

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

Proposed Non-competitive Sale to Preference Right Applicant

PRELIMINARY DECISION – ADL 108858

pursuant to
AS 38.05.035(b)(7)

and

PROPOSED RELATED ACTIONS

Mineral Order (Closing) AS 38.05.185 and AS 38.05.300

PUBLIC COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, FEBRUARY 19, 2020

I. Proposed Actions

Preliminary Decision: Approval of Non-competitive Preference Right Parcel Sale ADL 108858

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

Public is invited to comment on the proposed related actions:

Draft Mineral Order (Closing) MO 1219

Primary Proposed Action: The Department of Natural Resources (Department), Division of Mining, Land and Water (Division) received an application to purchase a parcel of State land pursuant to Alaska Statute 38.05.035(b)(7). The proposed decision allows the parcel to be sold through a non-competitive sale to the applicant. The parcel is located adjacent to 210 Shotgun Alley, Sitka. The subject parcel is located on the western portion of Lot 14, U.S. Survey 3557. See attached map.

AS 38.05.035(b)(7) allows fair market value conveyance of unmanageable remnants of state land to adjacent landowners. The Department proposes to convey a parcel smaller than zoning lot sizes to an adjacent landowner.

Proposed Related Action: This action will be developed separately; however, public notice is conducted concurrently through this preliminary decision.

Mineral Order (Closing): The Department proposes a mineral order to close the project area to new mineral entry. No identified mining claims exist within the project area. Refer to the Planning, Classification, and Mineral Orders Subsection (V)(e)(3) on page 5 of this document for more information on this proposed related action.

This related action will be developed separately. However, approval of the proposed actions is dependent upon one another in that one action will not proceed without the approval of all actions.

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 comment on this proposal. Public notice for all actions is being conducted concurrently and will include this project, the Preliminary Decision for competitive sale (ADL 108913), and Mineral Order 1219.

See **Section VII. Submittal of Public Comments** at the end of this document and *Attachment C: Public Notice* for details on how to submit a comment for consideration. If, after consideration of timely, written comments, the Department moves forward with the proposal, a Final Finding and Decision will be issued.

II. Authority

The Department has the authority under AS 38.05.035(b)(7) 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 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."

AS 38.05.300 Classification of Land, and *AS 38.05.185 Generally* allow for mineral orders.

III. Administrative Record

The administrative record for the proposed actions consists of the case file for this applicant, ADL 108858. Also incorporated by reference are:

- *Department of Natural Resources Northern Southeast Area Plan (NSEAP) dated October 2002;*
- *Department of Natural Resources Resource Assessment and Development Section Determination SC-01-02-D11 issued January 29, 2018;*
- *DNR case files: ADL 108774, ADL 56088, and ADL 108913; and*
- *Alaska State Land Survey (ASLS) 2019-35.*

IV. Scope of the Decision

The scope of this decision is limited to determining if the applicant and the subject parcel qualify under AS 38.05.035(b)(7), if it is in the state's best interest to sell the subject parcel, and if it is in the state's best interest to sell the subject parcel to the applicant. The Division does not intend to impose deed restrictions to control post-patent land use. Restrictions regarding land use will be handled by the local zoning authority, if any.

The proposed related action will be issued concurrently with the Final Finding and Decision. This action is described in more detail in the Planning, Classification, and Mineral Order Subsection (v)(e)(3) on page 5.

V. Description

- a. Location: The subject parcel is within SW ¼ Section 5, Township 56 South, Range 64 East, Copper River Meridian, located adjacent to 210 Shotgun Alley, Sitka Alaska. See *Attachment A*: Vicinity Map and *Attachment B*: Area Data Summary Table for additional information.

USGS Map Coverage: The subject parcel is in USGS Quad Sitka A-4.

Platting Authority: The parcel is located in and subject to the platting authority of the City and Borough of Sitka (CBS).

