

ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
MUNICIPAL ENTITLEMENT

PRELIMINARY DECISION
CONVEYANCE OF TIDE AND SUBMERGED LAND
UNDER AS 38.05.825

CITY OF HOMER
HOMER SPIT – KACHEMAK BAY
ADL 231763

I. PROPOSED ACTION

The Department of Natural Resources (DNR) proposes to convey a total of 13.273 acres of state-owned tide and submerged lands (herein ‘tideland’) to the City of Homer under AS 38.05.825: Conveyance of Tide and Submerged Land to Municipalities.

This Preliminary Decision (PD) covers the 13.273 acres of state-owned tidelands selected by the City of Homer located within the Kachemak Bay off the Homer Spit. These tideland areas are located on the east side of the Homer Spit extend into the Kachemak Bay from the Homer Spit shoreline. This area encompasses existing docks.

The *Deep Water Dock* is located within the Alaska Tideland Survey No. 1373, consisting of 11.908 acres. The city has a proposed project to construct an expansion adjoining the existing dock. The dock construction is to begin on city-owned uplands, cross city-owned tidelands, and extends onto the aforementioned state-owned tidelands that have been selected by the city (Map 2).

The *Pioneer Dock* is located within the Alaska Tideland Survey No. 1603, consisting of 1.365 acres. A portion of the existing newly constructed dock area encroaches out onto state-owned tidelands; therefore, the City of Homer selected this area of the state-owned tidelands to resolve the encroachment issue. There are no proposed plans for additional infrastructure development at this site (Map 3).

This decision determines whether or not the tide and submerged land selection by the City of Homer meets the requirements for conveyance in accordance to AS 38.05.825 and under the Submerged Lands Act of 1953 and the Equal Footing Doctrine.

The public is invited to comment on this PD. **The deadline for comments to be received is on or before NOVEMBER 26, 2013.** Refer to this decision under the heading ‘PUBLIC NOTICE, DECISION AND APPEAL PROCEDURES’ for details on how, when and where to submit your comments.

II. AUTHORITY

The proposed action for this PD is authorized pursuant to Alaska State Statutes (AS) and the Alaska Administrative Code (AAC), in particular to AS 38.05.825, AS 38.05.035(e), AS 38.05.125, AS 38.05.127, 11 AAC 51 and 11 AAC 55.

III. ADMINISTRATION RECORD

The administrative record for this PD is case file ADL 231763, which includes, but is not limited to the following: the Kenai Area Plan, the Alaska Department of Environmental Conservation Contaminated Sites Map for the State of Alaska, and Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (1993).

IV. SCOPE OF THE DECISION

The scope of this DNR review is limited to the determination of whether or not it is appropriate to convey the aforementioned state-owned tidelands to the City of Homer under AS 38.05.035(e) and the determination of imposing a 'to' and 'along' easement under AS 38.05.127. It additionally includes identification of any third party interests, other interests of record, and stipulations necessary to ensure that statutory requirements have been met.

V. DESCRIPTION

A. Location and Geographical Features

Geographic:	South-central Alaska, Kachemak Bay, east shore of the Homer Spit
Borough/Municipality:	City of Homer, Alaska
Meridian:	Seward (S)
Regional Native Corp.:	Chugach Alaska Corporation
Native Village Corp.:	Port Graham Village Corp., and Nanwalek Native Corp.
USGS Map Coverage:	Seldovia Quadrangle (1:250,000): Map C-4 (1:63360)

B. Legal Description - Land Status - Third Party Interests

TABLE 1 below identifies the City of Homer tideland selections by Meridian, Township, Range, Section, title status and third party interests, if any. The State of Alaska holds fee title to the mineral estates through the Statehood Act of 1958 and the tidelands through the Submerged Lands Act of 1953.

TABLE 1

LEGAL DESCRIPTION – LAND STATUS – THIRD PARTY INTEREST

MAP 1

The *Vicinity Map* shows the two tideland selection areas on the east side of the Homer Spit located in the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (1993).

