

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

**PRELIMINARY DECISION**  
**Clark Bay View Subdivision – ADL 108355**

**Proposed Land Offering in the Unorganized Borough**  
*AS 38.05.035 (e), AS 38.05.045*

**RELATED ACTION(S):**  
**Proposed Amendment to the Prince of Wales Island Area Plan**  
*AS 38.04.065*

**Proposed Land Classification Order**  
*AS 38.04.065 and AS 38.05.300*

**Proposed Mineral Order (Closing)**  
*AS 38.05.185 and AS 38.05.300*

**PUBLIC COMMENT PERIOD ENDS 5:00PM, TUESDAY, FEBRUARY 12<sup>TH</sup>, 2019**

**I. Proposed Action(s)**

*Preliminary Decision: Clark Bay View Subdivision - ADL 108355*

*Attachment A: Vicinity Map*

*Attachment B: Area Data Summary Table*

*Attachment C: Public Notice*

*Public is also invited to comment on the proposed related actions:*

*Draft Amendment to the Prince of Wales Island Area Plan SE-98-001A09*

*Draft Mineral Order (Closing) MO 1210*

*Draft Land Classification Order CL SE-98-001A09*

Primary Proposed Action: The primary proposed action of this Preliminary Decision of the State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales Section (LSS) is to offer for sale State-owned land within the identified project area. If approved, surveyed parcels will be offered for sale.

Located within DNR's Southeast Region, approximately 1-mile North of the Hollis-Clark Bay Ferry Terminal, the project area is within Section 35, Township 73 North, Range 84 East, Copper River Meridian, within the Unorganized Borough. The project area consists of approximately 55 acres. See *Attachment A: Vicinity Map* for a depiction of the project area.

In accordance with the governing area plan and proposed related actions for the purposes of providing land for settlement, DNR proposes to sell land within the Clark Bay View Subdivision project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may develop a subdivision of no more than 18 parcels varying in size from approximately 1 to 5 acres. This proposed project area is located within the Unorganized Borough and therefore survey, platting, and access to and within the project area will be

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subject to the relevant subdivision standards. The project area may be subdivided and offered in multiple stages.

If this proposed primary action is approved, the actual area offered for sale may consist of all or only a portion of the overall project area. After consideration of public comment, the size and boundaries of the project area will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. Additional adjustments may be made prior to subdivision, as described in the applications to the platting authority, as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with platting requirements. Although actions under this proposal are limited to the stated maximums, additional offerings in the vicinity may be authorized under future proposals, which could increase the density of privately-owned parcels within, adjacent to, or near the project area.

Proposed Related Action(s): These related actions will be developed separately, however; public notice is being conducted concurrently.

*Area Plan Amendment*: DNR proposes to amend the Prince of Wales Island Area Plan (POWIAP adopted June 1985 and updated October 1998), to designate the project area Settlement only (remove the Public Facilities, Commercial Recreation, Public Recreation – Developed, and General Use designations within the project area). Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

*Land Classification Order*: In relation to the Area Plan Amendment, DNR proposes to reclassify the project area in a Land Classification Order to Settlement only, removing the Reserved Use Public Recreation, and Resource Management classifications. Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

*Mineral Order (Closing)*: DNR proposes to close the entire project area to new mineral entry. There are no identified claims in the proposed project area. Refer to the Mineral Activity and Order(s) subsection of this document for more information on this proposed related action.

These related actions will be developed separately. However; approval of the proposed actions is dependent upon one another in that one action will not proceed without approval of all actions.

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 proposal. Public notice for all actions is being conducted concurrently.

**Public Open House**: DNR DMLW will be holding a Public Open House to discuss the proposal and share information about the project area. The public Open House will be held at the Hollis Fire Hall on Tuesday, January 8<sup>th</sup>, at 7:00 PM.

See **Section VIII. Submittal of Public Comments** at the end of this document and *Attachment C*: Public Notice for details on how to submit a comment for consideration. If,

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after consideration of timely, written comments, DNR moves forward with the proposal, a Final Finding and Decision will be issued.

## **II. Method of Sale**

DNR proposes to offer for sale land within the project area as described herein, through a future offering under *AS 38.05.045 Generally*.

Parcels offered through this action are offered fee-simple for the surface estate only. For more information about the land sales program, please visit the website at <http://landsales.alaska.gov>.

## **III. Authority**

DNR has the authority under *AS 38.05.045 Generally* 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*. Article VIII, Section 1, of the Constitution of the 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."

For related actions, *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally* allow for amendments to area plans, land classifications, and mineral orders.

## **IV. Administrative Record**

The project file, Clark Bay View Subdivision - ADL 108355, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Prince of Wales Island Area Plan for State Lands (revised October 1998, adopted June 1985) and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan (2017 Review)*;
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *USDA, Natural Resource Conservation Service Custom Soil Report for this project, dated December 15, 2017*; and
- Other case files, reports, and orders referenced in this decision.

## **V. Scope of the Proposal**

The scope of this proposal, under the statutes described in the preceding **Section III**.

**Authority**, is limited and specific to DNR DMLW's proposal to offer State-owned land within the defined project area for disposal and to conduct the proposed plan amendment, land classification order, and mineral order as described herein. The scope of this proposal does not include the control of post-patent use and DNR DMLW does not intend to impose deed restrictions for this purpose. The subdivision may be conducted in multiple stages.

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## VI. Description

Location: Within DNR's Southeast Region, approximately 1 mile northeast of the Hollis-Clark Bay Ferry Terminal, on Prince of Wales Island; See *Attachment A: Vicinity Map* and *Attachment B: Area Data Summary Table* for additional information.

*Platting Authority:* The project area is within the Unorganized Borough and is subject to the State of Alaska platting authority.

*Native Regional and Village Corporations:* The project area is within the boundaries of the Sealaska regional corporation. The villages of Klawock, Craig, Hydaburg, and Kasaan are within 25 miles of this proposed action and notice will be sent to Klawock Heenya Corporation, Shaan-Seet Incorporated, Craig Tribal Association, Haida Association, and Kavalco Incorporated.

