks and Anchorage.

Snake River: SHPO requested that a 300-foot buffer be implemented along the Snake and Weary Rivers to protect possible cultural sites and that an archaeological survey be conducted on the high potential areas within the staking area.

Response: There will be a 200-foot staking setback along the Snake and Weary Rivers. At the request of the Alaska Department of Fish and Game, this setback was extended from the 100-foot minimum requirement of the Bristol Bay Area Plan in the Preliminary Finding and Decision. DNR believes the 200-foot staking setback will be consistent with prior offerings in the vicinity. In 2002 the Weary River area was offered under the Remote Recreational Cabin program. This area is adjacent to the proposed Snake River area and a 200-foot staking setback was imposed at that time. Changing the width of setbacks along the same river system is not consistent with the intentions of the area plan and puts undue difficulties on the stakers.

DNR does not have funding to conduct non site-specific surveys of the area. To protect against impact to potential cultural resources, DNR will include standard language in the brochure, staking instructions and lease regarding the Alaska Historic Preservation Act. All stakers will be required to report any historic, prehistoric, or archaeological sites discovered in an area, and cease any activities that may damage the site.

C. Summary of Public Meeting (Open House) Comments by Area:

DNR conducted 2 open houses in communities in vicinity of the staking areas. The objective was to gather information about the staking areas, address local concerns, and to collect public comments on the proposed offering. Any written comments received at the open houses are addressed in the Summary of Public Comments and Public Comments by Staking Area sections above. Any issues verbally discussed at the open houses are summarized in the following section.

Appel II: The Appel II open house was held in McGrath on January 29, 2004 from 6:30-8:30 at the Captain Snow room in the McGrath City Hall. Eleven people attended the meeting. A Remote Recreational Cabin Sites staff member gave a brief summary of the program. There was a short talk by a state appraiser on the methods used to price the parcels and the base appraisals. Then questions and comments were addressed. The majority of residents in attendance were voiced support for this type of program, but not for the selection of Appel II as a proposed staking area.

The following summarizes the public concerns and our responses:

Question: Several people had concerns about access to the area from the river. The Kuskokwim River is a source of recreation for the McGrath residents. They use boats on the river in the summer, and use snowmachines in the winter. The steep banks along the river were of concern to those interested in staking. Getting up off the river could be

difficult. A resident who was familiar with the area, said that the bluff, at its lowest point, was about 10 feet higher than the river. She explained that the two creeks coming out of the bluff were sometimes waterfalls and might be difficult to follow.

Response: DNR had the opportunity to fly over the area and determined the best access to the Appel II area is from the river up the valleys along two unnamed streams that empty into the Kuskokwim. Where these streams meet the river is where the river bluffs are the lowest and will be the best location to tie off boats. Trail access is allowed, using the criteria outlined in the “Generally Allowed Uses” (11 AAC 96.020), which is a State regulation defining what activities can be conducted on State land without a permit. A 300-foot staking setback on each side of the two unnamed creeks will allow a wide corridor for access rather than the standard 50-foot easement. Additional winter access may be from the McGrath-Telida Trail (RST 140 and RST 345) from the north, and then across State land to the staking area.

Question: Why was the area nearest Appel Mountain removed?

Response: The area was removed to protect the public use of the trail and any trap lines along the trail. The *Kuskokwim Area Plan* also stated that an access corridor should be maintained to Appel Mountain.

Question: One person was concerned about sufficient building materials, and the fact that a wood lot was not reserved. Other comments related to the quality of the wood in the area.

Response: Division of Forestry information about requirements for cutting wood for personal use on state land will be included in the staking packet. A wood lot will not be reserved from the proposed staking area, instead DNR will encourage the stakers to file for a permit to cut wood for their personal use. This will allow the stakers to select trees of higher quality, closer to their parcel.

Question: Several attendees commented on the location and quality of the Appel II staking area and suggested that other lands might be more appropriate for staking.

Response: DNR has begun research on the suggested areas in and around McGrath for future offerings (see written comments category above).

Cannery Creek: Since the Cannery Creek area is a reoffer of a previous disposal program, an open house was not required.

Snake River: The open house for the Snake River area was held on November 20, 2003. The meeting was advertised and held in Dillingham in conjunction with the Bristol Bay Area Plan Revision open house. Eleven people were in attendance. Maps of the area and information about the program were made available. No comments regarding Snake River were received at the meeting.