Native Regional and Village Corporations: The subject parcel is within the boundaries of the Sealaska Regional Corporation and the Shee Atika Inc. village corporation. Local tribal councils include the Sitka Tribe of Alaska.

- b. Legal Description: That portion of Lot 14, USS 3557 excluding ADL 108913, within Section 5, Township 56 South, Range 64 East, Copper River Meridian, Located within the Sitka Recording District, First Judicial District, Alaska, Containing .29 acres more or less.

Legal Description of the Mineral Order: Lot 14, USS 3557, within Section 5, Township 56 South, Range 64 East, Copper River Meridian, located within the Sitka Recording District, First Judicial District, Alaska, containing 0.76 acres more or less. Mineral Order 1219 includes the entirety of Lot 14, USS 3557; it includes both projects ADL 108858 (non-competitive land sale) and ADL 108913 (competitive land sale), separate State land disposals which are being processed concurrently.

- c. Title: The State received title to the land on February 21, 1961 under Patent 1217355. The state file is GS 420. Title Report #11687 was issued February 26, 2019; no third-party interests were identified. The parcel is subject to reservations, easements, and exceptions contained in the federal patent.

State Reservation of Title: The State retains ownership of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells (AS 38.05.125). 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. Under common law, this access reservation is superior to any and all land uses. The State may also lease them to mineral developers or allow mining locations to be staked. However, Alaska law also provides that the landowner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130).

Native Interest: There are no Native interests identified with this parcel.

Other Conflicts or Pending Interest: None.

d. Background and Discussion:

In 1971, the City and Borough of Sitka (CBS) received a public easement Right-of-Way (ADL 56088) from DNR's Southeast Regional Office (SERO) for Lot 14 U.S. Survey 3557 for the development of what is now Shotgun Alley. In 1985, CBS informed the owner of 210 Shotgun Alley within Lot 14 U.S. Survey 3557 that legal access exists across the public easement (ADL 56088) to 210 Shotgun Alley. In 1989, the applicant requested to lease or purchase an interest in a portion of Lot 14. In January 1990, SERO informed the applicant that CBS had the authority, through ADL 56088, to allow the applicant to build a driveway to Shotgun Alley and access utilities. However, the state could not move toward disposal of the requested land until CBS released interest in the public easement.

Over the subsequent years, the applicant approached DNR repeatedly to inquire about how to purchase or authorize his use of the subject parcel. The applicant continued to expand parcel use through landscaping and placing small structures, such as a greenhouse and garden plot. In the fall of 2017, while adjudicating an easement application for the subject parcel (ADL 108774), it was determined that an easement was not appropriate for the applicant's use and that it would likely be in the state's best interest to convey the parcel to the applicant.

In a letter dated May 30, 2018, the CBS stated its willingness to release that portion of public easement ADL 56088 over Lot 14, excluding that portion needed to create the right-of-way for the existing Shotgun Alley Road. In 2019, the Division initiated Alaska State Land Survey (ASLS) 2019-35 of Lot 14, USS No. 3557 to create a lot for competitive sale on the eastern portion of Lot 14 (ADL 108913), provide a new right of way dedication for a portion of Shotgun Alley, and dedicate a 25 foot public access easement connecting Shotgun Alley right of way with Jamestown Bay. The remaining portion of Lot 14 will be surveyed as ASLS 2019-35 Lot 2, which is the subject parcel of this preliminary decision.

ASLS 2019-35 Lot 2 will be approximately 12,500 square feet and is in a single family residential/low density zoned area of CBS. CBS code 22.16.030(3) requires lots zoned as single family residential/single family low density residential to be a minimum of 15,000 square feet; the subject lot will need a variance granted by the CBS for plat approval.

Lot 2 encompasses the applicants historical and approved use of land for legal access to the applicant's property; and qualifies under AS 38.05.035(b)(7) for conveyance of a small or unmanageable portion of land to an adjacent landowner. The applicant is the owner of record (see quitclaim deed recorded as

document 2013-001443-0, Sitka Recording District) for Mo Johnson Subdivision Lot 2 of Survey 84-6, Sitka Recording District which is the adjacent lot to the North of the subject parcel.