MAP 2

DEEP WATER DOCK

S T6S, R13W, Protracted Section 36

S T7S, R13W, Protracted Section 1

Title	Dates	State Selection
Alaska Tideland Survey No. 1373 Plat No. 89-19, Homer Recording District	June 12, 1989	Submerged Lands Act 1953 Equal Footing Doctrine
Third Party Interest: YES		
<p>Surface</p> <ul style="list-style-type: none"> • ADL 224560: Tideland Lease Non-Comp under AS 38.05.075 to City of Homer <p>Activities/Recorded Documents</p> <ul style="list-style-type: none"> • Lease Agreement under AS 38.05.075(c), Bk. 0192, Pg. 649, associated to ADL224560 • Preference Use Agreement between Circle De Pacific Corp and the City of Homer, recorded Bk. 216, Pg. 406 • Assignment of Preferential Use Agreement and Consent to Assignment recorded in Bk. 222, Pg. 912 • Corrected Assignment of Preferential Use Agreement and Consent to Assignment recorded Bk. 227, Pg. 478 • Assignment of Preferential Use Agreement with the City of Homer and Consent to Assignment recorded in Bk. 307, Pg. 642 • Assignment of Preferential Use Agreement and Consent to Assignment recorded in Bk. 307, Bk. 618 		

MAP 3

PIONEER DOCK

S T7S, R13W, Protracted Section 1

Title	Dates	State Selection
Alaska Tideland Survey No. 1603 Plat No. 2001-6, Homer Recording District	March 7, 2001	Submerged Lands Act 1953 Equal Footing Doctrine
Third Party Interest: YES		
<p>Surface</p> <ul style="list-style-type: none"> • ADL 227517: Tideland Lease Non-Comp under AS 38.05.810(a) to City of Homer, <p>Activities/Recorded Document</p> <ul style="list-style-type: none"> • Lease Agreement under AS 38.05.810(a), Bk. 0192, Pg. 649, associated to ADL227517 		

VI. PRELIMINARY DECISION

A. Background

The City of Homer has two existing platform docks located on the east side of the Homer Spit known as the Deep Water Dock Port Facility and the Pioneer Dock, both are located within the tideland selection area which is the subject matter of this PD. These docks are part of the City of Homer port facilities that are major economic components and intermodal transportation connections for the City and the Kenai Peninsula Borough. This area is part of the regional port facilities serving the Gulf of Alaska and Cook Inlet; these facilities were constructed with State and Federal funds. These docks are operated by the City of Homer under current leases from DNR.

The *Deep Water Dock Port Facility* also known as the Cargo Dock is utilized for receiving and shipments of wood product shipping operations, general cargo and containers, seafood, larger cruise ships, and other deep draft vessels. The Kenai Peninsula Borough Transportation Plan of 2003 (section 6.0: Ports and Harbors) recommended increasing the weight-handling capacity of this dock by extending the dock to the north and designing that portion to a higher weight capacity for the use of a crane.

The *Pioneer Dock* was completed in 2002 and the primary user is by the State marine ferry vessels. When not occupied by a state ferry, other users are cruise ships, general cargo vessels, petroleum tankers that are serving the local tanks and the coast guard cutter Hickory. These services are essential to local residents, businesses and community for transportation. The dock is utilized by small boat charters to provide water taxi service to areas of Kachemak Bay and adjacent bays.

B. Planning, Classification, Mineral Orders and Local Planning

1. Planning

The Kenai Area Plan (KAP) provides both general management directions and specific management directions as for management unit 530, which contains the tideland areas selected by the City of Homer. This area has two designations: Habitat and Waterfront Development. The tideland areas are consistent with more designation and the selected tideland area management intent of this unit. These selections are located within the Kachemak Bay and Fox River Flat Critical Habitat Management Area (1993). This state critical habitat area provides goals and policies for the management of activities for marine facilities that is only for tide and submerged land and water pursuant to AS 16.20.590.

Pursuant to AS 38.05.825, the commissioner can not convey tidelands that are located in the Kachemak Bay Critical Habitat Area unless the proposed project or use is consistent with the purpose of the CHA. The KAP designation for this area is Waterfront Development, and the city has recognized the importance of this type of project in their Transportation Plan and their zoning of the area. Furthermore, the Department of Fish and Game responded during the agency

comment period and supported this proposed conveyance (See agency comment and DNR response, pg. 7).

2. Classification

The KAP classifies the City of Homer tide and submerged land selection as Habitat and Waterfront Development.

