

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

FINAL FINDING AND DECISION

**Tide and Submerged Land Conveyance to the Petersburg Borough
ADL 109287**

AS 38.05.035(e), AS 38.05.825

RELATED ACTION(S):

None

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated March 26, 2025. The PD (Attached) has received the required public review.

I. Recommended Actions

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends conveying 8.8 acres, more or less, of state-owned tide and submerged lands within the Wrangell Narrows to the Petersburg Borough (Borough), as described in the ADL 109287 PD, pursuant to AS 38.05.825 Conveyance of tide and submerged land to municipalities.

There are no related actions with this decision.

II. Authority

DNR has the authority under AS 38.05.825 Conveyance of tide and submerged land to municipalities to convey State-owned lands suitable for occupation and development when requested by the municipality unless it is found that public interest in retaining state ownership clearly outweighs municipal interest, and if the land is: within the boundaries of the municipality; the use does not unreasonably interfere with navigation or public access; the municipality has applied for conveyance; the land is not subject to a shore fisheries lease under AS 38.05.082 Leases for shore fisheries development; account; the land classification is consistent with or compatible with the proposed use; and the land is required for a public or private development approved by the municipality.

III. Public Participation and Input

Pursuant to AS 38.05.945 Notice, public notice inviting comment on the PD for the primary proposed action was published and distributed in the following manner:

- Posted on the State of Alaska Online Public Notice website from March 26, 2025, to April 25, 2025.
- Posted on the Public Notices page of the DNR DMLW Alaska State Land Sales website.
- Notice emailed and mailed to Petersburg Borough per AS 38.05.945(c)(1).
- Mailed to postmasters in Petersburg and Kupreanof with a request to post for 30 days, per AS 38.05.945(c)(4).
- Mailed to the public library in Petersburg with a request to post for 30 days.
- Mailed to the Sealaska Regional Corporation per AS 38.05.945(c)(2)-(3).

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- Mailed to landowners in the vicinity of the offering, Wrangell Cooperative Association, the Petersburg Indian Association and the Organized Village of Kake.
- Sent notifications to area state legislators and to multiple state agencies.

The public notice stated that written comments were to be received by 4:30 PM, April 25, 2025, to ensure consideration and eligibility to appeal. For more information, refer to the attached PD.

IV. Summary of Comments

DNR DMLW LCS received four comments during the public notice period as summarized below.

DNR DMLW Resources Assessment and Development Section (RADS) Comment:

"Thank you for the opportunity to review this Preliminary Decision for tidelands & submerged lands (ADL 109287) to Petersburg Borough at Papke's Landing. At this point RADS has no additional comments."

DNR DMLW LCS response: Thank you for your review.

Public Comment:

"My husband and I are Kupreanof/Duncan Canal residents, year round, that pay Petersburg borough taxes. I as well as other residents of Petersburg, visitors and businesses regularly use and rely on Papkes dock. Papkes dock, though regularly bandaged by its residents, is in great disrepair. The gangway tracks have come loose due to degradation of the dock floats and boards. End pieces are floating away as the spikes bonding them rust away. Other floor boards and rails are so weathered and rotten they fall apart when moored to. We ask the borough to take ownership so as to help the residents help keep Papkes floating and operational. This facility is used by Petersburg residents, charters, lodges, visitors and residents from neighboring islands. Papkes is a busy hub."

DNR DMLW LCS response: Thank you for your comment and concerns about the condition and importance of Papke's dock to the community. A DOT&PF Letter of Non-Objection authorizes the Borough to undertake repairs and routine maintenance prior to issuance of this FFD, and the Borough has accepted ownership of the dock assets (Resolution 2026-18; Deed of Relinquishment dated July 15, 2026). The Borough may proceed on repairs and maintenance at any time. Your comments and concerns are provided to the Borough through this decision.

Public Comment:

The Papke's Landing facility is a very important facility for the 450+ property owners that live beyond Papke's along Wrangell Narrows. The facility was last upgraded in 1975, so it has outlived its life expectancy of 50 years.

The State should design and build a new system that would resemble my conceptual drawing. The existing tide lands survey A.T.S.-251 and ATS-921 should be combined and the existing boat launch should be reconfigured to address the needs of the many user groups, sport fishermen, lodges, outdoor enthusiasts, as well as many retired folks just trying to live the good life.

Senator Stedman has told me he has money to build a boat launch from sport fish licenses. This would be a new boat launch that would last another 50 years.

The Borough of Petersburg has put together a few drawings that do not meet the needs of the community. Designed by a local engineering firm that had marching orders from the council and input from the Harbor Master.

The Borough drawings limit the size to only ATS-251. It seems kind of silly to build a new boat launch next to the existing boat launch.

If the Borough moves ahead with this now, we will be spending tax dollars to put band aids on the floats to keep them from rotting away. The system has been terribly overlooked by DOT and as a retired Project Engineer having built several boat harbors, ferry terminals, etc., I am embarrassed that DOT has let Papke's Landing fall into such disrepair.

The concept I am proposing would build a new boat launch with a drivable access to a float with a 12% grade. This also provides access to a new float system with a boat stalls to generate income to help with maintenance costs.

Doing the right thing is always the best policy. DOT should make this right, and our senator should help on his end.

The proposed Borough drawings don't include boat stalls, and the grade of the access ramp would be way too steep for many of the retirees at low tide. There is no way to generate income.

DNR DMLW LCS response: Thank you for your comments and your suggestions for future improvements. The scope of this decision is limited to the conveyance of the tide and submerged lands to the Borough. Decisions regarding the design, repair, or replacement of infrastructure, including docks, floats, and launch ramps, falls under the authority of the Borough. Your comments and suggestions are provided to the Borough via this decision.

Individuals interested in influencing the design or functionality of future improvements are encouraged to engage directly with the Borough during its planning and development phases.

Petersburg Borough Comment:

The Borough was concerned with the depiction of uplands on the attached PD map. The Borough stated that land marked as Mental Health Land should show that it is borough owned currently, and the map should be changed to reflect this.

DNR DMLW LCS response:

Thank you for your comment regarding the depiction of uplands on the PD map. The PD map is intended to illustrate the general location of the proposed conveyance of tide and submerged lands and is for reference purposes only; it is not an authoritative source for current upland ownership.

The PD map was produced from State land records; these records depict information as it appears in State records are not intended to certify post-conveyance changes in upland ownership.

Since this decision pertains only to the conveyance of tide and submerged lands under AS 38.05.825, upland ownership lies outside the scope of the action, and the PD map will not be revised in this FFD.

V. Modifications to Decision and Additional Information

Following coordination with the Department of Transportation and Public Facilities (DOT&PF), Southcoast Region, the original proposed action described in the PD has been modified. DOT&PF issued a Letter of Non-Objection (LONO) to the Borough on September 26, 2025, (Attachment B) authorizing repairs and maintenance of the dock and related infrastructure prior to the extinguishment of the ILMA at the time this FFD is issued. The Borough's acceptance of dock assets was completed via Resolution 2026-18 and DOT&PF's Deed of Relinquishment dated July 15, 2026 (Attachment C). ILMA ADL 20978 will be extinguished when this FFD is effective.

An updated title report, current as of August 10, 2026, has been received. No new information has been discovered.

VI. Stipulations

If approved for conveyance, applicable conditions, restrictions, and reservations will be imposed upon the transfer of equitable title when the FFD is effective and on the final conveyance document, including but not limited to the following:

A. Conditions

1. Upon completion and effect of this FFD, the ILMA (ADL 20978) to DOT&PF, will be extinguished and management authority of the subject parcel will be transferred to the Petersburg Borough. Applications for state leases or permits in the subject area that have not been adjudicated or issued will be closed.
2. All mineral-related permits, licenses, claims, and leases affecting the tidelands proposed for conveyance, if any, will remain under the authority of the State.
3. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) Preservation of historic, prehistoric, and archeological resources threatened by public construction is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains, or objects.
4. Prior to receiving title the applicant must hire a surveyor, and the surveyor must apply to DMLW's Survey Section for Survey Instructions. The applicant's survey must be approved by DMLW and the local platting authority, if any, as set forth in the Survey Instructions. Survey costs shall be borne by the municipality.
5. The municipality may not lease land conveyed under this section for shore fisheries, but after conveyance, the land may be leased by the State for shore fisheries under AS 38.05.082 Leases for shore fisheries development.

B. Restrictions and Reservations

1. The approved tideland conveyance is subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal

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conveyance, and in acts authorizing the issue thereof, easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.