The sale of ASLS 2019-35 Lot 2 to the applicant provides overland access to the applicant's current property. If the Division were to competitively sell Lot 14 in its entirety, the applicant would be denied over land access historically approved.

The Division is adjudicating the applicant's preference right application contained herein and a concurrent decision to sell the eastern portion of Lot 14 competitively (ADL 108913).

e. Planning, Classification, and Mineral Orders:

1. *Planning:* The subject parcel is located within the Department of Natural Resources Northern Southeast Area Plan (NSEAP) dated October 2002. The land classification for the subject parcel was designated General Use (GU) by default of being undesignated. A request for determination of plan designation and classification was submitted to DNR's Resource Assessment and Development Section (RADS). On January 29, 2018, Determination SC-01-02-D11 was issued by RADS, which added the subject parcel to Unit B45, designated Settlement – Commercial.

2. *Land Use Classification:* With Determination SC-01-02-D11, the State classified the subject parcel as Settlement Land.

The Division does not intend to impose deed restrictions to control post-patent land use. Restrictions regarding land use will be handled by the local zoning authority, if any.

3. *Mineral Order:* The Division proposes to close the parcel to new mineral entry in accordance with AS 38.05.185 for land disposals. There are no current mining claims located within the subject parcel. If approved by the Commissioner, Mineral Order 1219 will close the subject parcel to new mineral entry. If the Department approves the preference right sale, the mineral order will accompany the Final Finding and Decision. The approval of the mineral order is a separate action, occurring concurrent with the Final Finding and Decision.

Area plan subsurface management policy states that, in general, areas or parcels scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between surface and subsurface users.

Mineral orders for closures, where they have been established, close the area to exploration and development of locatable minerals such as gold, copper, platinum, etc. Mineral orders do not apply to leasable minerals, including oil and gas, coal, shallow gas, or exploration licensing for such, nor do they

preclude reasonable surface access to these resources. However, Alaska law also provides that the surface owner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130).

4. *Local Planning*: The subject parcel is within the boundary of the Sitka Comprehensive Plan (dated 2030). The Division reviewed the Plan and did not find any conflicts for the sale of the subject parcel within the boundary of the borough. Since the subject parcel is controlled by the CBS platting authority, the Division solicited comments from CBS through agency review ending May 30, 2019. No comments were received by the borough during the comment period.
- f. Traditional Use Findings: A Traditional use finding is not necessary because the subject parcel is located within an organized borough.
- g. Access, including Access to and Along Navigable and Public Waters:
Public Access: Access to the parcel is from Shotgun Alley, a CBS managed and maintained ROW.

Easements and Setbacks:

- Dedicated easement by plat pursuant to AS 38.05.127; see below for more information; and
- Utility easements; and
- Reservations and/or restrictions required by the City and Borough of Sitka as the local platting authority.

Access To and Along Public or Navigable Water. Pursuant to AS 38.05.127(a)(2) a 25-foot wide public access easement to and along Jamestown Bay will be reserved. This includes a 25-foot wide public access easement starting at the west corner of Lot 14 and traversing southeast along the southwest lot line of Lot 14, to Shotgun Alley public right-of-way being dedicated along the southern boundary of Lot 14. Under the authority of 11 AAC 51.045(a)(2), the public access easement is reduced to 25 feet, as any additional width is impracticable for public use. Retaining a 50-foot wide easement into Lot 14 would also restrict the beneficial use of western portion Lot 14 the applicant is requesting. The 25-foot wide easement is sufficient for upland public access across Lot 14 between Jamestown Bay and Thimbleberry Bay.

- h. Reservation of Mineral Estate: In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125, the state, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.

