

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

**FINAL FINDING AND DECISION**

of a

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

*AS 38.05.035(e), AS 38.05.045*

and its

**RELATED ACTION(S):**

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

*AS 38.04.065*

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

*AS 38.04.065 and AS 38.05.300*

**Mineral Order 1210 (Closing)**

*AS 38.05.185 and AS 38.05.300*

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated January 3, 2019. The PD (attached) and related actions have had the required public review.

**I. Recommended Action(s)**

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales Section (LSS) recommends offering for sale State-owned land for private ownership within the Clark Bay View project area (ADL 108355), as described in the PD. Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally*.

For the purposes of providing land for settlement in the Clark Bay View project area, DNR may develop a subdivision of no more than 18 parcels. This project area is located within the Unorganized Borough and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards. The project may be subdivided and offered in multiple stages.

There are three related actions with this proposal:

Area Plan Amendment: DNR DMLW proposes to amend the Prince of Wales Island Area Plan (POWIAP adopted June 1985 and updated October 1998) to change the designations for the project area from Public Facilities, Commercial Recreation, Public Recreation – Developed, and General Use designations within the project area to Settlement only.

Land Classification Order: In relation to the Area Plan Amendment, DNR DMLW proposes to reclassify the project area in a Land Classification Order to Settlement only, removing the Reserved Use Public Recreation, and Resource Management classifications.

## **Final Finding and Decision**

Clark Bay View Subdivision – ADL 108355

Page 2 of 5

Mineral Order: DNR DMLW proposes to close the project area to new mineral entry through Mineral Order (MO) 1210.

Public notice for these related actions was conducted concurrently with the notice for the primary action's PD.

## **II. 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 provides: "It is the policy of the State to encourage the settlement of its land and 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 and special exceptions to area plans, land classifications, and mineral orders.

## **III. Public Participation and Input**

All state requirements for public notice and public comment input have been met as covered in detail in **Section V. Summary of Public Notice and Comments**. Further information may lead to alterations of design of this project within the parameters set forth through this decision. Should this project be approved, final subdivision design and survey will be completed by an Alaska licensed surveyor.

Within an organized borough or local platting authority, platting ordinances typically provide for an additional opportunity for review and comment on proposed platting actions. The scope of such a review is limited and specific to review of the project's adherence to the local platting ordinance, and is the sole prerogative of a political subdivision of the State which establishes platting authority and the applicable ordinances governing such actions.

The Clark Bay View project is within the Unorganized Borough and outside of any local platting authority. However, in an effort to provide additional opportunity for public participation and input, if it is determined to be feasible and practical, DMLW may hold courtesy meetings during the development of a project. DMLW did conduct a Public Open House in Hollis on January 8, 2019 during the public comment period, to share and receive information about the proposed Clark Bay View Subdivision.

Many comments received at the Public Open House were in support of the project and in support of future development in the Hollis area. Members of the public at the Open House expressed interest in development of new roads, or an extension of Nanny Bay Road, into the project area. In addition, a comment was made expressing interest in making waterfront lots larger than 1-2 acres. As discussed at the meeting, DNR DMLW does not intend to develop any new roads or extend Nanny Bay Road at this time. The LSS has taken into consideration increasing waterfront property lot sizes; however, in the interest of providing a greater number of waterfront property lots, these lots sizes will stay smaller.

## Final Finding and Decision

Clark Bay View Subdivision – ADL 108355

Page 3 of 5

### IV. Traditional Use Findings

In accordance with AS 38.05.830 *Land Disposal in the Unorganized Borough*, a Traditional Use Finding is required for project areas within the Unorganized Borough. This project area is within the Unorganized Borough. As discussed in the PD, there would be an increase in the density of the population in the 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. No conflicts with traditional uses of the land have been discovered. Public review brought forth no new information indicating traditional use conflicts that were not apparent at the PD stage.

### V. Summary of Public Notice and Comments

Pursuant to AS 38.05.945 Notice, public notice inviting comment appeared on the State of Alaska Online Public Notices website at <https://aws.state.ak.us/OnlinePublicNotices/> and was posted on the DNR DMLW LSS website at [http://dnr.alaska.gov/mlw/landsale/public\\_notice/](http://dnr.alaska.gov/mlw/landsale/public_notice/) for the entire public notice period.

Notification and decision copies were sent directly to area state legislators and to multiple state agencies. Public notice was sent to other interested entities including landowners in the vicinity of the offering; additionally, parties were notified via the DNR Land Sales subscribers lists by email. Notices were mailed to the Sealaska regional corporation per AS 38.05.945(c)(2)-(3). Additionally, notices and a request to post were sent to postmasters and librarians in the vicinity of the offering.

