

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

**FINAL FINDING AND DECISION**

**Conveyance of Land under AS 29.65.090  
ADL 108750**

This Final Finding and Decision supplements the Preliminary Decision signed June 29, 2017. The Preliminary Decision has had the required public review and is attached.

**I. Recommended Action**

The State of Alaska, Department of Natural Resources (DNR) finds that it is in the best interest of the state to convey surveyed parcels of state land to the City and Borough of Yakutat (CBY). In return, the CBY will convey 7.59 acres of CBY-owned land to the State of Alaska. The CBY land for exchange consists of Tracts B & C of the XeitlAani' (Thunder Land) Subdivision, Plat 92-27, Juneau Recording District, containing approximately 7.59 acres. The surveyed parcels of state land for exchange will be within ASLS 71-34, north of the Yakutat School Site. The exact number of parcels and acreage of state land for exchange will be determined once survey and appraisal of parcels within the proposed state subdivision project ADL 108464 are complete as described in the attached preliminary decision, and will be of approximate equal value to the land conveyed to the state. Both the state and CBY lands are within Section 30, Township 27 South, Range 34 East, Copper River Meridian. The purpose of this exchange is to allow the CBY to acquire subdivided state land for housing development in exchange for the state to acquire subdivided CBY land for future disposal. The attached map depicts the location of these parcels.

**II. Authority**

This proposed action is authorized under *AS 29.65.090 Authorizations for Land Exchanges*. This written finding is prepared and issued under *AS 38.05.035(e) Powers and Duties of the Director*.

**III. Public Notice**

The public notice period ran from June 29, 2017 through August 3, 2017. All state requirements for public notice and public comment have been met. 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 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 local elected officials 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. Information was also posted to Twitter and Facebook. Notices were mailed to the CBY per *AS 38.05.945(c)(1)*, as well as Sealaska regional corporation per *AS 38.05.945(c)(2)-(3)*. Additionally, notice and a request to post were sent to the Yakutat postmaster.

#### **IV. Response to Public Comments**

DNR received comments from the State of Alaska, Department of Fish and Game (ADF&G) and the State of Alaska, Department of Natural Resources, Alaska Mental Health Land Trust Office (MHLTO). All comments received during the public comment period are summarized below.

ADF&G Comment: The proposed subdivision area provides habitat for deer, brown bears, and black bears. Conflicts with bears are frequent in the adjacent subdivision, partially due to attractants introduced by people. ADF&G encourages DNR to minimize potential for additional conflict through subdivision design. ADF&G recommends requiring builders to use bear-proof trash containment and for house design to include garages or attached sheds to help prevent the food conditioning of bears. Additionally, ADF&G recommends adequate lighting in the subdivision to help prevent walkers or bikers from startling bears.

Response: Thank you for reviewing the preliminary decision and considering ways to reduce wildlife conflicts. DNR will share these recommendations to the CBY Planning and Zoning Department. Information will also be made available to potential land purchasers about methods to help prevent food conditioning of wildlife.

Alaska MHLTO Comment: The proposed subdivision (ADL 108464) and land exchange (ADL 108750) doesn't impact Alaska Mental Health Trust land, therefore the Alaska MHLTO has no comment.

Response: Thank you for reviewing the preliminary decision.

#### **V. Discussion**

It is in the best interest of the state to enter into this exchange because it provides benefits to the state and meets the requirements for exchanges under *AS 29.65.090 Authorizations for Land Exchanges*. The requirement for the exchange to be of approximately equal value will be met and the requirement for the exchange to be in the public interest is satisfied. State acquisition of CBY land will allow more subdivided parcels of land to be made available for sale, which benefits the Yakutat community and the state alike by providing opportunities to obtain land for settlement. The Yakutat community will further benefit by this land exchange because additional housing is required for the proposed health clinic construction.

The recommended action has not been modified from the original proposed action described in the Preliminary Decision. However, a minor correction is that the Preliminary Decision incorrectly stated that approximately 12.5 acres within ASLS 71-34 are proposed for subdivision in summarizing the proposed subdivision decision (ADL 108464). The correct acreage proposed for subdivision is approximately 11.8 acres; approximately 8.2 acres within ASLS 71-34 will be excluded for the Yakutat School site.

**VI. Final Finding and Decision**

The finding described above has been reviewed and considered. Public notice has been accomplished in accordance with *AS 38.05.945 Notice*. The case file has been found to be complete. I find that the recommended action is in the best interest of the state under *AS 38.05.035(e) Powers and Duties of the Director*, including the broader public interest under *AS 29.65.090 Authorizations for Land Exchanges*, and it is hereby approved subject to the stipulations on page 6 of the Preliminary Decision related to this action.

/S/  
Recommended by: Monica Alvarez  
Section Manager  
Resource Assessment and Development Section  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

September 11, 2017  
Date

/S/  
Approved by: Brent Goodrum  
Director  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

September 26, 2017  
Date

**Appeal Provision**

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with *11 AAC 02*. Any appeal must be received within 20 calendar days after the date of “issuance” of this decision, as defined in *11 AAC 02.040(c) and (d)* and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 907.269.8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). If no appeal is filed by that date, this decision goes into effect as a final order and decision on the 31<sup>st</sup> calendar day after issuance. An eligible person must first appeal this decision in accordance with *11 AAC 02* before appealing this decision to Superior Court. A copy of *11 AAC 02* may be obtained from any regional information office of the Department of Natural Resources.