

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

FINAL FINDING AND DECISION

of a
Land Offering in the City and Borough of Sitka
Thimbleberry Subdivision – ADL 108913
AS 38.05.035(e), AS 38.05.045

and its
RELATED ACTION:
Mineral Order 1219 (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 14, 2020. The PD (attached) and related action has 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 Thimbleberry Subdivision project area (ADL 108913), as described in the PD. A single surveyed parcel 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 Thimbleberry Subdivision project area, DNR may develop a subdivision of a single surveyed parcel. This project area is located within the City and Borough of Sitka (CBS) and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards.

There is one related action with this proposal:

Mineral Order: DNR DMLW proposes to close the project area to new mineral entry through Mineral Order (MO) 1219.

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

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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 38.05.300 Classification of Land*, and *AS 38.05.185 Generally* allow for 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 move forward with State approval, final subdivision design and survey will be completed by an Alaska licensed surveyor. The surveyor will submit a platting application including a preliminary plat to the local platting authority prior to survey. This process will be subject to CBS ordinances and codes. During the process the public will have opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

Subdivision design will be submitted to the CBS for review in accordance with the Sitka General Code, Title 21.12 *Minor Subdivisions* of their ordinance.

Section 21.12.020(C) *Concept Plats ~ Notification*. “Mailing of public notices and compliance with the advertising requirements in Section 21.52.040 is not required.”

Section 21.12.030(A) *Final Plats ~ Notification*. “Notices and a public hearing shall be required and given as provided for in Chapter 21.52. The planning commission shall issue a notice of public hearing on the final plat at least five (5) working days before the plat is scheduled for public hearing.”

Section 21.12.030(C) *Final Plats*. “The planning commission shall approve, deny, or approve with conditions the final plat at a regularly scheduled meeting and the action shall be given within sixty (60) days of the date of submission of a complete final plat.”

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 an organized borough; therefore, no Traditional Use Finding is required.

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. Notices were mailed to CBS per *AS 38.05.945(c)(1)*, as well as Sealaska

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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.

Public notice stated that written comments were to be received by 5:00PM, February 19, 2020 in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

DNR DMLW LSS received no written comments during the public comment period, though we did field inquires for additional information.

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.

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VII. Final Finding and Decision

DNR recommends proceeding with the action as described in the Preliminary Decision. This action is undertaken under relevant authorities. Offering this parcel 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 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.

[signature on file]
Recommended by: Rachel Longacre
Land Sales Section Manager
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

4/7/2020
Date

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

4/7/2020
Date

[signature on file]
Approved by: Corri A. Feige
Commissioner
Department of Natural Resources
State of Alaska

4/7/2020
Date

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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. 7th Ave., Ste. 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 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 their own motion, this decision goes into effect as a final order and decision on the 31st calendar day after the date of 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.