

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

FINAL FINDING AND DECISION

of a
**Proposed Land Offering in the Unorganized Borough
Delta Odd Lots – ADL 418585, 418586, 418587, 418588, 418589, 420722**
AS 38.05.035(e), AS 38.05.045

and its
RELATED ACTION(S):
None Proposed

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated February 22, 2017. The PD had the required public review, and is attached.

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 Delta Odd Lots project area (ADLs 418585, 418586, 418587, 418588, 418589, 420722), 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 Delta Odd Lots project area, DNR may offer for sale six parcels of state-owned land. The project area consists of previously surveyed parcels. The project may be offered in multiple stages.

There are no related actions with this proposal.

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".

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** below. Further information may lead to alterations of design of this project within the parameters set forth through this decision. The six parcels composing the project area are already surveyed.

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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.

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. There are no known traditional uses of 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. 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/ 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. Information was also posted to Twitter and Facebook. Notices were mailed to the City of Delta Junction, Healy Lake Traditional Council, Mendas Cha-ag Native Corporation, as well as Doyon 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, March 28, 2017 in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

DNR DMLW LSS received comments from the State of Alaska, Department of Fish and Game, the State of Alaska, Department of Transportation and Public Facilities (DOT&PF), and one private individual. All comments received during the public comment period are summarized below.

Department of Fish and Game Comment: No comments on the PD.

DNR DMLW LSS Response: LSS appreciates your review and response.

DOT & PF Comment: DOT&PF noted that the Barley Way parcel (ADL 418585) appears to have established access and requested that DNR inform potential purchasers and developers that changes in access to DOT&PF facilities may require a driveway permit.

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DNR DMLW LSS Response: The Alaska State Land Offering Auctions provide information on driveways and approaches to potential purchasers, including the need to consult with the appropriate regional DOT&PF office prior to driveway or approach construction from roads maintained by the State of Alaska.

Individual Comment: A longstanding resident of Delta Junction shared information about the history of ADL 420722. The Buffalo Center Fire Guard Station used to be within USS 2777, but was abandoned and the improvements subsequently destroyed. Evidence remains of building foundation and septic system. The commenter also detailed current utility easements, including one to Golden Valley Electric Association along the shared boundary of USS 2777 and Government Lot 17, and a communication easement within Government Lot 17. The original Alaska Highway right-of-way (ROW) was 600 feet wide, which would place the entirety of Government Lot 17 within the ROW. A sizeable excavation is within Government Lot 17, but has become obscured by vegetation.

DNR DMLW LSS Response: LSS appreciates your review of the PD and providing this information. These conditions of the parcel and easements will be investigated, and other easements or reservations may be necessary prior to the sale of ADL 420722.

VI. Modifications to Decision and/or Additional Information

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

Prior to offering ADLs 418585 and 420722 for sale, LSS will further investigate and document the current condition of the parcels, including easements and current access. Additional survey and/or dedication may be necessary prior to sale.

Recommendation and Approval of the Final Finding and Decision follow.

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VII. Final Finding and Decision

The Department recommends proceeding with the proposed action as described in the Preliminary Decision and amended herein. This action is undertaken under relevant authorities. 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 proposed actions are consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.

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.

/s/

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

April 18, 2017

Date

/s/

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

May 11, 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. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 907.269.8918; or sent by electronic mail to 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 31st 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.