2. Pursuant to AS 38.05.125 Reservation, the mineral estate shall not be conveyed.
3. Pursuant to AS 38.05.127 Access to navigable or public water, a 50-foot continuous public access easement seaward from the current MHW of public or navigable water bodies shall be reserved to the State.
4. Further Subject to the terms and conditions of AS 38.05.825 Conveyance of tide and submerged land to municipalities, including the condition the grantee may lease the land, but may not sell it; ensure that reasonable access to public waters and tidelands is provided; title to the land conveyed under this authority reverts to the State of Alaska upon dissolution of the municipality and the grantee takes title to the tidelands subject to the rights of the public under the Public Trust Doctrine.

Recommendation and Approval of the Final Finding and Decision follow:

VII. Final Finding and Decision

The Land Conveyance Section recommends proceeding with the action as described in the Preliminary Decision and amended herein. This action is undertaken under relevant authorities. The public interest in retaining the proposed parcel in state ownership does not outweigh the municipal interest.

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



Recommended by: Mary Hermon
Natural Resource Specialist
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

8/12/2026
Date

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 as described and referenced herein.



Approved by: Hannah Uher-Koch
Section Chief
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

8/12/2026
Date

Attachments:

- A: Vicinity Map
- B: Letter of Non-Objection
- C: Commissioner's Deed of Relinquishment
- D: Preliminary Decision

Appeal Provision

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals 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)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

ATTACHMENT A

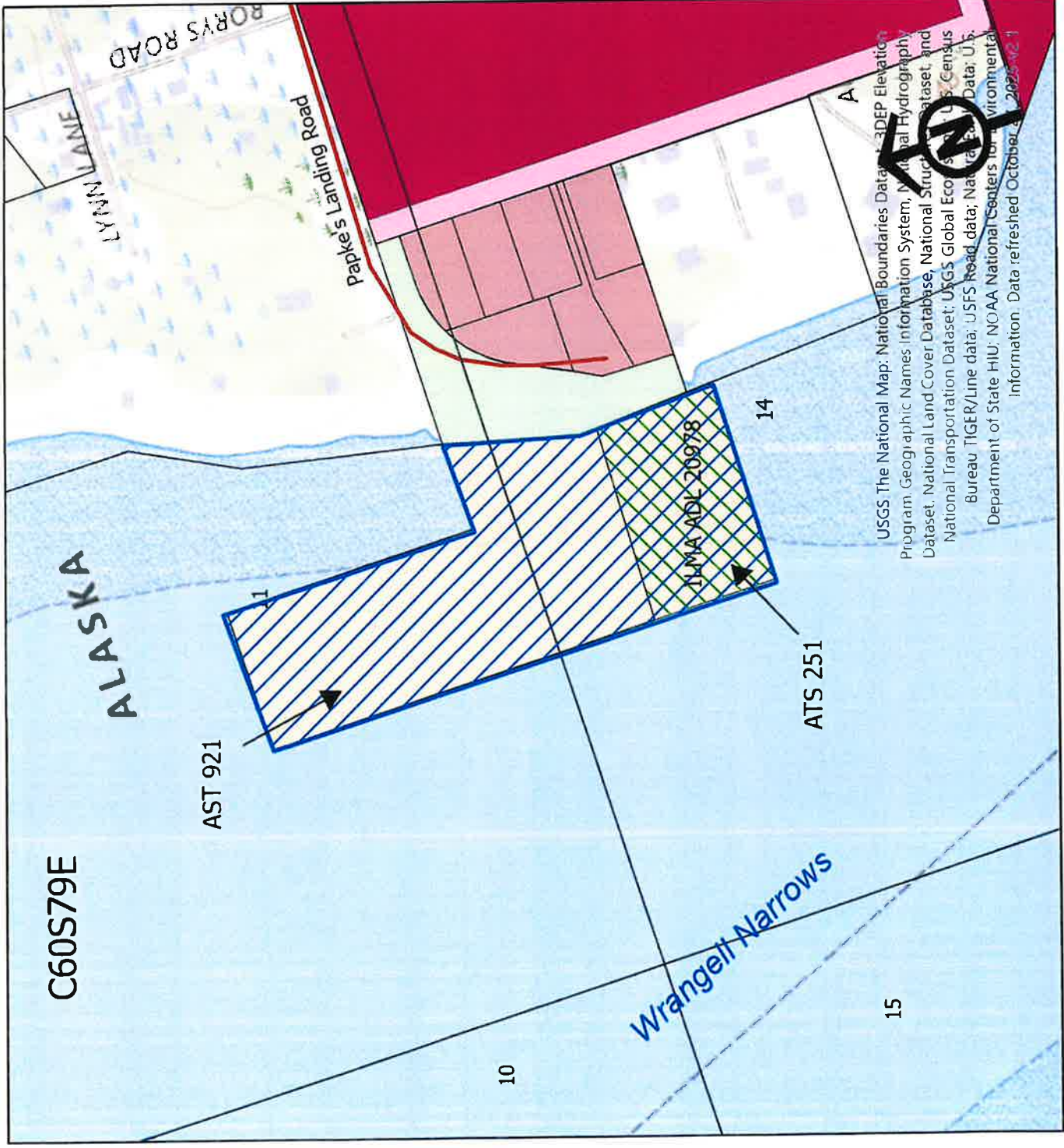
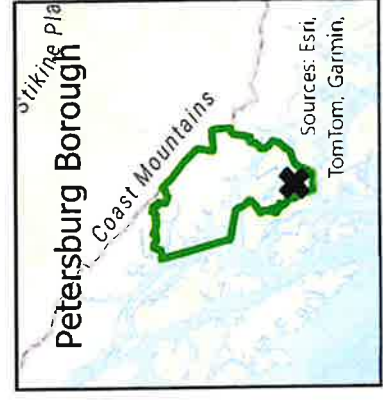
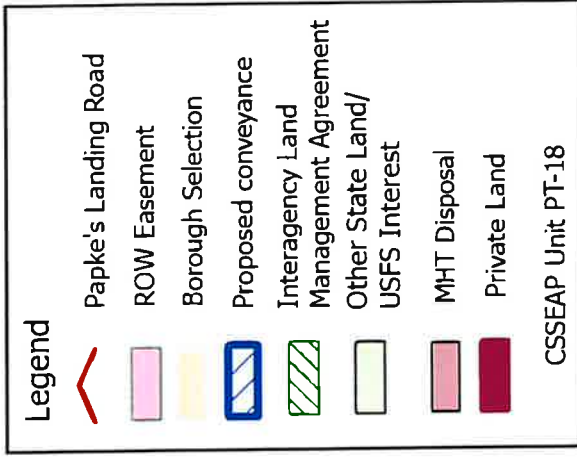
Petersburg Borough

Municipal Tideland Selection

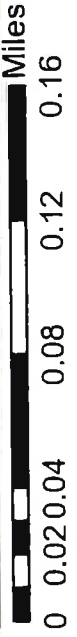
Final Finding & Decision

Papke's Landing

ADL 109287



USGS The National Map: National Boundaries Data, 3-DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structure Dataset, and National Transportation Dataset; USGS Global Ecosystems Data; Census Bureau TIGER/Line data; USFS Road data; National Wetlands Inventory; Department of State HUI; NOAA National Centers for Environmental Information. Data refreshed October 2022.



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.



SOA-DNR-DMLW-LCS-ME

August 2026

Department of Transportation and Public Facilities



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Southcoast Region
Design, Engineering, and Construction Services
Right of Way Section

P.O. Box 112506
Juneau, AK 99811-2506
Main: 907.465.4541
Fax: 907.465.8485
Toll Free: 800.575.4540
TTY-TDD: 800.770.8973
dot.alaska.gov

September 26, 2025

Steve Giesbrecht

Petersburg Borough Manager

Petersburg Borough

12 South Nordic Drive, Petersburg, AK 99833

Dear Mr. Giesbrecht,

The Department of Transportation and Public Facilities (DOT&PF), Southcoast Region has reviewed the Borough's request to perform repairs and maintenance on the multiuse dock facility in Petersburg, Alaska. After reviewing this request, DOT&PF has no objection to your request for this activity and the subsequent use of the Papke's Landing Spur Road right-of-way for the work.

1. The DOT&PF, Southcoast Region reserves the right to rescind this non-objection at any time due to non-compliance. This non-transferable Letter of Non-Objection permits the work within the DOT&PF Southcoast Region right of way and on its dock facility retroactively from April, 2025, until the conclusion of maintenance, or until this permission is rescinded, whichever comes first.
2. The Petersburg Borough shall indemnify, defend, and hold harmless the State of Alaska, the Department of Transportation and Public Facilities (DOT&PF), and their officers, employees, and contractors from any claims arising from injury, loss, or damage to any person or personal property resulting from the repairs and maintenance work performed by the Borough or their contractors, during the authorized period.

