

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
West Twin Lake Subdivision Remaining Parcels
ADLs 420628 – 420633
AS 38.05.035(e), AS 38.05.045

and its
RELATED ACTION:
Special Exception to the Yukon Tanana Area Plan
AS 38.04.065

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated March 8, 2019. The PD (attached) and Special Exception to the Yukon Tanana Area Plan have had the required public review.

I. Recommended Actions

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 West Twin Lake Subdivision (ADLs 420628-420633), as described in the PD. These previously 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 West Twin Lake Subdivision, DNR may sell the 6 parcels referenced in this decision.

There is one related action with this proposal:

Special Exception: DNR DMLW recommends a special exception to the Yukon Tanana Area Plan (YTAP) to allow the parcels to be sold as-is, without adding a 50-foot building setback as prescribed under the YTAP, on West Twin Lake's shore. As noted in Alaska State Land Survey No. 81-219, Amended Plat 82-140, filed in the Fairbanks Recording District, parcels within this subdivision are already "subject to a fifty foot wide public access easement along the mean high water or ordinary high water line of any public or navigable water."

Public notice for this related action was conducted concurrently with the notice for the primary action's Preliminary Decision.

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

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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 VI. Summary of Public Notice and Comments**.

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. Information obtained from the YTAP, research, Agency Review, and site inspection did not identify any traditional uses of the project area. 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 recommended 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.

V. Additional Agency Review

Agency Review was conducted from February 1, 2019 through February 20, 2019. ADL 420628 was not included in the Agency Review process because of a nearby active eagle nest. Upon further consideration, DNR DMLW decided to add this parcel to the Preliminary Decision, but only sell this parcel when the eagle nest is no longer an issue. Because of this, a second Agency Review period was conducted between March 8, 2019 and April 9, 2019, which was concurrent with the Public Notice period.

During the second Agency Review period, DNR DMLW LSS received one brief comment of non-objection from the Alaska Mental Health Trust Land Office, that had not commented in the first Agency Review period.

VI. 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 was sent directly to area state legislators and to multiple state agencies. Public notice was sent to other interested entities; additionally, parties were notified via the DNR Land Sales subscribers list by email. Information was also posted to Twitter and Facebook. Notice

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was sent to Cook Inlet Region Inc. (CIRI) per *AS 38.05.945(c)(2)*. 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 5:00 PM, April 9, 2019 in order to ensure consideration and eligibility to appeal. For more information, refer to the Preliminary Decision.

DNR DMLW LSS received no comments from members of the public.

VII. Modifications to Decision and/or Additional Information

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

Recommendation and Approval of the Final Finding and Decision follow.

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VIII. Final Finding and Decision

The Department recommends proceeding with the proposed action as described in the Preliminary Decision. 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 recommended action is 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 actions as described and referenced herein.

(signature on file)

(04/15/2019)

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)

(04/23/2019)