Legal Description: Tract D-1, and Tract G of ASLS No. 79-181, recorded on August 29, 1980 as Plat No. 80-34, Ketchikan Recording District; and, Tracts M-2, M-3, and those portions of the Unsubdivided Remainder of the deed parcel per Patent No. 50-96-0695, more particularly those portions within Government Lots 4, 5, and the W1/2NE1/4 of Section 35 of ASLS No. 2006-73, recorded on March 9, 2009 as Plat No. 2009-6, Ketchikan Recording District; all within Section 35, Township 73 South, Range 84 East, Copper River Meridian; located within the Ketchikan Recording District; First Judicial District, Alaska, containing 55 acres more or less; as depicted on *Attachment A: Vicinity Map*.

Title: Information from Title Report No. 9470, current as of March 21, 2017 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 50-96-0695, dated September 17, 1996. The applicable State case files are NFCG 147 and 359. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

### *State Reservations of Title:*

*Retention 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 land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper and silver, etc.), and leasable minerals (such as oil, gas, coal, etc.).

The State and its successors reserve the right to enter onto the 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:* 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

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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 Access To, Within, and Beyond Project Area subsection of this document.

The Bureau of Land Management has determined Clark Bay is navigable adjacent to the project area for title purposes.

Where they exist within the project area, State third-party interests will be described in land sales brochures.

Physical Characteristics and Hazards: Attachment B: Area Data Summary Table describes the project area's physical characteristics. Information about the project area is based on internal research, information received during agency review, and an on-ground field inspection conducted on March 29, 2017. This is by no means a complete description of the project area and if this proposal is approved and the area offered for sale, it will be the responsibility of interested parties to inspect individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

*Soils:* Soils within the project area generally consist of McGilverly and Tolstoi soils (peat and extremely gravelly silt loam over unweathered bedrock); Karta very fine sandy loam (mucky peat and various silt loams over extremely gravelly silt loam); Wadleigh gravelly silt loam (mucky peat over gravelly silt loams); and, Tolstoi very fine sandy loam (peat and muck over extremely gravelly silt loam). Soils range from well drained to poorly drained.

*Wetlands:* No wetlands have been identified within the project area.

*Geologic Hazards:* According to information provided by DNR, Division of Geological and Geophysical Surveys rockfalls and landslides are common in this part of Southeast Alaska. Caution should be exercised when constructing near steep slopes. Should any geologic hazards be discovered in the development of this proposal, information will be included in offering materials.

*Fire Hazards:* Fire risk in the area is low. There is no reported history of fires in the vicinity. The project area is located approximately 2-miles east of the Hollis Volunteer Fire Department.

Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. Offering materials include information regarding wild land fire prevention.

Fire management options and policies for the area are identified in the Alaska Interagency Wildfire Management Plan available from DNR Division of Forestry. The current fire management option for the project area is "Modified." The policy on areas with the "Modified" management option reads, "fires occurring within Modified will

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receive priority for allocation of initial action forces after the protection of Critical and Full areas.” It also states that the designation of a fire management option does not ensure protection from wildfire, and that a protection response will be based on various factors. “Ultimately it is the personal responsibility of the [landowner] to mitigate and minimize risk to their property and structures and to be ‘Firewise’.”

*Flood Hazard:* There is no Flood Insurance Rate Map available for the project area. The proposed project is in an area of undetermined flood hazard. Seasonal floods could possibly bring coastal surges or heavy rains that may increase runoff in upland gullies.

*Water Resources:* All surface and subsurface waters on all lands in Alaska are a public resource, subject to appropriation in accordance with the Alaska Water Use Act (AS 46.15). No water rights have been identified within the vicinity of the project area. There is no well or water quality information within the area. Water quality is unknown.

Background: The project area was identified based on a review of the area plan, and current active development in the area. The land for this proposal was acquired pursuant to selection under National Forest Community Grant (NFCG) 147 and NFCG 359; for the purposes of furthering the development of and expansion of communities. The State received patent for the land and mineral estate under this selection.

The project area is bound on the east by a prior State land sale (Clark Bay North Subdivision), and to the west by Mental Health Trust (MHT) land and private property. A small portion of the project area abuts Clark Bay along the southerly boundary. Lands to the north of the project area are State-owned land. The proposed project in the Clark Bay View Subdivision is easily accessible from the Prince of Wales Island Road system. Nanny Bay Road is developed through the western portion of the project area, and connect to island roads. The Inter-Island Ferry Authority makes daily runs between Hollis and Ketchikan.

There are no prior State land offerings within the project area. The Clark Bay North Subdivision east of the project area was offered for sale by auction between 2009 and 2103. Parcels within the Clark Bay Terminal Subdivision (ASLS 79-181), west of the project area, were offered by lottery in 1980.

DMLW and MHT began a project to relocate and develop Nanny Bay Road through MHT land and State Land (Tract D-2, ASLS 79-181; and tract M-3; ASLS 2006-73), to relocate the road in a more accessible location. This road relocation/survey project allowed for the survey of saleable parcels within Tract M-3 (ASLS 2006-73) with constructible road access; and improves access along Nany Bay Road. Some parcels within Tract M-3 (ASLS 2006-73) will have direct access from Clark Bay.

There is an encroachment across private property onto State-owned land within the western portion of the project area, (ADL 106504). This does not affect any parcels proposed for sale through this proposed subdivision. LSS will work with the Southeast Regional Office as appropriate to address the encroachment. The DNR Division of Forestry has completed timber harvest north of the project area. There have been no other third-party interests identified within the project area.

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Parcels within the western portion of the project area will be access by the developed portion of Nanny Bay Road. Parcels in the eastern portion will be access by the undeveloped portion of Nanny Bay Road. Proposed parcel sizes are generally consistent with surrounding land ownership. Parcels fronting along Clark Bay and the developed portion of Nanny Bay road are smaller, with larger parcels located upland along the undeveloped portion of Nanny Bay Road.