It is the eventual intent to convey all the DOT&PF rights to the Papke's Landing multiuse dock facility to Petersburg Borough. It is also DOT&PF's understanding the Borough has an interest in seeking grant funding to improve Papke's Landing Spur Road, specifically by adding a pedestrian sidewalk as a *Safe Routes to School* project. Should DOT&PF determine relinquish of the Spur Road is in the best interest of the public, Petersburg Borough would receive management responsibility of the right-of-way. Under the terms of relinquishment (23 CFR 620.201-23 CFR 620.203), the Borough would continue to use the facilities for public access highway purposes. (Inf. Op. Att'y Gen. January 1, 1987; ROW Manual 9.10.9). A necessary term in DOT&PF's Deed of Relinquishment is the reversionary interest.

The Papke's Landing Spur Road was granted to the State of Alaska DOT&PF through the Statehood Transportation Omnibus, May 1959 (Anchorage Recording District Book 391, Page 33). It is also a section line road granted through state statute. The United States Forest Service (USFS) holds a vestigial interest in the right-of-way pre-dating statehood.

We look forward to further discussion in the interest of the public's transportation infrastructure.

Sincerely,



Gregory A. Weinert
Chief, Right of Way
DOT&PF Southcoast Region
(907) 465-4541

CC: Mary Hermon, LSC, ME, Natural Resource Specialist 2, Land Conveyance Section DMLW,
Alaska Dept. of Natural Resources
Marcus Zimmerman, Maintenance & Operations Manager, Southcoast Region, Alaska DOT&PF
Carey Case, Petersburg District Ranger, USFS
Kelly Harp, Realty Services Manager, Southcoast Region, Alaska DOT&PF

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Subject to:

In consideration of this conveyance, the State agrees as follows:

1. The Borough is familiar with the property described above, including all improvements and structures located thereon, hereafter referred to as the "dock".

2. The Borough represents that it has inspected the dock and is familiar with its design and quality of construction and has had sufficient opportunity to perform an assessment of the property described above. The Borough accepts the structure in an "as is" condition.

3. The Borough shall hold the State, its officers, employees, and agents (collectively, "the State") harmless from and defend and indemnify the State for liability, claims, or causes of action arising out of this Deed and Assignment or relating to the property and facilities being deeded and the obligations being assigned.

a. Notwithstanding the foregoing, the Borough shall have no obligation to hold harmless and indemnify the State to the extent the State is determined to be liable for its own acts or omissions, except that to the maximum extent allowed by law, the Borough shall hold the State harmless from and indemnify the State for liability, claims, or causes of action arising from an alleged defect in the design or construction of facilities existing on the premises at the date of this Deed, regardless of negligence or other fault, if such liability, claim, or cause of action arises out of an incident that occurs after the Borough assumes maintenance responsibilities for the facilities.

b. The Borough's duty to defend shall apply regardless of whether it is also alleged that the State's acts or omissions contributed to the injury (including injury to personal property, real property or persons, including fatal injury).

c. Neither liability, claims or causes of action arising from injuries that occurred prior to the date of this Deed, nor liabilities imposed by, or claims or causes of action arising from or asserted under AS 46.03.822 shall be governed by this paragraph.

4. Upon acceptance of this Deed by the Borough, the State shall cease ownership, maintenance, and operation of the dock and the Borough shall be solely responsible for its ownership, maintenance, and operation.

5. If the premises cease to be dedicated to public use, the State may, upon reasonable notice, reenter and reoccupy the premises without compensation, for any public purpose. The Borough has the authority to charge usage fees to sustain the administration and maintenance of the structure, as the Borough deems appropriate.



Dated this 15th day of July, 2026.

**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

BY: Victoria Roberts

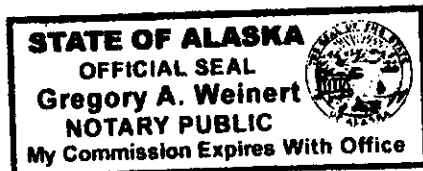
VICTORIA ROBERTS,
Acting Regional Director, Southcoast Region

STATE ACKNOWLEDGMENT

STATE OF ALASKA)
 : ss.
FIRST JUDICIAL DISTRICT)

ON THIS 15 day of July, 2026, before me, the undersigned, a notary public in and for the State of Alaska, personally appeared Victoria Roberts, the acting Regional Director of the Southcoast Region of the Department of Transportation and Public Facilities for the State of Alaska, known to me to be the identical person who executed the foregoing instrument and who acknowledged to me that she signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



[Signature]
Notary Public in and for the State of Alaska

My Commission Expires: with office

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that PETERSBURG BOROUGH, Grantee herein, hereby accepts the conveyance of real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 9 day of July, 2026.



PETERSBURG BOROUGH

BY: _____

STEPHEN GIESBRECHT,
Petersburg Borough Manage

BOROUGH ACKNOWLEDGMENT

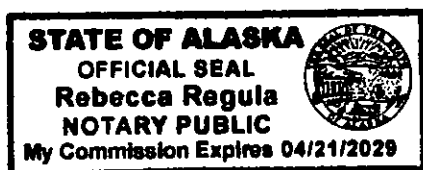
STATE OF ALASKA)

: ss.

FIRST JUDICIAL DISTRICT)

ON THIS 9th day of July, 2026, before me, the undersigned, a notary public in and for the State of Alaska, personally appeared Stephen Giesbrecht the Borough Manager, on behalf of Petersburg Borough, known to me to be the identical person who executed the foregoing instrument and who acknowledged to me that he signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Rebecca Regula
Notary Public in and for the State of Alaska
My Commission Expires: 4.21.2029

APPENDIX:

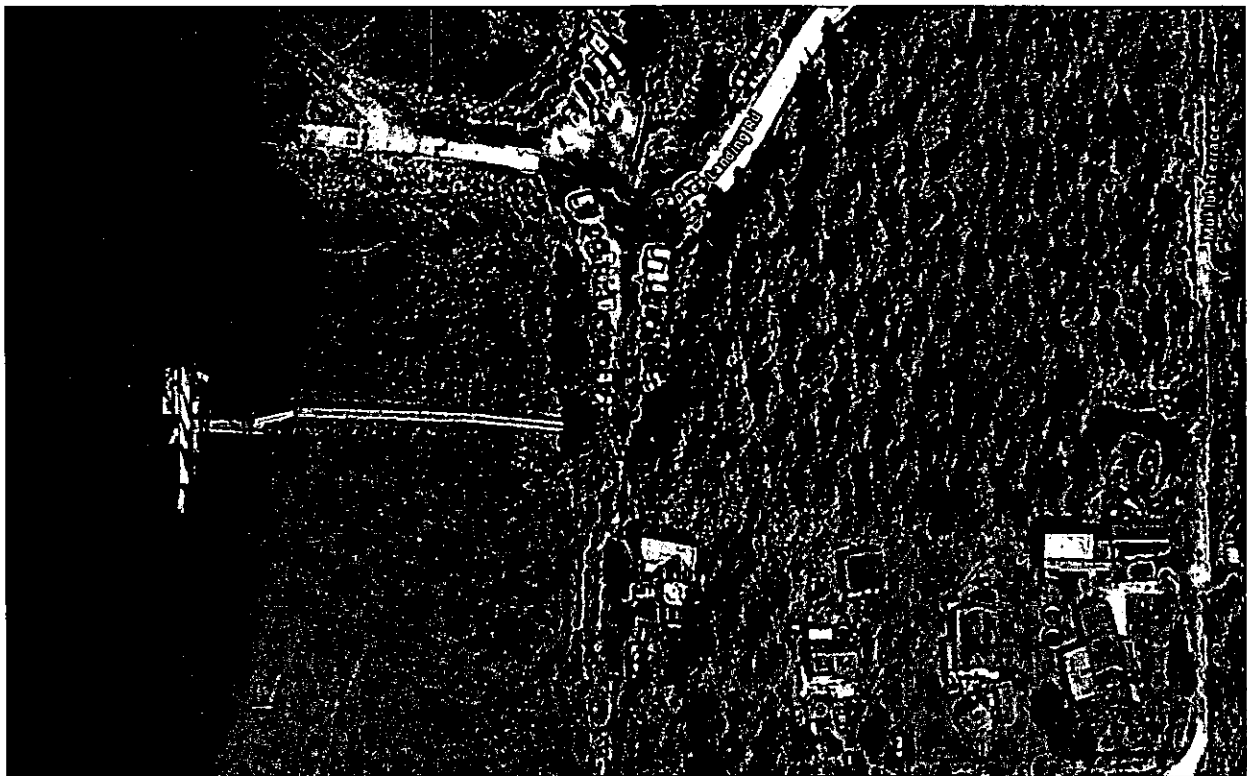
Photos

DNR ILMA 20978, dated January 10, 1964,

Borough Resolution 2026-18, dated July 6, 2026

MAIL CONFORMED COPY TO GRANTEE AT THE MAILING ADDRESS SET OUT ABOVE.





ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS
344 Sixth Avenue
Anchorage, Alaska

INTERAGENCY LAND MANAGEMENT TRANSFER

The Division of Lands, Department of Natural Resources of the State of Alaska transfers and assigns to the Department of Public Works, Division of Waters & Harbors or its successors in function, hereinafter called Assignee, jurisdiction and management of the following described lands, including uplands, shorelands, tidelands or submerged lands, located in the State of Alaska, to-wit:

DESCRIPTION A.T.S. No. 251 Papke Landing, Petersburg

Beginning at Corner #1 which bears N.3°00'W., 400 feet from MC #1 U.S. Survey #2977; thence by metes and bounds:

N.88°30'W., 450.00 feet to Corner #2
N.1°30'E., 225.00 feet to Corner #3
S.88°30'E., 432.30 feet to Corner #4
S.3°00'E., 225.70 feet to Corner #1, the true point of beginning.
Containing 2.28 acres, more or less.

At corner #1

Latitude 56°40'38"N., Longitude 132°55'55"W. (approximate)



said jurisdiction and management being limited to the surface and so much of the subsurface as may be required in order to make use of the land for public purposes within the jurisdiction of the Assignee, and for so long as required for said public purposes. The right

to construct, maintain or improve and remove buildings, roads, airports and works of any description, and to use or remove sand, gravel, timber, or other materials on or near the surface is expressly granted when such action is necessary in order to make use of the land for any public purposes within the jurisdiction of the Assignee. The Division of Lands expressly reserves jurisdiction and management of all other minerals including oil and gas in the above described land, provided, however, that the Division of Lands will not permit surface entry for the purpose of mineral or oil and gas exploration or development without the consent of the Assignee.

Dated at Anchorage, State of Alaska, this 10th day of January, 1964.

Roscoe E. Bell
Director, Division of Lands
Department of Natural Resources

UNITED STATES OF AMERICA)
STATE OF ALASKA) ss.

This certifies that on the 10th day of January, 1964, before me a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared Roscoe E. Bell, to me known and known to me to be the person described in and who executed and acknowledged the foregoing instrument on behalf of the State of Alaska, as Director of the Division of Lands, Department of Natural Resources. The said Roscoe E. Bell, after being duly sworn according to law, stated to me under oath that he is the Director of the Division of Lands, Department of Natural Resources and has authority pursuant to law to execute and acknowledge the foregoing instrument as such Director on behalf of the State of Alaska, acting through the Division of Lands, Department of Natural Resources and that he executed and acknowledged the same freely and voluntarily as the free and voluntary act and deed of the said State of Alaska and for the Division of Lands, Department of Natural Resources.

WITNESS my hand and official seal the day and year in this certificate first above written.

John O. Rotare
Notary Public in and for the State of
Alaska
My commission expires 9-27-65



**PETERSBURG BOROUGH
RESOLUTION # 2026-18**

**A RESOLUTION ACCEPTING CONVEYANCE FROM THE STATE OF ALASKA OF
APPROXIMATELY 8.8 ACRES OF TIDE AND SUBMERGED LAND AT PAPKE'S LANDING
(ADL 109287), INCLUDING THE ASSOCIATED DOCK AND BOAT LAUNCH
INFRASTRUCTURE, AND AUTHORIZING THE BOROUGH MANAGER TO EXECUTE ALL
DOCUMENTS NECESSARY TO COMPLETE THE CONVEYANCE**

WHEREAS, the Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS), administers the conveyance of State-owned tide and submerged land to municipalities pursuant to AS 38.05.825, Conveyance of Tide and Submerged Land to Municipalities, and AS 38.05.035(e); and

WHEREAS, the Petersburg Borough Assembly, by Resolution No. 2022-14 adopted September 19, 2022, and Resolution No. 2023-01 adopted February 6, 2023, (copies of which are attached hereto as Exhibits A and B, respectively), authorized the Borough Manager to pursue conveyance of the tide and submerged land and dock facility at Papke's Landing; and

WHEREAS, DNR has assigned the application ADL 109287 and has identified the subject parcel as approximately 8.8 acres, more or less, of tide and submerged land comprising Alaska Tideland Survey (ATS) 251 (unapproved, approximately 2.28 acres) and ATS 921 (approximately 6.52 acres), located in Sections 11 and 14, Township 60 South, Range 79 East, Copper River Meridian; and

WHEREAS, the subject parcel includes a public dock currently managed by the Alaska Department of Transportation & Public Facilities (DOT&PF) under Interagency Land Management Agreement (ILMA) ADL 20978, and a boat launch ramp within ATS 921, both of which are used by residents and visitors for moorage, subsistence, sport and commercial fishing access, and access to trails and other public areas of interest; and

WHEREAS, DOT&PF has confirmed in writing that it will relinquish its interest in the dock under ILMA ADL 20978 to the Borough when DNR's Final Finding and Decision on ADL 109287 becomes effective; and

WHEREAS, DNR issued a Preliminary Decision on ADL 109287, dated March 26, 2025, (attached hereto as Exhibit C), finding that the Borough's interest in obtaining and managing the tide and submerged land and dock outweighs the public interest in retaining the land in State ownership, and recommending Alternative 1, conveyance of the subject parcel to the Borough, subject to stipulations including reservation of the mineral estate to the State, a 50-foot public access easement seaward of mean high water, and the Public Trust Doctrine; and

WHEREAS, the Borough is prepared to bear the cost of a new Alaska Tideland Survey of ATS 251 as required prior to issuance of a State tideland patent; and

**NOW, THEREFORE, BE IT RESOLVED BY THE PETERSBURG BOROUGH ASSEMBLY,
THAT:**



**PETERSBURG BOROUGH
RESOLUTION # 2026-18**

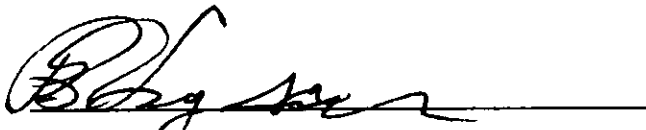
(1) The Petersburg Borough Assembly accepts conveyance from the State of Alaska, Department of Natural Resources, of approximately 8.8 acres, more or less, of tide and submerged land at Papke's Landing, comprising Alaska Tideland Survey (ATS) 251 and ATS 921, together with the dock and boat launch ramp infrastructure situated thereon, as identified in DNR case file ADL 109287.

(2) The Assembly accepts the conveyance subject to the terms, conditions, reservations, and stipulations set forth in DNR's Preliminary Decision and any subsequent Final Finding and Decision for ADL 109287, including but not limited to: (a) reservation of the mineral estate to the State pursuant to AS 38.05.125; (b) reservation of a 50-foot continuous public access easement seaward of the current mean high water line pursuant to AS 38.05.127; (c) the requirement that the Borough may lease but not sell the conveyed tide and submerged land; (d) subjection of the conveyed land to the Public Trust Doctrine, enforceable by the State; (e) the requirement that the Borough ensure reasonable public access to public waters and tidelands is maintained; and (f) reversion of title to the State upon dissolution of the Borough.

(3) Upon the conveyance becoming effective, the Borough accepts transfer of the dock currently held by the Alaska Department of Transportation & Public Facilities under Interagency Land Management Agreement ADL 20978.

(4) The Borough Manager, or designee, is hereby authorized to execute the tideland patent, survey instructions, and any other documents, applications, or agreements necessary or convenient to complete the conveyance of ADL 109287.

PASSED AND APPROVED by the Petersburg Borough Assembly, this 6th day of July 2026.


Robert Lynn, Mayor

ATTEST:

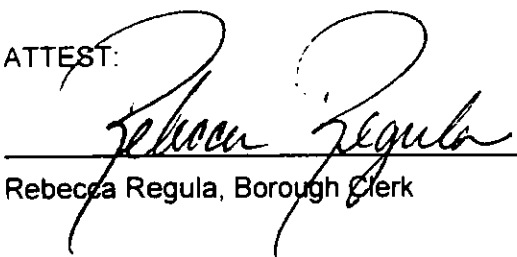

Rebecca Regula, Borough Clerk



Exhibit A

**PETERSBURG BOROUGH, ALASKA
RESOLUTION #2022-14**

**A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO PURSUE OBTAINING
OWNERSHIP OF THE PAPKE'S LANDING FACILITIES INCLUDING THE DOCK, FLOATS,
LAUNCH RAMP, ASSOCIATED TIDELANDS, AND UPLANDS ADJACENT TO THE TIDELANDS
PROPERTY, CURRENTLY OWNED BY THE STATE OF ALASKA**

WHEREAS, The Petersburg Borough seeks to renovate the Papke's Landing marine infrastructure; and

WHEREAS, the requested tidelands, uplands, and access road is within the boundaries of the municipality; and

WHEREAS, the requested tidelands and uplands is not subject to a shore fisheries lease under AS 38.05.082; and

WHEREAS, the requested tidelands and uplands is classified for waterfront development; and

WHEREAS, the Alaska Department of Natural Resources has an application and approval process for this transaction based upon Alaska Statute 38.05.825 for the tidelands; and

WHEREAS, Alaska Department of Natural Resources has an approval process for obtaining the uplands through the municipal entitlement program; and

WHEREAS, the use of the land would not unreasonably interfere with navigation or public access; and

WHEREAS, the Petersburg Borough has a vested interest in improving this facility for the benefit of the local economy, community, and visitors to the Borough; and

WHEREAS, the Petersburg Borough Assembly understands that the Borough will be responsible for the survey of the requested tidelands and uplands where necessary; and

WHEREAS, the Alaska Department of Transportation and Public Facilities is supportive of this process; and

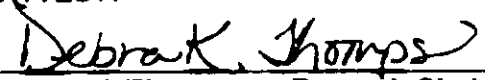
WHEREAS, the Petersburg Borough Assembly voted to pursue initial talks with the State regarding obtaining ownership of the tidelands and uplands property at Papke's Landing for the purpose of renovating and improving these said facilities; and

WHEREAS, the Petersburg Borough Assembly voted on this day to approve the conceptual plans for the development at Papke's.