3. Mineral Orders

The mineral estate is reserved to the state pursuant to AS 38.05.125. There are no known mineral orders affecting the city's tideland selection at this time.

4. Local Planning

The City of Homer has a local comprehensive planning program, including zoning ordinances. DNR assisted the City of Homer in revising their 1993 Comprehensive Development Plan, which was adopted in 2011 that outlined the city's existing conditions, established objectives and goals for economic development, and transportation; the city's zoning designations for proposed future facilities or capital improvement projects. The city listed their goals that they would like to see transpire within the next 20 years. The city's comprehensive plan specifically addresses this tideland area and the existing docks and the need for additional infrastructure and expansions: "*expand and improve the Deep Water Dock and other related port facilities.*" The city's zoning for this area has been identified as Marine Industrial and Marine Commercial. This type of zoning allows for the waterfront development of marine facilities, such as the existing two docks.

C. Access

Access to the Homer Spit area is available through the main existing public right-of-way known as the Homer Spit Road. Other connecting roads on the spit provide access to the area of the tideland selections. The public rights-of-way are known as Freight Dock Road and Outer Dock Road, which provide access to the Deep Water Dock, and the Homer Spit Road that provides access to the Pioneer Dock. These roads function as public access for vehicular and pedestrian traffic for the activity surrounding and on these docks.

The City of Homer will be subject to the requirements of the *Public Trust Doctrine* as it applies to these lands for land access and use, including the requirements under AS 38.05.825.

1. Navigable

The navigability determination by the state and federal government determined all tidal waters within Kachemak Bay, including those tidelands selected by the City of Homer proposed for conveyance is considered navigable under the Submerged Land Act 1953.

2. To & Along Easements

Pursuant to AS 38.05.127, the state must impose a continuous ‘*along*’ easement that extends 50 feet upland and seaward of the mean high water mark and a ‘*to*’ easement that is 50 feet wide that connects to the ‘*along*’ easement, unless DNR determines under 11 AAC 51.045(b) that an access easement is not necessary to ensure free access or that regulating public access is necessary for another public purpose or beneficial use. Under this condition, alternative access must be provided pursuant to 11 AAC 51.45(c), unless it is imprudent to do so.

DNR has determined that an “*along*” easement adjacent both landward and seaward to the mean high water mark should not be imposed along the Deep Water Dock or that portion of the Pioneer Dock. The along easement at these locations would serve no useful access function and would create unsafe conditions for the public if imposed and used by the public.

Additionally, DNR has determined that the surface roads in these areas connecting to the existing docks provide adequate public access. These roads known as Freight Dock Road and Outer Dock Road provide access to the Deep Water Dock and the Homer Spit Road provides access to the Pioneer Dock, which function as public access for vehicular and pedestrian traffic ‘*to*’ the existing dock areas. Therefore, the imposition of a ‘*to*’ easement is unnecessary under 11 AAC 51.045.

D. Reservation of Mineral Estate

Conveyance of a tideland to a municipality under AS 38.05.825 conveys no interest in the mineral estate. All mineral related permits, licenses, claims and leases affecting the tideland proposed for conveyance, if any, will remain under the authority of the state.

In accordance with Section 6(i) of the Alaska Statehood Act and AS 38.05.125, the state, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.

E. Hazardous Substances and Contaminations

It is the responsibility of the state to protect the overall public interest if there is a reasonable expectation that hazardous contamination may exist on tidelands being proposed for disposal. Based on review of the Alaska Department of Environmental Conservation’s (DEC) list of Contaminated Sites Southeast Alaska, no hazardous material or contamination from hazardous material is known at this time to affect this tideland selection. The environmental risk associated with this proposed conveyance should be minimal or non-existent.

It is up to the City of Homer to inspect the area of their tideland selection and familiarize itself with the condition and quality of the 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 land here proposed here for conveyance. The State of Alaska 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.

F. Survey

A survey determination may be requested by the city at any time subsequent to the Final Finding and Decision (FFD). An approved survey will be required prior to issuance of a conveyance document. If no approved survey exists, then one must be performed by an Alaska Registered Land Surveyor under direction of the DNR Survey Section. The city will be responsible for the expense of any survey and plat recordation. There is no requirement under state statutes to appraise the land prior to conveyance.