The public notice stated that written comments were to be received by 5:00PM February 12, 2019 in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

DNR DMLW LSS received comments from DNR Mental Health Trust Land Office and two private individuals. All comments received during the public comment period are summarized below.

Mental Health Trust Land Office (MHTLO) Comment: MHTLO requested additional information be added to the project's preliminary plat, and supports the Clark Bay View Subdivision.

DNR DMLW LSS Response: Thank you for responding and taking the time to review the PD.

Individual Comment: This commenter supports this land sale and requests that upon sale of all parcels listed, a portion of the revenue be used to extend the Nanny Bay Road and provide access to the sold parcels. The commenter suggests using local contractors and resources in Hollis to complete the road construction.

DNR DMLW LSS Response: Thank you for taking the time to submit a comment. Early in the development of this project, LSS coordinated with MHTLO to re-route Nanny Bay Road in a more developable location in the western portion of the project area. As part of that relocation LSS was coordinating with MHTLO to develop a portion of Nanny Bay Road in conjunction with a timber sale. The platted relocation of Nanny Bay Road is in process;

## **Final Finding and Decision**

Clark Bay View Subdivision – ADL 108355

Page 4 of 5

however, the timber sale and associated road construction project did not happen. DNR DMLW does not have any current plans to develop or extend Nanny Bay Road at this time. However, if a financially viable option for constructing Nanny Bay Road arises, perhaps in conjunction with a timber sale as noted above, LSS will consider that option. When LSS sells parcels without a constructed road, the appraised values are lower to account for the lack of constructed access.

The relocation of Nanny Bay Road is based on a request from a private individual who has expressed interest in constructing the road to their parcel beyond the Clark Bay View Subdivision. Once the relocation of Nanny Bay Road is completed, the road may be privately developed in the new location.

Individual Comment: This commenter recommends the State move forward with Alternative 1 the project, only if state funds are dedicated for access improvements along Nanny Bay Road, to allow improved access to proposed and current lot owners. If state funds are not available for road construction, the commenter recommends allocating funds for minor clearing, grubbing, and leveling within the Nanny Bay Road easement to help provide access to all parcels, and possibly constructing a minor turn-around area at the end of the currently constructed Nanny Bay Road. The commenter believes that such improvements would be offset by increasing value of the parcels.

DNR DMLW LSS Response: Thank you for taking the time to submit a comment. As discussed above, DNR DMLW does not intend to develop any new roads or extend Nanny Bay Road at this time. Additionally, LSS may not dedicate funds for future use. LSS believes that the most cost-effective means of constructing the road is by local landowners.

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

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

Recommendation and Approval of the Final Finding and Decision follow.

**Final Finding and Decision**

Clark Bay View Subdivision – ADL 108355

Page 5 of 5

**VII. Final Finding and Decision**

The Department recommends proceeding with the action as described in the PD. Offering these parcels for sale will help meet the State’s goal to provide land for settlement for sale to the public and raise revenue for the State.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with *AS 38.05.945 Notice* and comments received were considered. The project file has been found to be complete and the requirements of all applicable statutes have been satisfied. The actions are consistent with constitutional and statutory intent for State-owned land.

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended action(s) as described and referenced herein.

(signature on file)

3/22/2019

---

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

---

Date

(signature on file)

3/22/2019

---

Approved by: Martin W. Parsons  
Director  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

---

Date

(signature on file)

3/22/2019

---

Approved by: Corri A. Feige  
Commissioner  
Department of Natural Resources  
State of Alaska

---

Date

### **Reconsideration Provision**

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may request reconsideration, in accordance with *11 AAC 02*. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in *11 AAC 02.040(c) and (d)* and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Under *11 AAC 02.030*, appeals and requests for reconsideration filed under *11 AAC 02* must be accompanied by the fee established in *11 AAC 05.160(d)(1)(F)*, which has been set at \$200 under the provisions of *11 AAC 05.160 (a) and (b)*.

If reconsideration is not requested by that date or if the commissioner does not order reconsideration on her own motion, this decision goes into effect as a final order and decision on the 31st day after issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with *11 AAC 02* before appealing this decision to Superior Court. A copy of *11 AAC 02* may be obtained from any regional information office of the Department of Natural Resources.



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

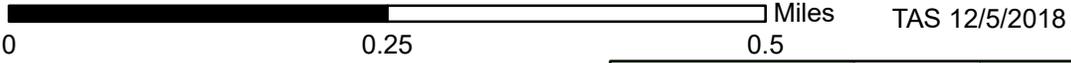
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



Source: Esri, DigitalGlobe, USDA, USGS, Aero

**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)