THEREFORE, BE IT RESOLVED, the Assembly for the Petersburg Borough approves pursuing ownership of the tidelands and uplands located at Papke's Landing, from the Alaska Department of Natural Resources, encompassed by Survey's ATS-258, ATS-251, and ASLS 2009-36, and approves the conceptual plans for the renovations and repairs.

Passed and Approved by the Petersburg Borough Assembly on September 19, 2022.

ATTEST:


Debra K. Thompson, Borough Clerk

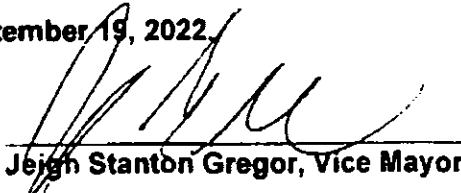

Leigh Stanton Gregor, Vice Mayor



Exhibit B
PETERSBURG BOROUGH, ALASKA
RESOLUTION #2023-01

**A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO PURSUE OBTAINING
OWNERSHIP OF THE PAPKE'S LANDING FACILITIES INCLUDING THE DOCK, FLOATS,
LAUNCH RAMP, ASSOCIATED TIDELANDS, AND UPLANDS ADJACENT TO THE TIDELANDS
PROPERTY, CURRENTLY OWNED BY THE STATE OF ALASKA**

WHEREAS, The Petersburg Borough seeks to renovate the Papke's Landing marine infrastructure; and

WHEREAS, the requested tidelands, uplands, and access road is within the boundaries of the municipality; and

WHEREAS, the requested tidelands and uplands is not subject to a shore fisheries lease under AS 38.05.082; and

WHEREAS, the requested tidelands and uplands is classified for waterfront development; and

WHEREAS, the Alaska Department of Natural Resources has an application and approval process for this transaction based upon Alaska Statute 38.05.825 for the tidelands; and

WHEREAS, Alaska Department of Natural Resources has an approval process for obtaining the uplands through the Public and Charitable Use program; and

WHEREAS, the use of the land would not unreasonably interfere with navigation or public access; and

WHEREAS, the Petersburg Borough has a vested interest in improving this facility for the benefit of the local economy, community, and visitors to the Borough; and

WHEREAS, the Petersburg Borough Assembly understands that the Borough will be responsible for the survey of the requested tidelands and uplands where necessary; and

WHEREAS, the Alaska Department of Transportation and Public Facilities is supportive of this process; and

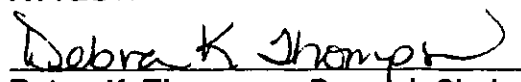
WHEREAS, the Petersburg Borough Assembly voted to pursue initial talks with the State regarding obtaining ownership of the tidelands and uplands property at Papke's Landing for the purpose of renovating and improving these said facilities; and

WHEREAS, the Petersburg Borough Assembly voted on this day to approve the conceptual plans for the development at Papke's.

THEREFORE, BE IT RESOLVED, the Assembly for the Petersburg Borough approves pursuing ownership of the tidelands and uplands located at Papke's Landing, from the Alaska Department of Natural Resources, encompassed by Survey's ATS-258, ATS-251, and ASLS 2009-36, and approves the conceptual plans for the renovations and repairs.

Passed and Approved by the Petersburg Borough Assembly on February 6, 2023.

ATTEST:


Debra K. Thompson, Borough Clerk


Mark Jensen, Mayor



ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
MUNICIPAL ENTITLEMENT

PRELIMINARY DECISION
ADL 109287

Proposed Tideland Conveyance to Petersburg Borough
AS 38.05.035(e), AS 38.05.825

RELATED ACTIONS
None

PUBLIC COMMENT PERIOD ENDS 4:30 PM, FRIDAY, APRIL 25, 2025

I. Proposed Action

Preliminary Decision: Petersburg Borough Selection – ADL 109287

Attachment A: Vicinity Map

Attachment B: Public Notice

Primary Proposed Action: The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) proposes to convey approximately 8.8 acres of state-owned tide and submerged lands (herein 'tideland') to Petersburg Borough (Borough) pursuant to Alaska Statute (AS) 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. The subject parcel, which includes a dock, encompasses Alaska Tideland Surveys (ATS) 251 and 921, on the east shore of Wrangell Narrows at Papke's Landing. See *Attachment A: Vicinity Map* for the depiction of the project area.

This decision determines whether the Borough's request for tide and submerged land meets the requirements for conveyance in accordance with AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, the Submerged Lands Act of 1953, and the Equal Footing Doctrine.

Proposed Related Actions: No related actions proposed.

Public Notice of Proposal: In accordance with AS 38.05.945 Notice, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comments on this proposal.

See **Section XV. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on submitting a comment for consideration. If, after consideration of timely, written comments, LSC moves forward with the proposal, a Final Finding and Decision (FFD) will be issued.

II. Authority

DNR has the authority under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities to convey State-owned tide and submerged lands 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 states, "It is the policy of the State to encourage the settlement of its land and the

development of its resources by making them available for maximum use consistent with the public interest.”

III. Administrative Record

The tideland conveyance case file (ADL109287) constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Central/Southern Southeast Area Plan (CSSEAP) adopted in November 2000 and associated land classification files;
- Alaska Department of Fish & Game (ADF&G) Alaska Anadromous Waters Catalog & Atlas to the Catalog, Southeast (2024);
- Alaska Department of Environmental Conservation (DEC) Contaminated Sites Database;
- Petersburg Borough Resolution 2022-14;
- Petersburg Borough Comprehensive Plan (2016);
- Petersburg Borough Waterfront Master Plan (2016);
- DNR case files: Alaska Tideland Survey (ATS) 251 (unapproved), ATS 921, Interagency Land Management Agreement (ILMA) ADL 20978.

IV. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section II. Authority**, is limited and specific to the determination of whether it is in the State’s best interest to convey the subject parcel to the Borough under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. It also includes identifying any third-party interests, other interests of record, and stipulations necessary to ensure that statutory requirements have been met. This decision does not consider any future development, or the effects of such development, that may occur after the transfer.

V. Location

The subject parcel is located within DNR’s Southeast Region, on tide and submerged lands located approximately 3 miles northwest of the head of Blind Slough and approximately 9 miles south of Petersburg on the east shore of Wrangell Narrows at Papke’s Landing on Mitkof Island, located in Sections 11 and 14, Township 60 South, Range 79 East, Copper River Meridian.

<i>Borough/Municipality:</i>	Petersburg Borough
<i>Meridian:</i>	Copper River (C)
<i>Regional Native Corp:</i>	Sealaska Corporation
<i>Federally Recognized Tribe:</i>	Petersburg Indian Association, Wrangell Cooperative Association
<i>Village Corporation:</i>	None
<i>USGS Map Coverage:</i>	Petersburg Quadrangle (1:250,000): Petersburg C-3 (1:63,360)

VI. Legal Description

Tide and submerged land within unapproved survey ATS 251 associated with ADL 20978 ILMA for the Papke’s Landing dock containing 2.28 acres, more or less; and ATS 921 according to the survey plat filed in the Petersburg Recording District on August 18, 1980, as Plat No. 80-4, containing 6.52 acres, more or less, aggregating 8.8 acres, more or less.

VII. Title

Information from Title Report 22871, current as of February 2, 2024, confirms the State received title to the tidelands and submerged lands at statehood through the Alaska Statehood Act, the Submerged Lands Act in 1953, and the Doctrine of Equal Footing upon entry of the State into the

Union. Management is subject to the Public Trust Doctrine. An updated title report has been requested; if any concerns are discovered, they will be addressed in the FFD.