G. Conditional Leases and Permits

The City of Homer will receive management authority, under AS 38.05.825, when the tidelands have been approved; if/when the FFD becomes effective. The city may lease the approved tideland area, but may not sell it, pursuant to AS 38.05.3825(c). Additionally, the city may not lease the tidelands approved for conveyed to shore fisheries, pursuant to AS 38.05.824 (d).

H. Unauthorized Use

DNR has not physically inspected the city's tideland selection for the presence of unauthorized use, but it has reviewed department records and is unaware of any existing unauthorized use. The city is expected to and has been given the opportunity to inspect its tideland selection to familiarize itself with the condition and quality of the land.

I. Disposition of Leases, Permits and Applications

Administration of active leases, permits, and easements in the surface estate issued by DNR on tideland to be conveyed will be transferred to the city; if/when the FFD becomes effective, unless specified differently. State applications requesting a lease/permit that has not been adjudicated or issued will be closed.

There are two current tideland leases in the proposed tideland selections from the City of Homer, known as ADL 224560 that consist of the 11.908 acres encompassing the Deep Water Dock and ADL 227517 that consists of the 1.365 acres encompassing a portion of the secondary deep water dock of Pioneer Dock.

J. Archaeological Resources

The Alaska State Historical Preservation Office (SHPO) maintains the Alaska Heritage Resources Survey (AHRs) which is an inventory of all reported historic, prehistoric and archaeological sites in the state. There are no known archaeological or cultural resources on the tideland selected for conveyance in this PD. However, should such resources be found once these

tidelands are under construction or conveyed, the city must take those actions required by law in accordance with AS 41.35.070(d).

K. Agency Review

The intent for an Agency Review is to solicit comments from agencies that may be affected and have a strong interest in the city's two tideland selections. Agencies were given the opportunity to evaluate the selections, determine if the states interest outweighs that of the city, and if so, provide supporting comments of their action in retaining the selections in state ownership. Additionally, the agencies were requested to identify any stipulations that would be appropriate and necessary to imposition on the approved tidelands for conveyance. Only one state agency submitted comments to DNR, the Alaska Department of Fish and Game.

L. State Agency Comments and DNR responses

1. Comments from Alaska Department of Fish and Game (ADF&G), Access Defense SF-HQ:

The Alaska Department of Fish and Game (ADF&G) reviewed the Alaska Department of Natural Resources proposal, ADL 231763, to convey two tide and submerged land (tideland) parcels to the City of Homer pursuant to AS 38.05.825. The parcels are located on the east side of the Homer Spit in Kachemak Bay, within the Kachemak Bay Critical Habitat Area (AS 16.20.590). They are currently under two individual leases to the City and are contiguous to the City limit boundary line. Conveyance of these lands would result in the consolidation of the entire harbor infrastructure on City tidelands.

The tideland lease identified as ADL 224560 consists of 11.908 acres (Alaska Tideland Survey 1373) encompassing an existing deep water dock and trestle. The City anticipates additional infrastructure development to widen and extend the dock and trestle for continued operation of a wood chip transfer station and support for the bottom fish industry, cruise ships, and other deep draft vessels. The lease and proposed conveyance is located in Section 36, T.6S. R.13W. S.M. and Section 1, T.7S., R.13W., S.M.

Tideland lease, ADL 227517, consists of 1.73 acres (ATS 1603) encompassing a portion of a second deep water dock and trestle known as the Pioneer Dock. The majority of the Pioneer Dock is within the City limits, but a small portion extends into state tidelands. There are no current plans for additional infrastructure development. This parcel is located in Section 1, T. 7S., R. 13W., S.M.

The Kenai Area Plan co-designates the parcels as Habitat and Waterfront Development. The Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (1993) identifies resources and uses of the area and provides goals and policies which address harbors, docks, piers, pile-supported structures, long-term anchorage, and boat maintenance.

In accordance with AS 16.20.500 and AS 16.20.520, ADF&G concurs with DNR's proposal to convey approximately 14 acres of tide and submerged lands on the east side of the Homer Spit to the City.

ADF&G recognizes the importance of the Homer harbor area to the City and the intended uses of the transferred lands for economic development. Given this, consideration should be given to removing the harbor and associated area from the CHA. This boundary adjustment would require legislative approval, something ADF&G is considering.