The proposed subdivision is located in a desirable area with close access to the Hollis Ferry Terminal and island roads.

Planning and Classification: The general management intent of the area plan, management unit, and subunit were reviewed for consistency with the proposed offering. The project area is within Prince of Wales Island Area Plan (POWIAP adopted 1985, revised 1998), Unit 12 - Kasaan Bay, Subunit 12b - Hollis). Lands within this unit are currently designated Public Facilities, Commercial Recreation, Public Recreation – Developed, Settlement, and General Use. The Public Facilities designation converts to Reserved Use Land classification; Commercial Recreation and Settlement convert to Settlement Land; Public Recreation – Developed converts to Public Recreation Land; and, General Use converts to Resource Management Land; all under Land Classification Order No. CL SE-98-001. The project area consists of portion of the management unit 12b.

*Unit 12 – Kasaan Bay, Subunit 12b - Hollis:* General management intent and guidelines for Subunit 12b provide that State lands will be managed for multiple use with an emphasis on meeting needs of a developing community. Some state lands will be managed to provide areas for a community center, where commercial and public facilities can be developed. Other state lands that are not located near the community center may be utilized for a variety of purposes including settlement and community recreation. Parcels within the subunit were conveyed to the Hollis Community Council for a fire hall, community center and emergency medical services site (ADL 107528), and a public cemetery (ADL 107529).

**Settlement:** Management intent notes that State lands will be managed to support the developing community at Hollis, while providing for the use of upland state resources; and DNR will work with the community of Hollis to determine the use of state land intended to support residential expansion and to identify needs and locations for public and commercial facilities. Applicable objectives in planning settlement activities include: considering land for public and commercial facilities; planning for industrial facilities; providing for residential land disposal; and, providing for use of State-retained lots. This management intent has been considered in the development of this proposal. This proposed subdivision will assist in providing land for community expansion, and may assist with residential or commercial needs as the community develops. LSS will coordinate with the community of Hollis as this proposed project moves forward.

**Forestry:** Management intent provides that timber harvests in areas designated “S” (Settlement) are also appropriate if in direct support of subdivision design and development. The relocation and construction of the Nanny Bay Road was completed in conjunction with a timber sale in support of proposed subdivision project.

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Recreation: Recreation management intent for Subunit 12b notes that recreation at Hollis focuses around fishing, hunting, and picnicking along the Harris River and estuary. Management intent focuses primarily on the Harris River, Cat Island, and other creeks in Unit-12.

*Area-wide Considerations:* LSS reviewed the area plan's guidelines in Chapter 2 Areawide Land Management Policies regarding: Coordination and Public Notice; Cultural Resources; Forestry; Material Sites; Recreation Tourism, and Scenic Resources; Settlement; Shorelines and Stream Corridors; Subsurface Resources; and, Trail and Public Access Management. These considerations will be incorporated into the design and development of the project. Lands to be retained in public ownership, conditions, and reservations will be included on the plat and in offering materials as appropriate. Specific area-wide management intent and management guidelines affecting this proposal are discussed below.

Chapter 2, Areawide Land Management Policies, Introduction states that all State uplands [within this plan] are within the coastal zone, and all activities on tidelands, submerged lands, and uplands within the coastal zone must be consistent with the Alaska Coastal Management Program (ACMP). However, in the wake of the sunset of the ACMP program on July 1, 2011, the body of regulations regarding or referring to the ACMP has been repealed or revised. Such regulation changes that went into effect on December 27, 2012 are included in the January 2013 regulations supplement.

Coordination and Public Notice: Management guidelines state that as required by statute, public notice will be given for decisions involving disposal of land. Notice will be given to parties known or likely to be affected, including upland land owners. In addition, DNR will review any local comprehensive plans, and State subdivisions will comply with borough platting requirements. Public notice for this action is being conducted in accordance with AS 38.05.945 as described.

Cultural Resources: Chapter 2 management guidelines provide that cultural resource surveys should be conducted prior to offering in areas the State Office of History and Archaeology (OHA) determines have high potential to contain important cultural sites and that information available is inadequate to identify and protect these sites. OHA was contacted early in the research phase of this project. OHA noted that there are no reported cultural sites within the project area, and that if any such sites existed they would likely have been discovered in the preceding timber sale activities. However, OHA will be notified should any such sites be discovered by LSS during the development of this project. LSS will include information in offering materials that a purchaser should notify OHA of any discovery of cultural resources.

Forestry: Management guidelines provide that timber harvest may be appropriate within areas designated Settlement or General Use, and that in some cases timber harvest may be used to support subdivision development especially in the design and location of roads. Early in the development of this project LSS coordinated with the Division of Forestry to issue a timber sale which supported the relocation and



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development of Nanny Bay Road through Tract D-2 (ASLS 79-181) and Tract M-3 (ASLS C).

**Material Sites:** Management guidelines provide that if a settlement area contains sand and gravel deposits, rock sources, or other similar high-value material resources, a pit area should be identified during subdivision design and retained in public ownership for future use. LSS has not identified any high-value material resources within the project area.

**Recreation, Tourism, and Scenic Resources:** This section provides management guidelines for the authorization and location of Public Recreation Facilities and Commercial Recreation Facilities on State lands. This proposal, if approved, will authorize the sale of up to 18 parcels. DNR DMLW does not propose to control the post-patent use of the parcels. A purchaser may choose to develop a parcel for commercial recreation if so desired.

**Settlement:** Management guidelines pertaining to settlement include planning and coordination with private markets and local government entities over time; handling of isolated parcels of State land; protection, management, and enhancement of other resources; and design. These guidelines have been considered in the development of this proposal. The community of Hollis will be included in the Public Notice of this project, and subdivision design will account for site limitations. The development of this project will provide land for community expansion, and assist in improving access to existing private property.