State Reservation of and Access to Mineral Estate: In accordance with *Section 6(i) of the Alaska Statehood Act and AS 38.05.125 Reservation [of Rights to Alaska]*, the State retains ownership of the mineral estate that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper, silver, etc.), and leasable minerals (such as oil, gas, coal, etc.).

The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all surface uses. The State may also lease these retained interests to mineral developers or allow mining locations to be staked. However, AS 38.05.130 Damages and Posting of Bond also provides that the land estate owner will be compensated for damages resulting from mineral exploration and development.

Navigable Waters: Wrangell Narrows is a navigable body of water. Per AS 38.05.126(b) Navigable and Public Waters, "...the State has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the state." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the Constitution of the State of Alaska and protected in the United States Constitution. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made and access will be reserved per AS 38.05.127 Access To and Along Public and Navigable Water. For more information, see **Section XI. Access, Including Access To and Along Public or Navigable Water.**

Other Conflicts or Pending Interest: The Department of Transportation & Public Facilities (DOT&PF) holds interest in the dock under Interagency Land Management Agreement (ILMA) ADL 20978. However, per written communication, DOT&PF will transfer their interest to the Borough when the FFD becomes effective.

VIII. Background and Discussion

The Borough submitted an application for acquiring the tidelands in September of 2022. The Borough Assembly signed Resolution #2022-14 on September 19, 2022, in favor of acquiring the tidelands and dock under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. The Borough has stated that the primary purpose of this conveyance is to maintain and manage the dock and tidelands for the benefit of the residents and visitors to the area. The dock would allow for public access for the mooring of boats and float planes, which would provide access to trails and other public areas of interest. The Borough has submitted a comprehensive plan to repair and maintain the dock and has contacted DOT&PF about acquiring the dock. Once the FFD becomes effective, DOT&PF has confirmed it will relinquish its interest in the ILMA.

Petersburg Borough has also applied to purchase the uplands at Papke's Landing (ADL 234165) under AS 38.05.810 Public and Charitable Use. The uplands would allow public access to the community dock and tidelands addressed in this decision

AS 38.05.825(a) Conveyance of Tide and Submerged Land to Municipalities, requires DNR to convey to the municipality tide and submerged lands suitable for occupation and development when requested by the municipality unless it is found that public interest in retaining State

ownership clearly outweighs municipal interest. The municipality must apply for conveyance, the tide and submerged lands must be within the boundaries of the municipality, the use cannot unreasonably interfere with navigation or public access, the land may not be subject to a shore fisheries lease under AS 38.05.082 Leases for Shore Fisheries Development, the land classification must be consistent with or compatible with the proposed use, and the land must be required for a public or private development approved by the municipality. The Borough has met the application requirements of the statute through the following:

- Public Interest - The public interest in retaining the lands within the subject parcel in State ownership does not outweigh the municipal interest in managing these submerged lands. The Borough plans to operate and maintain a facility that will be used by the public. LCS believes that there are no other overriding State interests in the subject parcel for conveyance; the municipal interest clearly rises above the public interest in retaining these lands in State ownership.
- Location - The land is within the boundary of the municipality.
- Navigation - The proposed use would not unreasonably interfere with navigation. An open channel for navigation will exist within the borough-owned tidelands.
- Public Access - The proposed use would not unreasonably interfere with public access and is intended to improve public access.
- Application - The Borough has submitted an application for conveyance.
- Shore Fisheries Leasing - The land is not subject to a shore fisheries lease.
- Land Classification - The land classification in the CSSEAP is consistent with the proposed action.
- Municipal Approval of Development - The Petersburg Borough Assembly supports the proposed development for this tideland conveyance and passed Resolution No. 2022-14.

IX. Planning and Classification

1. *Planning:* The subject parcel is located within the CSSEAP, Unit PT-18, Unit PT-55, and a small portion is unclassified. Unit PT-18 is co-designated Waterfront Development (Wd) and Shoreline Use (Sd), Unit PT-55 is co-designated Habitat (Ha), Harvest (Hv), and Public Recreation – Dispersed Use (Ru), and all state-owned lands not otherwise designated are designated General Use (Gu). These designations convert to classifications of Waterfront Development Land, Settlement Land, Wildlife Habitat Land, Public Recreation Land, and Resource Management Land.

The CSSEAP states that the plan's management intent for Unit PT-18 is as follows:

Management Intent: Maintain the high fish and wildlife values and user hunting, fishing and wildlife viewing opportunities while still maintaining public access to private uplands. The Wd designation applies to the area of Papke's landing (see plan map), which is used as a log transfer facility; a public dock and log storage area adjoin it. The Wd designation also applies to the W1/2S1/2NW1/4 of Section 11, T. 059S, R. 060E. This area includes a site with deep water access development potential, appropriate for a commercial dock. The Sd designation is intended to support upland development and corresponds to the City of Petersburg zoning ordinance. The Ha and Hv designations also apply to the areas affected by the Sd designation.

Resources: This parcel contains an extensive mud flat and the mouths of two anadromous fish streams, Falls Creek and Twin Creeks. Outmigrant juvenile pink and coho salmon rear within this parcel and adult salmon and steelhead school near the mouths of the two anadromous fish streams. Dungeness crab are abundant in seaward portions of this parcel. The parcel receives considerable use by waterfowl including Vancouver Canada geese and puddle ducks. A portion at the southern end

of this parcel known as Papke's Landing contains a log transfer site that is also used by local residents as a boat ramp. The unit is a community harvest area for waterfowl and coho and king salmon and a commercial and community harvest area for Dungeness crab.

The CSSEAP states that the plan's management intent for Unit PT-55 is as follows:
Managed Resources/Intent: Protect fish and wildlife habitat and community use/harvest values.

Resources: This unit is a waterfowl/shorebird spring and fall concentration area. Vancouver Canada geese frequent the tidal flats on the east side of Wrangell Narrows. Juvenile pink and coho salmon rear and adult salmon school in the unit. Black bears concentrate along the shoreline/upper tide flats in spring. The unit is a terminal harvest area for coho and king salmon returning to the Crystal Lake Hatchery as well as a community harvest area for these salmon. Portions of the unit at the mouth of Falls Creek are a community harvest area for steelhead. The unit is a pot shrimp and Dungeness crab commercial harvest area. Non-consumptive wildlife users on cruise ships, the Alaska Marine Highway, charter boats and personal watercraft view waterfowl, deer and black bear along this portion of Wrangell Narrows.

The management intent specified within the CSSEAP is consistent with the current and future use of the subject tide and submerged lands for a public dock. The nearest anadromous stream is approximately 900 feet south of the subject parcel. The tidelands have been authorized as a log transfer facility and public dock for over 60 years, therefore no new impacts to wildlife are expected.

AS 38.05.825(a)(5) Conveyance of Tide and Submerged Land to Municipalities, requires that land to be conveyed must be either "classified for waterfront development or for another use that is consistent or compatible with the use proposed by the municipality, or the proposed use of the land is consistent or compatible with a land use plan adopted by the municipality or the department." Although Wildlife Habitat Land is not typically a conveyable classification, Public Recreation Land can be conveyed depending on the management intent and relative value of the recreational resources. Chapter 3 of the plan also states that land designated as Habitat or Harvest "...will remain in state ownership except for areas where a tidelands conveyance to a municipality is allowed under AS 38.05.825." Per comments from DMLW Resource Assessment and Development Section (see below **Section XIV. DMLW and Agency Review**), the portion of Unit PT-55 within the project area would allow for conveyance to the Borough. Per CSSEAP chapter 3, page 26, General Use (Gu) designation applies to all state-owned lands not otherwise designated. The designation General Use converts to Resource Management Land, a conveyable classification to municipalities under AS 38.05.825.

2. *Land Use Classification:* The State classified the subject parcel as Waterfront Development Land, Settlement Land, Wildlife Habitat Land, Public Recreation Land, and Resource Management Land under Classification Order CL SE-00-001 based on the CSSEAP, adopted in 2000.
3. *Local Planning:* The Borough has submitted a comprehensive plan to maintain the dock and has contacted DOT&PF about acquiring the dock. The Borough has provided, with their application, the repair and replacement plans that a local contractor submitted.

The Petersburg Borough has assured, per their 2022-14 Resolution, that the use of the property will continue to be consistent with waterfront use for the public good as outlined in the Borough's Comprehensive Development and Waterfront Master plans and that the future development that is planned will enhance its use. Hunting and fishing lodges, subsistence users, sportfishing charters, local transportation, and the general public primarily use the dock and ramps.

X. Traditional Use Findings

The subject parcel is located within Petersburg Borough and a traditional use finding is therefore not required per AS 38.05.830 Land Disposal in the Unorganized Borough. However, information on current or traditional use is welcomed and can be given during the public comment period. See **Section XV. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit comment.