DNR Response: Acknowledged.

VII. DISCUSSION AND ALTERNATIVES

A. Discussion

This Preliminary Decision for the City of Homer tide and submerged land selection covers a total of 13.273 acres of state-owned tidelands for the purpose of constructing an expansion adjoining the existing Deep Water Dock (ATS 1373/11.908 acres) and resolving that portion of the Pioneer Dock encroaching on state-owned tidelands (ATS 1603/1.365 acres). DNR has determined in this decision that the state-owned tidelands are appropriate for conveyance to the City of Homer.

During the agency review process there were no stipulations, concerns or objections received to the proposed conveyance for these tidelands. The Department of Fish and Game commented during the agency review period and supports the tideland conveyance.

The “*along*” easement will not be imposed since an access easement is inappropriate at this location, and if imposed, would create unsafe conditions for the public. Additionally, it could limit the city's authority to manage the “*along*” public access easement on both sides of the new causeway in trying to protect the safety of the public. Therefore, the “*along*” easement will not be imposed. The “*to*” easement will also not be imposed since public access to the tidelands is already provided by public roads.

Management authority will be transferred once the Final Finding and Decision is written and becomes effective.

B. Alternatives

The following alternatives exist:

1. Take no action to approve, reject or postpone the tide and submerged land selection by the City of Homer. This alternative would, in effect, preclude the city's ownership of the tideland considered to be important for their community development and access. This action would be inconsistent with the purpose of AS 38.05.825 and inconsistent with the basis for the disapproval of a tideland selection in that section of statute. A tideland

selection can only be rejected when the state's interest outweighs that of the municipality, and there is no basis for such a determination.

2. Reject the city's selection in its entirety. This alternative would have the same effect as Alternative #1 and would, similarly, be inconsistent with the requirements of the statute.
3. Approve conveyance of the tideland with management authority to be transferred when the Final Finding and Decision becomes effective. This alternative meets the intent of the statute to convey tide and submerged land to municipalities where the municipality's interest in obtaining the tideland outweighs the public interest in retaining state ownership.

VIII. RECOMMENDATIONS

A. Recommended alternative

DNR has determined that Alternative 3 is the preferred action and is concurrent with the intent and requirement of AS 38.05.825. The tide and submerged land selection by the City of Homer is approved for conveyance, subject to the recommended conditions, restrictions and reservations listed below.

B. Recommended conditions, restrictions and reservations

Applicable conditions, restrictions and reservations will be imposed upon transfer of equitable title if/when the Final Finding and Decision is effective and at the time of issuance of a 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 the City of Homer if/when the FFD is effective.
2. Management authority for the approved tidelands will be transferred to the City of Homer if/when the FFD is effective. When approved, the City may execute leases and permits prior to issuance of a state conveyance document in accordance with AS 38.05.825.
3. All mineral related permits, licenses, claims and leases affecting the tideland proposed for conveyance, if any, will remain under the authority of the state.
4. The City is subject to the requirements of the *Public Trust Doctrine* as it applies to these lands and to the requirements under AS 38.05.825.

C. Conveyance document to include following:

The approved Tideland conveyance to the City of Homer is 'Subject to'

1. 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. Reservation of the mineral estate pursuant to Section 6(i) of the Alaska Statehood Act and AS 38.05.125; and reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130.
3. Notification to the Alaska State historic Preservation Office in accordance with AS 41.35.070(d) is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains or objects.

D. Recommended action on tideland selection

The acreage in TABLE 'A' is the protracted acreage and the final acreage will be determined at the time of survey.