VII. MODIFICATIONS TO THE JANUARY 21, 2004 PRELIMINARY FINDING AND DECISION, AMENDMENT TO PRELIMINARY FINDING AND DECISION, AND AMENDMENT TO FINAL FINDING AND DECISION

There were no significant changes to the January 21, 2004, proposed decision. Any specific changes are described below. A decision to drop all or portions of a staking area revise the staking authorizations by a small amount, or postpone a staking area for a future offering is not considered a significant change.

Appel II: No changes were made to the Preliminary Decision for the Appel II staking area. The boundary of the staking area is unchanged. The amount staking authorizations offered will remain at 50.

Cannery Creek: No changes were made to the Preliminary Decision for the Cannery Creek staking area. The boundary of the staking area is unchanged. The amount of staking authorizations offered will remain at 30.

Snake River: No changes were made to the Preliminary Decision for the Snake River area with the exception that a portion of section 15, Township 12 South, Range 57 West, Seward Meridian, that lies south and west of the Snake River, will be removed from the staking area for to provide for the exclusion of an un-surveyed Native Allotment. Other than this change, the boundary of the staking area is unchanged. The amount of staking authorizations offered will remain at 50.

VIII. MINERAL CLOSING ORDER

The Division of Mining, Land and Water will close the portion of the Appel II staking area within the NE 1/4 of Section 25, Township 28 South, Range 18 East, Kateel River Meridian and Sections 1-6, Township 29 South, Range 18 East, Kateel River Meridian, excluding the Kuskowim River. The remainder of the Appel II staking area, which is the portions within sections 25-36, was closed under Mineral Orders 405, July 17, 1984.

The Division of Mining, Land and Water will close all of the Snake River staking area, within Sections 13, 14, 15, 16, and 17-36, Township 12 South, Range 57 West, Seward Meridian, excluding USS 4933. These areas are currently open to mineral entry; and will be closed to mineral entry and location in accordance with AS 38.05.185 for a land disposal. Mining activity would be incompatible with the past, current and proposed surface uses for land disposals in these two areas. To allow mineral location in the proposed staking area could create serious conflicts between surface and potential subsurface users.

X. SURVEY AND APPRAISAL DEPOSIT:

In accordance with 11 AAC 67.825, 11 AAC 67.835(4) and 11 AAC 67.840, a deposit for the cost of surveying, platting and appraising the site will be required. Current regulations state the

deposit may be either: 1) a quarterly payment towards the department's estimated cost of survey, platting and appraisal costs for the site, or 2) a cash performance bond of \$1,000 to ensure the lessee's completion of survey, platting and appraisal of the site, if the department determines that offering this option is in the state's best interest, and if the applicant chooses it.

It is not in the state's best interest to offer the second deposit option for this offering. The department will issue state survey contracts under the procurement code for the staking areas, and the costs will be prorated by acreage for each parcel. It would not be cost-effective for either the department or the applicants to allow individual surveys in the same staking area where state contracts are issued. An exception would only be if a state survey contract were not cost-effective, for instance, if only a few people actually staked parcels within a staking area. The department may also identify and survey additional parcels in a staking area up to the total number of stakings authorized during the staking period, to be sold at a later offering.

XI. FINAL FINDING AND DECISION:

The finding presented has been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945. The proposed action is consistent with constitutional and statutory intent for state land. The case files have been found to be complete and the requirements of all applicable statutes have been satisfied. No significant changes were made to the Preliminary Decision, although the boundary of the Snake River offering has been changed to exclude an unsurveyed native allotment. This Decision includes this modification. It is the finding of the Director, Division of Mining, Land and Water it is in the best interests of the State of Alaska to proceed with this offering under AS 38.05 et al.

_____/s/_____
Bruce Phelps, Acting Chief
Resource Assessment and Development Section

3-30-04
Date

_____/s/_____
Bob Loeffler, Director
Division of Mining, Land and Water

3-30-04
Date

Appeal Provision:

A person affected by this decision who provided timely written comment on this 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 Tom Irwin, 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@dnr.state.ak.us. If no appeal is filed by that date, this decision goes into effect as a final order and decision on the 31st 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 is enclosed.