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

Date

Appeal Provision

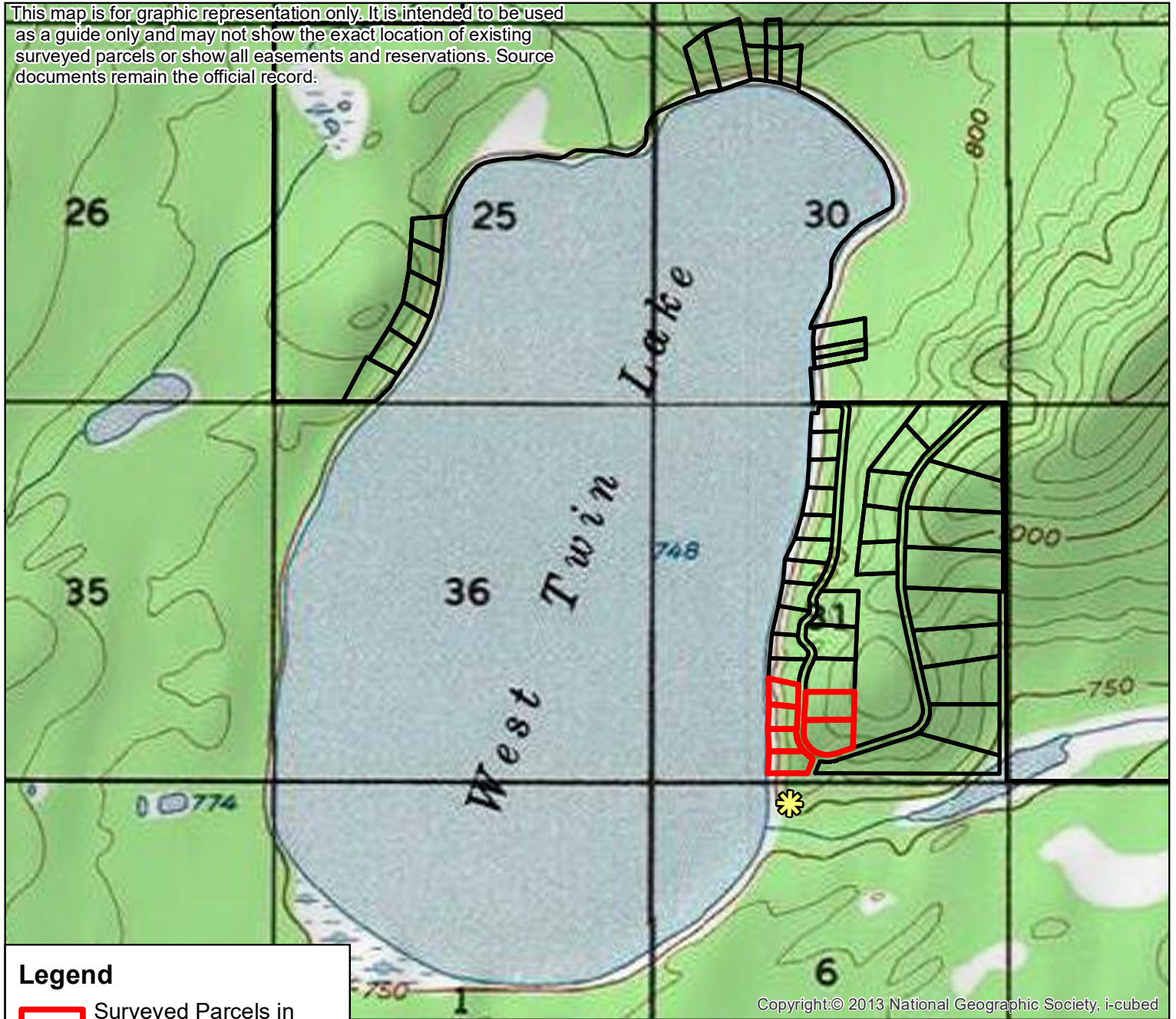
A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may appeal it, in accordance with *11 AAC 02*. Any appeal must be received within 20 calendar days after the date of “issuance” of this decision, as defined in *11 AAC 02.040(c) 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 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Under *11 AAC 02.030*, appeals 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 no appeal is filed by the appeal deadline, 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 (*11 AAC 02.020 (a) and (b)*). A copy of *11 AAC 02* may be obtained from any regional information office of the Department of Natural Resources.






Attachement A: Map West Twin Lake Subdivision Remaining Parcels ADL 420628-420633

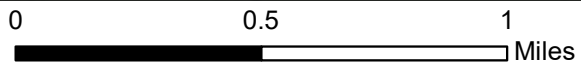
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



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Legend

-  Surveyed Parcels in Project Area
-  Other Surveyed Parcels
-  Eagle Nest Location



JPW 3/8/19

Section 31, Township 5S, Range 16W, Fairbanks Meridian

USGS QUAD 1:63.360
Kantishna River B-2
For more information contact:
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Department of Natural Resources
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Land Sales Section
Phone: 907-269-8602
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