XI. Access, Including Access To and Along Public and Navigable Water

Terrestrial access to the selected tideland is via the Mitkof Highway then turning west onto Papke's Landing Road. Boats and float planes are used to access the dock from Wrangell Narrows and may moor at the dock. Pursuant to AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, the conveyance of tidelands cannot unreasonably interfere with public access and the municipality must provide reasonable access to public waters and tidelands.

Access To and Along Public or Navigable Waters: In accordance with AS 38.05.127 Access To Navigable or Public Water, DNR has determined Wrangell Narrows navigable. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 Determination of Navigable and Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water, and 11 AAC 53.450, Buffer Strips, Reserved Areas, and Public Easements.

Easements and Setbacks: A 50-foot continuous public access easement seaward from the current MHW of public or navigable water bodies shall be reserved to the State in accordance with AS 38.05.127 Access To Navigable or Public Water

Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

XII. Hazardous Materials and Potential Contaminants

Based on a review of the Alaska Department of Environmental Conservation's (DEC) list of Contaminated Sites, no hazardous material or contamination from hazardous material is known to affect the subject parcel.

Petersburg Borough is expected to inspect the area of its tideland selection and familiarize itself with the condition and quality of the tideland. The State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

XIII. Survey

Upon DNR approval for the conveyance of the parcel, an Alaska Tideland Survey (ATS) performed by an Alaska Registered Land Surveyor under the direction of the DMLW Survey

Section will be required at the applicant's expense. The survey will be required before issuing a state tideland patent. There is no requirement under state statutes to appraise the land prior to conveyance.

ATS 251 was drafted in 1963, considered unapproved, and will require a new survey prior to issuance of a state tideland patent. The Borough is aware of these survey requirements and has agreed per resolution 2022-14. ATS 921 was filed with the Petersburg Recording District on August 18, 1980, as Plat No. 80-4, and will not need to be resurveyed.

XIV. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this PD. Agency review was conducted between January 24, 2024, through February 23, 2024. The intent of an agency review is to request comments from agencies that may be affected by a municipal entitlement land conveyance decision. Agencies are given the opportunity to evaluate and comment on the municipality's land selection to determine if the State should retain all or a portion of the selected lands and, if so, provide supporting reasons for the requested action. Additionally, agencies are requested to identify any stipulations that may be appropriate if the land is to be conveyed out of state ownership.

DNR DMLW LCS received brief comments of non-objection from the following agencies:
Department of Transportation & Public Facilities, DNR Division of Oil and Gas, and DNR DMLW Southeast Regional Land Office.

DNR DMLW LCS Response: LCS appreciates your review.

Comments from the DNR DMLW Public Access Assertion and Defense (PAAD):
“PAAD has a single recommendation for the conveyance of these state owned tide and submerged lands. Please make the conveyance subject to the following clause that has been located on other ATS conveyances: GRANTEE TAKES TITLE TO THE TIDELANDS SUBJECT TO THE RIGHTS OF THE PUBLIC UNDER THE PUBLIC TRUST DOCTRINE.”

DNR DMLW LCS Response: LCS appreciates your review. This conveyance will be made subject to the Public Trust Doctrine.

Comments from the Department of Fish & Game (ADF&G):
“Alaska Department of Fish & Game (ADF&G) has reviewed this a tideland selection and dock on Mitkof Island. AKDOT&PF currently manage the dock and tideland. This application is for the Petersburg Borough to own the dock and tidelands so they can maintain it for public access.

ADF&G has no objections to the conveyance of this tideland selection with the following comment:

The project area is adjacent to marine habitat used by multiple marine mammal species for foraging and travel. While construction activities may temporarily displace animals occurring in the area, any impacts would be temporary. There are no nearby pinniped haulouts, designated critical habitat areas or known biologically important area for cetaceans.

Preliminary Decision

AS 38.05.825 Tideland Conveyance – ADL 109287

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Thank you for the opportunity to review and comment on this tideland selection. Additionally, we request a copy of the decision documents when issued.”

DNR DMLW LCS Response: LCS appreciates your review.

Comments from the DNR DMLW Water Resources Section (WRS):

“The ADNR Water Resources Section has reviewed the ADL 109287 Application and associated materials.

Based upon the information available it appears that there will not be any significant water use per AS 46.15.180 and 11 AAC 93.035 associated with this tideland conveyance that would require authorization from the Department.

Additionally, a review of the ADNR Land Administrative System database for Sections 11 and 14, Township 60 South, Range 79 East, Copper River Meridian shows no existing water rights or water use authorizations associated with Alaska Tideland Survey No. 251 or Alaska Tideland Survey No. 921, or any of their immediately adjacent uplands. Therefore, the ADNR Water Resources Section has no objection to, or further comments regarding, the ADL 109287 Application.”

DNR DMLW LCS Response: LCS appreciates your review.

Comments from the DNR DMLW Resource Assessment & Development Section (RADS):

“Thank you for the opportunity to review and comment on the proposed Municipal Tideland Entitlement conveyance to the Petersburg Borough. The Resource Assessment & Development Section (RADS) has reviewed the available data, satellite imagery, and the applicable regional land use plan – Central/Southern Southeast Area Plan (CSSEAP) and provides the following comments.

Background & Discussion:

Petersburg Borough has requested the conveyance of state tideland parcel (ADL 109287) pursuant to AS 38.05.825. The parcel is partially surveyed by Alaska Tideland Survey ATS 921 which contains approximately 6.52 acres and makes up the majority of the parcel. The remaining area (approximately 2.28 acres) is identified on other adjacent surveys as ATS 251. However, ATS 251 has never been recorded and does not exist as a public record. The entire requested conveyance aggregates 8.80 acres, more or less.

The parcel has infrastructure important to the community. Currently, the Department of Transportation & Public Facilities (DOT&PF) manages a dock on the portion of the parcel shown as ATS 251 under Interagency Land Management Agreement (ILMA) ADL 20978. The Borough has been in contact with DOT&PF about acquiring the dock. The area of the parcel covered by ATS 921 contains a boat launch ramp. The Borough plans to maintain the dock and boat ramp to encourage public use. A comprehensive plan of development has been submitted.

The parcel is located within Sections 11 and 14, Township 60 South, Range 79 East, Copper River Meridian on the Wrangell Narrows at Papke’s Landing and entirely within the Petersburg Borough boundary. The parcel (ADL 109287) is within the Central/Southern Southeast Area Plan (CSSEAP) units PT-18 & PT-55 with a small portion being unclassified. Unit PT-18 is co-designated as Waterfront Development (Wd) and Shoreline Use (Sd), which converts to Waterfront Development Land and Settlement Land and is appropriate for conveyance. Unit PT-55 is co-designated Habitat (Ha), Harvest (Hv), and

Preliminary Decision

AS 38.05 825 Tideland Conveyance – ADL 109287

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Public Recreation – Dispersed (Ru) which converts to Wildlife Habitat Land and Public Recreation Land. Public Recreation land can be conveyed to Municipalities depending on the unit's management intent and the relative value of the recreational resources. In this case it would be appropriate to convey the portion located within Unit PT-55. Per chapter 3 page 26 the designation of General Use (Gu) applies to all state-owned lands not otherwise designated. The designation General Use converts to the classification Resource Management Land which is a conveyable classification to Municipalities under AS 38.05.825.

Recommendation:

Based on RADS review of the subject lands and taking the above area plan recommendations into account, the proposed state land conveyance to Petersburg Borough should move forward. The Petersburg Borough will be responsible for surveying the area shown as ATS 251. Thank you for the opportunity to review."

DNR DMLW LCS Response: LCS appreciates your review.

Comments from the DNR DOPR Office of History and Archaeology (AK OHA) - State Historic Preservation Office:

"The Alaska Office of History and Archaeology (AK OHA) received your request (dated January 24, 2024) for review under the Alaska Historic Preservation Act (AHPA) (AS 41.35.070) on January 31, 2024. Following our review of the materials provided, we believe a finding "No Historic Properties Affected" is appropriate for this undertaking. However, our office may need to re-evaluate our decision if there are changes to project scope.

It should be noted that an AHRs site, PET-00273, which consisted of human remains, was found in a tidal area ¼ mile south of Papke's Landing in 1986. Should inadvertent discoveries of cultural resources occur during the project, work must halt, and our office must be promptly notified so that we can evaluate the resource(s) (Section 41.35.070[d]).

Please contact me if you have any questions or if we can be of further assistance."

DNR DMLW LCS Response: LCS appreciates your review. If any changes to project scope occur, Petersburg Borough will need to notify AK OHA.