**Shoreline and Stream Corridors:** Guidelines provide for the reservation of easements and retention of State-owned buffers adjacent to waterbodies. These guidelines will be considered in the subdivision design. Clark Bay is a navigable waterbody. There are no other public or navigable water bodies identified within the project area. If any other public or navigable water bodies are identified within the project area, they will be subject to the applicable reservations. Refer to the *Easements, Setbacks, and Retained Lands* section for more information.

**Subsurface Resources:** Management guidelines provide that State mining law stipulates that mining must be determined to be in conflict with significant surface uses before an area(s) can be closed to mineral entry. In the planning area, mining was determined to be in conflict with areas proposed for disposal. Tracts M-2 and M-3 (ASLS 2006-73) were closed to mineral entry via MCO 573. The remainder of the project area was not closed when the POWIAP was adopted; however, the Clark Bay North project area was not being proposed for sale at that time. Because the POWIAP has generally identified mining to be in conflict with areas proposed for disposal, the related mineral order (closing) is consistent with management intent.

**Trail and Public Access Management:** Management guidelines provide that prior to disposal of State lands, the need for public access will be assessed and DNR will improve or maintain access across State lands through retaining access sites, corridors, or easements. There are no trails identified in this project area. However, the State will retain public access and utility easements as appropriate in order to maintain access through and within the project. Access and utility easements will be

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reserved in accordance with the applicable regulations. See Access To, Within, and Beyond Project Area for more information.

The proposed offering will be consistent with area-wide land management policies and general management intent of the POWIAP and specific management unit if the proposed area plan amendment, land classification order, and mineral order are approved in accordance with *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally*. The project area is currently designated Public Facilities, Commercial Recreation, Public Recreation – Developed, Settlement, and General Use, and requires an amendment to the POWIAP and a Land Classification Order prior to disposal.

*AS 38.04.065 (b) Requirements:* The factors identified in this section of statute have been considered in this plan amendment and the proposed action is consistent with that portion of statute.

*Area Plan Amendment:* DNR proposes to amend the Prince of Wales Island Area Plan (POWIAP adopted 1985, revised 1998). The amendment will change the designation of the project to Settlement only. The western portion of the project area within ASLS 79-181 is currently designated Public Facilities, Commercial Recreation, Public Recreation – Developed, and Settlement; that portion outside of ASLS 79-181 is designated General Use. The proposed amendment will designate the project area settlement only.

*Land Classification Order:* In relation to the POWIAP Amendment, LSS proposes a Land Classification Order to reclassify lands within the project area to Settlement only.

Mineral Activity and Order(s): No mineral activity has been identified on these lands. The majority of the project area is closed to mineral entry under Mineral Closing Order No. 573, MCO 125, and Mineral Order 739 pursuant to a Minor Change to the Prince of Wales Area Plan as described in the Final Finding and Decision for the Clark Bay North Subdivision, dated October 23, 2006. For consistency and to avoid confusion with multiple mineral orders, LSS proposes to close the entire project area to new mineral entry with MO 1210.

The entirety of the project area (approximately 55 acres) will be closed to mineral entry if the mineral order is approved in accordance with *AS 38.05.185 Generally* and *AS 38.05.300 Classification of Land* for a land disposal. Closing the project area to mineral entry is consistent with the management intent of the POWIAP.

Mineral orders which close an area to mineral entry, close the applicable area to new exploration and development of locatable minerals. Such mineral orders do not apply to leasable minerals (such as: oil, gas, coal, etc.), or exploration licensing for such, nor do they preclude reasonable surface access to these resources. However, *AS 38.05.130 Damages and Posting of Bond* stipulates that the land estate owner will be compensated for damages resulting from exploration and development.

Mining activity for locatable minerals would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the

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boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. Area plan mineral estate management policy states that, in general, areas scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between land estate and mineral estate users.

Local Planning: The project area is within the Unorganized Borough, and the State does not pursue zoning of private lands.

Traditional Use Finding: The project area is within the Unorganized Borough, and a traditional use finding is therefore required under *AS 38.05.830 Land Disposal in the Unorganized Borough*. Information obtained from the Prince of Wales Island Area Plan, research, Agency Review, and site inspection did not reveal any traditional uses within the project area. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a possible increase in the various traditional activities which may be practiced by private-property owners. Impacts on existing resource users will be minimized by protecting public access to and along the shore of Clark Bay. Additional information on traditional use is welcome during the public comment period and if this proposal is approved, LSS will address the information received in a subsequent Final Finding and Decision, if one is issued. See the **Section VIII Submittal of Public Comments** at the end of this documents and *Attachment C: Public Notice* for details on how to submit comment.

Access To, Within, and Beyond Project Area: Access to the project area is via a public right-of-way known as Nanny Bay Road. Nanny Bay Road was re-routed and dedicated through Tract D-2 of ASLS 79-181 and tract M-3 of ASLS 2006-73. Nanny Bay Road remains unconstructed beyond the westerly boundary of tracts G and H. Some parcels within tract M-3 may have additional access directly from Clark Bay. Subdivision design will take into account topography and access to lands beyond the project area boundaries.

*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* and *11 AAC 51.045 Easements To and Along Navigable and Public Water*.

For the purposes of *AS 38.05.127*:

- navigable waters are generally lakes larger than 50 acres in size or streams larger than 50 feet in average width;
- public waters are generally lakes larger than 10 acres in size or streams larger than 10 feet in average width; and
- waters may be determined public or navigable consistent with *AS 38.05.965 (21) Definitions*.

Clark Bay is a navigable water body adjacent to the project area. Parcels will be subject to access reservations in accordance with *AS 38.05.127 Access to Public or Navigable Water*, a 25-foot building setback adjacent to the easement along mean high water (MHW) of Clark Bay, and a 25-foot building setback adjacent to the easement along

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ordinary high water (OHW) of any other water bodies determined to be public or navigable; in accordance with the area plan.