TABLE 'A'
TIDE AND SUBMERGED LAND PROPOSED FOR CONVEYANCE

Map #	MTRS	Legal / Plat	Acreage
Map 2	S T6S, R13W, Protracted Section 36 and S T7S, R13W, Protracted Section 1	ATS No. 1373, which encompasses the City of Homer Deep Water Dock Port Facility.	11.908
Map 3	S T7S, R13W, Protracted Section 1	ATS No. 1603, which encompasses that portion of the City of Homer Pioneer Dock.	1.365
TOTAL ACRES:			13.273

IX. FINDING

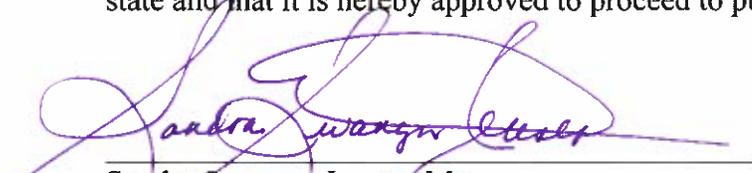
The following are findings of this Preliminary Decision:

1. That it is appropriate to convey ATS No. 1603 (1.365 acres) and ATS 1373 (11.908 acres) for a total of 13.273 acres of state-owned tide and submerged lands to the City of Homer pursuant to AS 38.05.825.
2. That this best interest finding has determined the interest of the state to retain these tide and submerged lands does not outweigh the interests of the City of Homer on obtaining the tideland selections.
3. That the proposed additional infrastructure development to widen and extend the Deep Water Dock and trestle for continued operation is consistent with management unit 530; plan designating and management intent.
4. That the proposed tidelands resolve the encroachment for that portion of the Pioneer Dock on state-owned tidelands.

5. That the Department of Fish and Game supports the conveyance of these tidelands that are located with the Kachemak Bay State Critical Habitat Area recognizes that they are appropriate use.
6. That the imposition of an 'along' easement under AS 38.05.127 is inappropriate on the existing and proposed expansion area of the Deep Water Dock and on the existing portion of the Pioneer Dock as an 'along' easement at these locations would serve no useful access function and would create unsafe conditions for the public if used as under 11 AAC 51.045.
7. That the imposition of a 'to' easement under AS 38.05.127 is unnecessary since DNR has determined that Freight Dock Road and Outer Dock Road function as public access for the public, whether vehicular or pedestrian traffic and is unnecessary under 11 AAC 51.045.

This is a Preliminary Decision and subsequent public and agency review may result in changes to the preferred alternative or disapproval of the proposed action altogether.

This Preliminary Decision, described above, as represented by the preferred alternative has been reviewed and considered. 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.


Sandra Swanger-Jensen, Manager
Resource Assessment & Development
Municipal Entitlement

10/25/2013
Date

PUBLIC NOTICE, DECISION AND APPEAL PROCEDURES

The public is invited to comment on the Preliminary Decision propose to transfer ownership of state-owned tide and submerged lands to the City of Homer. Comments may be provided in written form to the Division of Mining, Land and Water, Resource Assessment and Development Section, Municipal Entitlement Unit, Attention John Dwyer, adjudicator or Sandra Swanger-Jensen, Manager at 550 West 7th Avenue, Suite 1050, Anchorage, Alaska 99501-3579; by fax: (907) 269-8915 or by electronic mail to john.dwyer@alaska.com or Sandra.swanger-jensen@alaska.com on or before **NOVEMBER 26, 2013** in order to ensure consideration.

The postmaster in the following community will be requested to post the public notice per AS 38.05.945: City of Homer. The public notice is available on the Alaska Online Public Notice System at: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>. The Preliminary Decision is available on the Department of Mining, Land and Water, Municipal Entitlement website at: <http://dnr.alaska.gov/mlw/muni/>. Additionally, the public notice will be sent to the City of Homer, Chugach Alaska Corporation, Port Graham Village Corporation, and Nanwalek Native Corporation.

Following the Preliminary Decision (PD) comment deadline, those written responses received will be considered and this PD may be modified to incorporate the public comments into the Final Finding and Decision (FFD). Only persons who comment in writing during the public comment period will be eligible to file an administrative appeal of the FFD. A copy of the FFD will be sent to any person who comments on the PD. The FFD will include the appeal instructions paragraph. Please direct all inquiries or questions to John (907) 269-8531 or Sandra (907) 269-8526 to the above address, fax or the electronic mail.

The Department of Natural Resources is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested. Individuals with audio impairments who wish to respond to this decision by telephone may call the Department of Natural Resources, Public Information Center in Anchorage between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday at TTY: (907) 269-8411.

ATTACHMENTS AS PART OF THIS DECISION

MAP 1 Vicinity Map

MAP 2 Pioneer Dock

MAP 3 Deep Water Dock