The following agencies or groups were included in the agency review, but no comment was received:

- U.S. Fish and Wildlife Service
- Alaska Conservation District
- Department of Environmental Conservation
- Office of Project Management and Permitting
- State Pipeline Coordinator's Section
- Department of Natural Resources
 - Division of Forestry & Fire Protection
 - Division of Geological and Geophysical Surveys
 - Alaska Mental Health Trust Land Office
 - DLMW Statewide Abatement of Impaired Lands
 - Division of Parks and Outdoor Recreation – Alaska State Parks

XV. Submittal of Public Comments

See Attachment B: Public Notice for specific date and conditions

Pursuant to AS 38.05.945 Notice, LCS is issuing public notice for comment on this Preliminary Decision.

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Notice may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the PD, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent Final Finding and Decision without further notice.

Only persons from whom LCS receives timely, written comments during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision will be made available online at <https://dnr.alaska.gov/mlw/landsales/public-notice/> and sent with an explanation of the appeal process to any party who provides timely written comment.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact DNR's Public Information Center. For more information, refer to the attached Public Notice.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
4:30 PM, FRIDAY, APRIL 25, 2025**

XVI. Stipulations

If approved for conveyance, applicable conditions, restrictions, and reservations will be imposed upon the transfer of equitable title when the Final Finding and Decision is effective and on the final conveyance document, including but not limited to the following:

1. Administration of state leases and permits in the surface estate, if any, will be transferred to PB when the FFD is effective. Applications for state leases or permits in the subject area that have not been adjudicated or issued will be closed.
2. Management authority for the approved subject parcel will be transferred to the Borough when the FFD is effective. Applications for state leases or permits in the subject area that have not been adjudicated or issued will be closed.
3. Interagency Land Management Agreement ADL 20978 will be closed when the FFD is effective.
4. All mineral-related permits, licenses, claims, and leases affecting the tidelands proposed for conveyance, if any, will remain under the authority of the State.
5. Notification to the Alaska State Historic Preservation Office in accordance with AS 41.35.070(d) Preservation of Historic, Prehistoric, and Archeological Resources Threatened

by Public Construction is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains, or objects.

6. A notice to proceed to survey will be issued if no appeals are received, or when appeals are resolved, after the issuance of the FFD. The applicant must hire a surveyor, and the surveyor must apply to DMLW's Survey Section for Survey Instructions. The applicant's survey must be approved by DMLW and the local platting authority, if any, as set forth in the Survey Instructions. Survey costs shall be borne by the municipality.
7. The approved tideland conveyance is subject to the terms and conditions of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, including: 1) Grantee may lease the land, but may not sell it; 2) Grantee takes title to the tide and submerged lands subject to the Public Trust Doctrine that may be enforced by the State in a court of competent jurisdiction; 3) The municipality shall be required to ensure that reasonable access to public waters and tidelands is provided; 4) The municipality may not lease land conveyed under this section for shore fisheries, but after conveyance, the land may be leased by the State for shore fisheries under AS 38.05.082 Leases for Shore fisheries Development; account if the Commissioner determines that the lease is compatible with the municipality's use of the land; and 5) Title to the land conveyed under this authority reverts to the State upon dissolution of the municipality.
8. The approved tideland conveyance is subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof, easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
9. Pursuant to AS 38.05.125 Reservation, the mineral estate shall not be conveyed.
10. Pursuant to AS 38.05.127 Access To Navigable or Public Water, a 50-foot continuous public access easement seaward from the current MHW of public or navigable water bodies shall be reserved to the State.

XVII. Discussion and Alternatives

The following alternatives were considered:

Alternative 1: Convey Subject Parcel

Approve the proposed conveyance of the 8.8-acre tide and submerged land parcel to the Borough with management authority to be transferred when the Final Finding and Decision becomes effective. The subject parcel encompasses the area required for dock management and maintenance. This alternative meets the intent of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities to convey tide and submerged land to municipalities where the municipality's interest in obtaining the subject parcel outweighs the public interest in retaining State ownership.

Alternative 2: Retain

LCS will reject and retain the tide and submerged land requested by the Borough. This alternative would, in effect, preclude the Borough's ownership of the tidelands considered to be important for their community development and access. This action would be inconsistent with the purpose of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities and inconsistent with the basis for the disapproval of a tideland conveyance request in that section of the statute. A tideland conveyance request can only be rejected when the State's interest outweighs that of the municipality, and there is no basis for such a determination.

For the aforementioned reasons, Alternative 1 is the preferred alternative.

Recommendation follows.

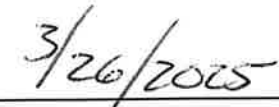
XVIII. Recommendation and Preliminary Decision

This Preliminary Decision for the proposed disposal of State lands described throughout this document and its attachments are consistent with the overall management intent for state-owned land. Alternative 1 is the preferred alternative. Under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, no direct economic benefit is realized by the State, but further development of this parcel will serve the needs of the Petersburg Borough. Facilitating community development activities in the Borough indirectly provides economic benefit to the State by encouraging settlement and related economic activity. LCS believes that the proposed conveyance complies with the requirements of AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, as discussed above. Unless public comment indicates that the parcel does not qualify for conveyance under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities, or that the public interest in retaining the parcel clearly outweighs the municipality's interest in retaining the parcel, DNR must convey the parcel subject to the completion of a new ATS for the area of ATS 251.

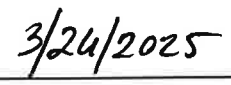
This Preliminary Decision, described above, represents the preferred alternative that has been reviewed and considered. After review and consideration of materials in this PD, LCS finds that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to Public Notice in accordance with AS 38.05.945 Notice.

After public notice, the subsequent review process may result in changes to the preferred alternative(s) or disapproval of the proposed action altogether. A Final Finding and Decision will address any significant issues or concerns raised during the public review process.


Prepared by: Mary Hermon
Natural Resource Specialist 2
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska


Date


Approved by: Hannah Uher-Koch
Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska


Date

ATTACHMENT A

Petersburg Borough

Tideland Selection

Preliminary Decision

ADL 109287

Papke's Landing

Legend

- Local Road
- Surveyed Lots
- Borough Selections
- Tideland footprint
- State Land TA or Patent
- Interagency Land Management Agreement
- Other State Acquired Land
- Mental Health Trust Land
- Easement

PT-18 - CSSEAP unit number

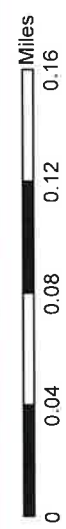


Created by DNR-DMMLW-LCS-ME

March 2025



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.



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

Attachment B: PUBLIC NOTICE

Requesting Input for a Proposed Conveyance Under AS 38.05.825
Petersburg Borough Municipal Tideland Selection – ADL 109287

COMMENT PERIOD ENDS: 4:30 PM, FRIDAY, APRIL 25, 2025

The Department of Natural Resource (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) has prepared a Preliminary Decision (PD) for a proposal to convey approximately 8.8 acres of state-owned tide and submerged land (herein 'tideland') to Petersburg Borough (Borough), under AS 38.05.825 Conveyance of Tide and Submerged Land to Municipalities. Located within DNR's Southeast Region, this tideland selection falls with *Region 3. Petersburg* as identified in the Central Southern Southeast Area Plan. LCS finds that the proposed conveyance is consistent with the requirements of AS 38.05.825, and that the Borough's interest in obtaining this state tideland outweigh the State's interest in retaining it.

Pursuant to AS 38.05.945 Notice, the public is invited to comment on this PD which proposes to transfer ownership of state tideland to the Petersburg Borough. **The deadline for submitting public comment is 4:30 PM, Friday, April 25, 2025.** Only persons from whom LCS receives timely written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision (FFD). Comments must be received in writing to the Division of Mining, Land and Water, Attention: Mary Hermon, at 550 West 7th Avenue, Suite 640, Anchorage, Alaska 99501, by fax at (907) 269-8916, or by email at mary.hermon@alaska.gov. If you have questions, call Mary Hermon at (907) 269-6546.

The public notice is available on the Alaska Online Public Notice System at: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>. The Preliminary Decision is available on the DMLW Land Sales website at: <https://dnr.alaska.gov/mlw/landsales/public-notice/>.

Following the comment deadline, LCS will consider the written responses received and may modify the decision to incorporate public comments in the FFD. Only persons who comment during this public comment period will be eligible to file an administrative appeal of the FFD. LCS will send a copy of the FFD to any person who comments on the PD. The FFD will include the appeal instructions. Please direct all inquiries or questions to Mary Hermon at the above address, by email, phone, or fax.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested. Individuals with audio impairments who wish to respond to this decision by telephone may call the DNR, Public Information Center in Anchorage between the hours of operation: 10:00 AM to 5:00 PM, Monday through Friday at TTY: 711 for Alaska relay or 800-770-8973 or go to <http://dnr.alaska.gov/commis/pic/>

If no significant change is required, the PD, including any minor changes and a summary of comments and responses, will be issued as the FFD, without further notice. A copy of the FFD will be sent to any persons who commented timely on the PD.

DNR reserves the right to waive technical defects in this notice.