*Building Setbacks From Public or Navigable Water:* If subdivision is deemed feasible, DNR DMLW proposes to place a note on the final survey plat describing a building setback upland from the MHW or OHW of public or navigable water to protect access, fish and wildlife habitat, and personal property. Except for utilities, water-dependent structures whose purpose is access to or across the stream or lake, or minor accessory structures for uses that must be in or adjacent to the water body in order to function, structures and subsurface sewage disposal systems will not be permitted within the building setback.

*Easements, Setbacks, and Retained Lands:* Subdivision design may include a variety of easements, setbacks, and retained lands, which will be identified on the subdivision plat and included in related informational documents.

Parcels and subdivision design may be subject to a variety of reservations or restrictions where appropriate:

- public access easement(s);
- utility easement(s);
- a 50-foot continuous easement upland from the OHW or MHW of public or navigable water bodies in accordance with *AS 38.05.127 Access To Navigable or Public Water*;
- a minimum 25-foot building setback adjacent to the easement along MHW or OHW of public or navigable water bodies; and,
- a 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5' direct line-of-sight easement from the control station to an azimuth mark or other control monument.

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

Hazardous Materials and Potential Contaminants: During field inspections conducted on March 29, 2017, field staff did not observe any environmental hazards within the project area. There are no known environmental hazards present within the project area, however, 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 for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal.

DNR DMLW recognizes there are potential future environmental risks when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the State of Alaska, Department of Environmental Conservation. This risk is no greater than when

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vacant private land undergoes development. Given the high degree of interest from both the legislature and citizens in transferring State-owned land into private ownership, DNR is of the opinion that the benefits of offering the land outweigh the potential risks.

Survey, Platting, and Appraisal: After evaluation of public comment and conditions of the land, DNR will determine if it is in the State's best interest to offer the proposed project area. In order to offer the property, a combination of survey, subdivision, and/or platting actions may be required.

The project area is located within the Unorganized Borough, and therefore survey and platting will be subject to State of Alaska subdivision standards.

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting DNR DMLW standards will be required within two years of the date fixed for the sale of any parcel developed under this proposed action. Even though the sale of project area parcels in multiple offerings over time will mitigate "flooding" the market, the two year appraisal requirement must still be followed.

Project research and development includes consideration of economic factors utilizing market data and project development costs compiled by DNR staff, which determines the economic feasibility of a project. Since it commonly takes several years for the project development process, AS 38.05.840 ensures the current market conditions are addressed in order to obtain a realistic minimum bid for the sale of State land.

## **VII. 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 preliminary decision. Agency review was conducted from May 17, 2018 through June 1, 2018. Comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

DNR DMLW LSS received a brief comment of non-objection from *DNR Division of Parks and Outdoor Recreation*.

*DNR DMLW LSS Response*: LSS appreciates your review of the proposal.

*DNR Division of Geological & Geophysical Surveys (DGGS) Comment*: The proposed Clark Bay View Subdivision falls within the Ketchikan Mining District, Southeast Alaska. As of February 2018 there were no mining claims within the project area, but there are federal mining claims located approximately 2.5 miles to the southwest. About 1.5 miles to 2 miles to the northwest, federal land has been designated Tongass National Forest Wilderness Area.

The land adjacent to the proposed subdivision is mineralized, and the project area and adjacent state land has high potential for the discovery of additional mineral sites. DGGS noted that closing the project area to mineral entry and allowing a subdivision to be built, would effectively close all state land within a 5-mile buffer zone on the northwestern side of

## **Preliminary Decision**

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the bay to mineral entry. DGGS also stated it may also impact Sealaska Corporation's land across the waterway from being developed, as it may be in the proposed subdivision's view shed. In 2017, mineral industry exploration expenditures were two times larger than those seen in 2016, suggesting a renewed interest in Alaska as a place to invest. If this land is closed to mineral entry, the State of Alaska may miss out on industry payments for mineral-claim rents, should this land be staked, and future royalties and taxes, should a mineral discovery be made, developed, and mined.

*DNR DMLW LSS Response:* LSS appreciates your review of the proposal. Mineral Order 1210, if approved, will close approximately 55-acres of State-owned land to mineral entry. As discussed above, the majority of the project area is already closed to mineral entry via MCO 573, MCO 125, and MO 739. The proposed mineral order would close approximately 30-acres between the existing Clark Bay Terminal Subdivision (ASLS 79-181) and the existing Clark Bay North Subdivision (ASLS 2006-73). This area is currently closed to mineral entry via MO 739. The majority of the Clark Bay Terminal Subdivision is currently closed to mineral entry via MCO 573. The proposed mineral order would close approximately 3.5-acres within Tracts D-1 and G of ASLS 79-181 which were not included in a prior mineral order. The proposed mineral order MO 1210, will close the proposed subdivision to mineral entry under a single order, and assist in making the record more clear.

If this proposed subdivision is approved, the increase in density of private property in the area will be minimal. The majority of the uplands adjacent to Twelvemile Arm and Clark Bay, within a mile of the project area to northeast and west, are already in some form of private ownership. The proposed subdivision is located between existing subdivisions and private property, and is not forming an isolated subdivision amongst undeveloped State-owned land. The viewshed from the proposed Clark Bay View subdivision is shared in part by the existing Clark Bay Terminal Subdivision, and Clark Bay North Subdivision. The creation of this subdivision should have minimal, if any, additional impact to mineral development in the area or development of lands across Twelvemile Arm.

*DNR Division of Oil and Gas (DOG) Comment:* DOG has no objection to the proposed Clark Bay View disposal, and noted there are no applications or pending authorizations in the area.

DOG recommends DMLW continue to make potential purchasers aware the State reserves oil, gas, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells in accordance with Section 6(i) of the Alaska Statehood Act and Alaska Statute 38.05.125. The State also reserves the right to enter the land for the purposes of exploring for, developing, and producing these mineral resources. The proposed mineral order closing the area to locatable mineral entry would not apply to leasable mineral exploration, development and production.

*DNR DMLW LSS Response:* LSS appreciates your review of the proposal. LSS includes information regarding reservation of mineral rights in offering materials. For more information refer to the *Retention of and Access to Mineral Estate* sub-section.

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*Department of Fish and Game (ADF&G) Comment:* ADF&G noted that there are no anadromous fish-bearing streams within the project area, and there will be minimal impact to wildlife habitat or movement within the proposed subdivision area. ADF&G has no objection to the development of this subdivision. The Prince of Wales Island Area Plan mentions that the state can retain lots along Clark Bay for water-related public facilities. ADF&G encourages DNR to consider this during the subdivision design phase in order to promote public recreation and use of the area.

*DNR DMLW LSS Response:* LSS appreciates your review of the proposal. LSS will provide a 30-foot wide public access easement extending from the Nanny Bay Road ROW to the public access easement along MHW of Clark Bay (AS 38.05.127 easement) in the design plan. The project area encompasses a limited amount of frontage on Clark Bay. This area, although accessible from Nanny Bay Road and/or the Clark Bay shoreline, is poorly suited to public facilities. The topography of the area is likely too steep to provide suitable public access to the beach and/or water related facilities. There are other nearby State-owned tracts within the Clark Bay North Subdivision which are likely more suited to this purpose. Tract F of ASLS 79-181 provides a 100-foot wide access corridor from Nanny Bay Road to Clark Bay approximately ¼ mile west of the project area. Additionally, there are existing public dock and launch facilities at the Hollis Anchorage, less than 2-miles to the west.

*Department of Transportation and Public Facilities (DOT/PF) Comment:* DOT/PF noted that the proposed Clark Bay View subdivision will be ¾-mile NE from the Clark Bay terminal. The Alaska Marine Highway System (AMHS) does not report on the Clark Bay stormwater, nor does AMHS have vessel runs between Hollis and Ketchikan. DOT/PF does not anticipate a negative effect on the AMHS services or compliance with the Alaska Department of Environmental Conservation requirements. However, the Inter-Island Ferry Authority (IFA) makes daily runs between Hollis and Ketchikan. AMHS has no financial or other connections to the IFA terminal. DOT&PF advised DNR to contact IFA for comment before moving forward with any development in this area.

*DNR DMLW LSS Response:* LSS appreciates your review of the proposal. LSS will include the IFA in the public notice for this proposal.

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

- Department of Commerce, Community & Economic Development;
- Department of Environmental Conservation;
- Department of Natural Resources;
  - Division of Agriculture;
  - Division of Forestry;
  - Mental Health Trust Land Office;
  - Office of Project Management and Permitting;
  - State Pipeline Coordinator's Section;
- University of Alaska;
- Southeast Soil and Water Conservation District; and
- Alaska Association of Conservation Districts.

## **Preliminary Decision**

Clark Bay View Subdivision – ADL 108355

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### **VIII. Submittal of Public Comments**

**See Attachment C: Public Notice for specific dates and conditions.**

Pursuant to *AS 38.05.945 Notice*, DNR is issuing public notice inviting comment on this Preliminary Decision, draft area plan amendment, draft land classification order, and draft mineral order.

In accordance with *AS 38.05.946 (a) Hearings*, a municipality or corporation entitled to receive notice under *AS 38.05.945 (c)* 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.

LSS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision, draft area plan amendment, draft land classification order, or draft mineral order, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the Preliminary Decision, draft area plan amendment, draft land classification order, and draft mineral order including any deletions, minor changes, and summary of comments and LSS responses will be issued as a subsequent Final Finding and Decision, POWIAP Amendment No SE-98-001A09, Land Classification Order CL SE-98-001A09, and Mineral Order 1210 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision, POWIAP Amendment No SE-98-001A09, Land Classification Order CL SE-98-001A09, and Mineral Order 1210. Upon approval and issuance of these actions, a copy of the decision, orders, and amendment will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the request for reconsideration 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 the Department's Public Information Center. For more information refer to *Attachment C: Public Notice*.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS  
5:00 PM, TUESDAY, FEBRUARY 12<sup>TH</sup>, 2019**



## **Preliminary Decision**

Clark Bay View Subdivision – ADL 108355

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### **X. Alternatives and Discussion**

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 18 parcels varying in size, and offer those parcels for sale. The development and offering of these parcels may be completed in multiple stages. This proposal includes the amendment to the POWIAP, land classification order, and mineral order.

Alternative 2: Do not subdivide the project area prior to offering. Offer the project area as a single, 52-acre parcel.

Alternative 3: (Status Quo) Do not offer this project area for private ownership. Retain the land in State ownership.

Article VIII, Section 1 of the Alaska Constitution 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.” Furthermore, *AS 38.05.045 Generally* has placed this charge with DNR, and the legislature has provided funding to administer the land sale program.

Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute, and maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. This proposal, if approved in a subsequent Final Finding and Decision, will allow DNR DMLW to create and design a subdivision which will provide for the best use and development of the land and financial return to the State. Alternative 1 provides the greatest opportunity for more Alaskans to purchase land within this area. Due to the unique amenities of the area, location relative to the community of Hollis and the Prince of Wales Island road system, and the proximity to existing residential private property; the project area is better suited to subdivision prior to offering. Alternative 1 is preferred.

The related actions are necessary to allow for the offering of the project area. The primary action and related actions are dependent upon one another, and if DNR DMLW does not approve the project, the related actions will not be processed.

Alternative 2 does not maximize public interest and financial return to the State. Offering the project area as a single parcel would limit the offering to only one purchaser and deny many Alaskans the opportunity to purchase land in this desirable area. Alternative 2 is not preferred.

Alternative 3 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR DMLW from meeting its Constitutional, statutory, and legislative obligations. Not offering the project area would deny many Alaskans the opportunity to obtain land in an area that is suited to settlement and consistent with the surrounding development. The related actions are necessary to allow for the offering of the project area. The primary action and related actions are dependent upon one another, and if DNR DMLW does not approve the project, the related actions will not be processed.

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

**Preliminary Decision**

Clark Bay View Subdivision – ADL 108355

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**IX. Recommendation**

This Preliminary Decision for the proposed disposal of state lands, POWIAP Amendment No SE-98-001A09, Land Classification Order CL SE-98-001A09, and Mineral Order 1210 described throughout this document and its attachments is consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative because it provides the maximum opportunity for offering State land to the public, and helps meet the mission of the land sales program. The 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.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of state lands, POWIAP Amendment No SE-98-001A09, Land Classification Order CL SE-98-001A09, and Mineral Order 1210. If the decision is approved, POWIAP Amendment No SE-98-001A09, Land Classification Order CL SE-98-001A09, and Mineral Order 1210 will accompany and precede any Final Finding and Decision issued.

Approved: signature on file  
Kathryn Young, Section Manager  
Land Sales Section  
Division of Mining, Land and Water  
Department of Natural Resources

1/3/2019  
Date



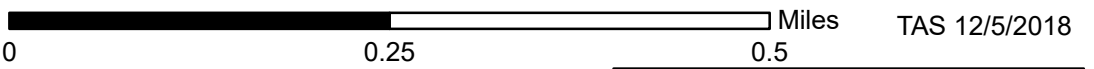
# Attachment A: Vicinity Map Clark Bay View Subdivision ADL 108355

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



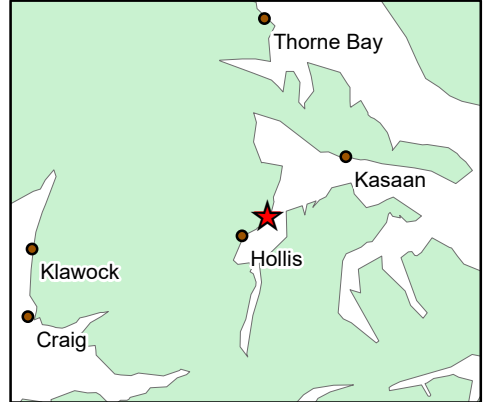
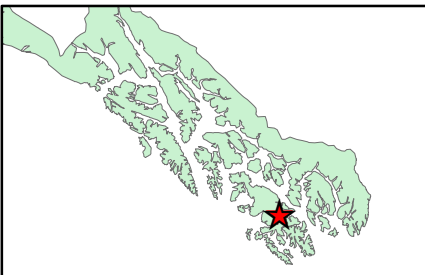
**Legend**

- Project Area
- Parcels
- MHT Lands
- Forestry Road
- Trespass



**Section 35**  
Township 73 South, Range 84 East,  
Copper River Meridian

**USGS QUAD 1:63,360**  
 Craig C-2 and B-2  
 For more information contact:  
 Kaitlyn Fuqua  
 Department of Natural Resources  
 Division of Mining, Land, and Water  
 Land Sales Section  
 Phone 907.451.3011  
 Fax 907.451.2751  
 Email: [land.development@alaska.gov](mailto:land.development@alaska.gov)



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

**ATTACHMENT B: AREA DATA SUMMARY TABLE**

to the  
**Preliminary Decision**

for a  
**Proposed Land Offering in the Unorganized Borough  
Clark Bay View Subdivision – ADL 108355**

<b>Offering Information</b>	
<b>Proposed Number of Parcels</b>	Up to 18 parcels
<b>Proposed Parcel Size</b>	Varying in size from approximately 1 to 5 acres
<b>Proposed Related Actions</b>	Amendment to the Prince of Wales Island Area Plan Land Classification Order Mineral Order (closing)
<b>Project Area</b>	
<b>Location</b>	Located one mile north of the Hollis-Clark Bay Ferry Terminal on Prince of Wales Island
<b>Project Area Acreage</b>	Approximately 55 acres
<b>USGS Topography Map</b>	USGS Quad Craig B-2 & Craig C-2
<b>Legal Description</b>	Tract D-1, and Tract G of ASLS No. 79-181, recorded on August 29, 1980 as Plat No. 80-34, Ketchikan Recording District; and, Tracts M-2, M-3, and those portions of the Unsubdivided Remainder of the deed parcel per Patent No. 50-96-0695, more particularly those portions within Government Lots 4, 5, and the W1/2NE1/4 of Section 35 of ASLS No. 2006-73, recorded on March 9, 2009 as Plat No. 2009-6, Ketchikan Recording District; all within Section 35, Township 73 South, Range 84 East, Copper River Meridian; located within the Ketchikan Recording District; First Judicial District, Alaska, containing approximately 55 acres more or less; as depicted on <i>Attachment A: Vicinity Map</i>
<b>Title</b>	Patented State-owned land Patent #50-96-0695 under National Forest Community Grant (NFCG 359)
<b>Area Plan and Classification</b>	Prince of Wales Island Area Plan (POWIAP) (adopted 1985, revised 1998), Management Unit 12; subunit 12b - Hollis. Lands are classified Reserved Use, Public Recreation, Settlement, and Resource Management.

**Attachment B: Area Data Summary Table**

for a Proposed Land Offering in the Unorganized Borough

Clark Bay View Subdivision – ADL 108355

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<b>Mineral Orders</b>	The majority of the project area is closed to mineral entry under MCO 573, MCO 125, and MO 739. LSS proposes to close the entirety of the project to new mineral entry under a single new mineral order MO 1210.
<b>Physical Characteristics</b>	
<b>Access</b>	From Prince of Wales Island, access to the Clark Bay View Subdivision is via constructed roads from Hollis into the subdivision. Nanny Bay Road is constructed to the westerly boundary of tracts G and H (ASLS 79-181). A few parcels may have direct access to Clark Bay to the south. The Inter-Island Ferry Authority makes daily runs between Hollis and Ketchikan.
<b>Terrain and Major Features</b>	The project area is generally hilly and contains vegetated uplands. Residential land uses are present nearby. The western portion of the project area directly abuts Clark Bay to the south. Depending on location, the constructed portion of Nanny Bay Road either directly abuts the parcel or is nearby.
<b>View</b>	Some lots will have views of Clark Bay to the south of the project area.
<b>Soils</b>	Soils are primarily a mixture of peat and silt loams over very gravelly silt loam or bedrock. Drainage ranges from well-drained to poorly drained. Known soil concerns will influence the project's design and feasibility and such features will be described in the project file and offering materials where relevant.
<b>Wetlands</b>	No wetlands have been identified within the project area. Dredging or filling of wetlands may require a permit from the US Army Corps of Engineers.
<b>Vegetation</b>	The area is heavily treed with a mix of old and second growth cedar, spruce and hemlock.
<b>Water Source</b>	Potential water sources are surface water collection from applicable water feature and well water. Water quality is unknown.
<b>Anadromous Waters</b>	No Anadromous streams were identified in the project area.
<b>Local Management Information</b>	
<b>Fire Protection</b>	Modified Fire Management Option. The area is approximately 2-miles from the Hollis Volunteer Fire Department.
<b>Game Management Unit</b>	Unit 2.
<b>Local Authority</b>	The project area is within the Unorganized Borough and subject to the State of Alaska platting authority.
<b>Flood Zone</b>	Flood Information Rate Maps are not available for the project area. The proposed project is in an area of undetermined flood hazard.
<b>Utilities</b>	This area is currently served Alaska Power and Telephone.
<b>Waste Disposal</b>	Solid waste facilities disposal is available in Hollis, west of the project area. All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**Attachment B: Area Data Summary Table**

for a Proposed Land Offering in the Unorganized Borough

Clark Bay View Subdivision – ADL 108355

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<b>Setbacks, Reserved Areas, Easements, and Conditions</b>	
<b>Building Setbacks</b>	Parcels are subject to a 25-foot building setback adjacent to the easement along mean high water (MHW) of Clark Bay, and a 25-foot building setback adjacent to the easement along ordinary high water (OHW) of any other water bodies determined to be public or navigable; in accordance with the area plan.
<b>Public Access and Utility Easements</b>	Parcels may be subject to the following: <ul style="list-style-type: none"><li>• public access easement(s);</li><li>• public utility easement(s);</li><li>• a 50-foot continuous easement upland from OHW of public or navigable water bodies in accordance with <i>AS 38.05.127 Access To Navigable or Public Water, and</i></li><li>• a 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument.</li></ul>
<b>Retained Lands</b>	None identified.
<b>Public or Navigable Water Bodies</b>	Clark Bay. If any additional water bodies are deemed public or navigable within the project area prior to platting, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies
<b>Additional Information</b>	
<b>Native Regional Corporations</b>	Sealaska Regional Corporation
<b>Villages and Tribal Councils</b>	The villages of Klawock, Craig, Hydaburg, and Kasaan are within 25 miles of the project area.
<b>Oil and Gas Activity</b>	None known.
<b>Mining Activity</b>	None known.
<b>Comments</b>	There is a trespass encroachment (ADL 106504), located along the southerly boundary, immediately north of the private property along Nanny Bay Road.



STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND, & WATER  
LAND SALES SECTION

**ATTACHMENT C: PUBLIC NOTICE**

Requesting Input for  
a Proposed Land Offering:  
**Clark Bay View Subdivision – ADL 108355**

**COMMENT PERIOD ENDS 5:00PM, TUESDAY, FEBRUARY 12<sup>TH</sup>, 2019**

This proposed project includes offering for sale surveyed parcels in a future offering under the method and the related actions as described in the Preliminary Decision document. The project may be subdivided and offered in multiple offerings over time.

Location: Within DNR's Southeast Region, approximately 1-mile North of the Hollis-Clark Bay Ferry Terminal, the project area is within Section 35, Township 73 North, Range 84 East, Cooper River Meridian, within the Unorganized Borough.  
Project size: Approximately 55-acres

Proposed Offering: No more than 18 parcels varying in size from approximately 1 to 5 acres

Public Open House: DNR DMLW will be holding a Public Open House to discuss the proposal and share information about the project area. The public Open House will be held at the Hollis Fire Hall on Tuesday, January 8<sup>th</sup>, at 7:00 PM.

To obtain the notice, Preliminary Decision, Mineral Order, Land Classification Order, Area Plan Amendment, or instructions on submitting comment, go to <http://landsales.alaska.gov> or <http://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 10AM and 5PM in Anchorage at 907-269-8400 (TDD for the hearing impaired: 907-269-8411) or Fairbanks at 907-451-2705 (TDD for the hearing impaired: 907-451-2770), or the Southeast Land Office in Juneau at 907-465-3400 (TDD for the hearing impaired: 907-465-3888), or go to <http://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, TUESDAY, FEBRUARY 5<sup>TH</sup>, 2019.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment on either the Preliminary Decision, Mineral Order, Land Classification Order, or Area Plan Amendment for which notice is being conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 5:00PM, TUESDAY, FEBRUARY 12<sup>TH</sup>, 2019.** Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be received by fax, email or postal mail. To submit comments or for direct inquiries, contact Kaitlyn Fuqua: 3700 Airport Way, Fairbanks, AK 99709; fax # 907-451-2751; [land.development@alaska.gov](mailto:land.development@alaska.gov). If you have questions, call Kaitlyn Fuqua at 907-451-3011.

**Attachment C: Public Notice**

for a Proposed Land Offering in the Unorganized Borough  
Clark Bay View Subdivision - ADL 108355  
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If no significant change is required, the Preliminary Decision and related actions, including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision, Mineral Order 1210, Land Classification Order CL SE-98-001A09, and Area Plan Amendment SE-98-001A09 without further notice. A copy of the final finding and decision will be sent to any persons who commented timely on the preliminary decision.

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