- i. Hazardous Materials and Potential Contaminants: There is no known contamination of, or hazardous materials on, the subject parcel. The applicant is expected to inspect the subject parcel to ascertain the quality and condition of the land. 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 proposed for conveyance to the applicant. 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.

The Department recognizes there are potential future environmental risks associated when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the Department of Environmental Conservation. The risk is no greater than when private vacant land undergoes development. Given this land has been designated as commercial – settlement for transfer into private ownership, and given the high degree of interest from both the legislature and citizens in transferring State-owned land into private ownership, the Department is of the opinion that the benefits outweigh the potential risks.

- j. Performance Guaranties and Insurance: Not applicable to this decision.
- k. Survey: DNR initiated Alaska State Land Survey (ASLS) 2019-35 subdivision of Lot 14, US Survey No. 3557. CBS platting requirements allow for input and comments through public notice in advance of a final approved survey of the prospective parcel. If the plat is approved, the applicant will be required to compensate the State for prorated survey costs associated with the preference right parcel.

The approximate surveyed parcel will be 12,500 square feet. CBS zoning ordinances require a minimum lot size of 15,000 sq. feet. Prior to finalizing the survey of this parcel, a variance from the CBS will be needed

- i. Compensation/Appraisal: The parcel will be sold at fair market value as required by AS 38.05.840(a) and AS 38.05.035(b)(7). At the appropriate time, the Division will notify the applicant to begin the appraisal process and will provide a list of approved appraisers. The Appraisal Unit will provide appraisal instructions to an approved appraiser. The applicant bears the cost of appraisal. The valuation date of the appraisal will be set as the date of inspection by the appraiser.

VI. Agency Review

An Agency Review was on conducted April 10, 2019. The deadline for agency comments was May 30, 2019. Comments received during Agency Review have been considered and addressed below.

The following agencies were included in the review:

- DNR Forestry
- DNR DMLW – Mining
- DNR DMLW- Land Development
- DNR DMLW- Southeast Regional Office
- DNR Office of History and Archaeology/SHPO
- DNR Contract Administration
- DNR Division of Oil and Gas
- DNR State Pipeline Coordinators Office
- Department of Fish and Game - Habitat
- Department of Transportation
- Department of Environmental Conservation
- Department of Transportation and Public Facilities
- City of Sitka

Comments received are listed below:

Alaska Department of Fish and Game (ADF&G) comment:

The subject parcel is adjacent to Jamestown Bay and ADF&G concurs to the proposed 25-ft wide public access easement. ADF&G also receives regular reports of brown bear activity in this area from late spring through the fall as the subject parcel is likely a pinch point, and wildlife travel corridor, between Jamestown and Thimbleberry Bays.

Division response DNR Division of Mining, Land and Water, Land Sales Section appreciates ADF&G's review of and concurrence with the proposed action relating to public access.

Wildlife migration over and through the subject parcel area is outside the scope of this decision.

VII. Submittal of Public Comments

Pursuant to AS 38.05.945, the Division is issuing public notice inviting comment on this Preliminary Decision and the proposed related action.

In accordance with AS 38.05.946(a), a municipality or corporation entitled to receive notice under AS 38.05.945(c) 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.

The Division will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision or Mineral Order 1219, 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 proposals are approved and no significant change is required, the Preliminary Decision and proposed related action, including any deletions, minor changes, and summary of comments and Division responses will be issued as a subsequent Final Finding and Decision, and Mineral Order 1219 will be adopted without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom the Division receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision, and Mineral Order 1219. Upon approval and issuance of these actions, a copy of the decision and the mineral order will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the request for reconsideration 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 the Department's Public Information Center. For more information refer to the attached Public Notice.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
5:00 PM, WEDNESDAY, FEBRUARY 19, 2020**

VIII. Stipulations

The applicant will be required to comply with the following stipulations to complete the proposed land sale:

1. Upon issuance of ADL 108858 the Division proposes to prorate the cost of the survey with the applicant for disposition of Lot 14 as part of the preference right sale (ADL 108858), and competitive land sale ADL 108913. If the commissioner determines that ADL 108913 is not in the best interest of the State, the applicant will bear all costs (including entire cost of survey) for purchase of ADL 108858, in accordance with application materials submitted on 1/19/2018.
2. Upon approval and recording of the survey, a notice to proceed to appraisal will be issued. Within two years from the date of the notice to proceed to appraisal, the applicant must hire an appraiser, the appraiser must apply for appraisal instructions issued by the Division, and then must submit to the Division a completed fair market value appraisal in accordance with appraisal instructions issued by the Division.

3. Upon approval of the appraisal, a notice to proceed to purchase will be issued to the applicant. Within the time period specified in this notice, the applicant must submit to the Division the following:
 - A completed and signed Declaration of Intent Form;
 - A signed and notarized Veterans Land Discount form (if applicable);
 - Payoff amount plus patent application and recordation fees OR minimum 5% of the purchase price as deposit plus land sales contract application and recordation fees. Fees are established under to 11 AAC 05.100 & 200, and are subject to change. Some fees have been reduced by Director's Order Number 3.
4. Prior to the completion of the purchase and issuance of a state conveyance document, the applicant must remain in good standing with respect to all terms of the Contract for the Sale of Real Property throughout its term, if such a contract is issued. The applicant must also remain in compliance with all applicable state and local ordinances and regulations, including all applicable taxes. Failure to do so may result in termination of the Contract for the Sale of Real Property.

If extenuating circumstances delay any of the stipulations listed above, the applicant is responsible for notifying the Division and receiving Division approval for the delay with new timeframes for completion to be given. Failure to do this could result in the closure of the purchase application. The purchase cannot be completed until all the above stipulations have been satisfied.

IX. Discussion and Alternatives

The following alternatives were considered.

Alternative 1: Sell

Offer the subject parcel for sale to the applicant as proposed in this decision. AS 38.05.035(b)(7) allows fair market value conveyance of unmanageable remnants of state land to adjacent landowners. Proposed ASLS 2019-35 results in an approximately 12,500 square foot parcel. Such a parcel is too small for unique development; but is adjacent to the landowning applicant willing to purchase it for fair market value. Zoning requirements by the CBS require surveyed lots for residential development to be in excess of 15,000 square feet. This requirement shows that the subject parcel is too small for development as a stand-alone lot.

The subject parcel's small size, location, and land use designation encourages the states approval of the application under AS 38.05.035(b)(7). The parcel's size renders it an unlikely candidate for an alternative conveyance under other state authority (for example, the parcel is too small for consideration under competitive sale or for lease to a different party). The parcel is surrounded by private landowners and homes; transferring the parcel into private ownership aligns with the current reality of land use and zoning regulation in the area. The land use designation of settlement further encourages the Division to transfer the parcel into private ownership to align state actions with adopted land use plans.

The sale of the parcel for fair market value generates revenue for the state.

The sale of this parcel mitigates a future land management issue: if the Division retains the parcel, the Division must expend funds to actively manage a small piece of land surrounded by occupied private lands.

Last, the sale of this parcel to an adjacent landowner aligns with the historical legal use of the land by the landowner and provides overland access to the applicant's current property. An alternative disposal or use of this lot effectively denies overland legal access to the applicant's current property.

Alternative 2: Lease

The Division may offer a lease to the applicant for the requested parcel. A lease ensures the Division retains long-term interest in the land. Under this scenario, the division expends resources to manage the lease, and collects revenue from the lease. The size and land use designation of this parcel negate any state revenue-generating uses of this parcel other than settlement uses, therefore the state does not have an alternative use for the parcel should it be retained after lease termination.

In the long-term, this alternative does not meet Division and legislative objectives for transferring settlement designated land into private ownership. It creates a long-term management and financial liability. For the applicant, a lease does not allow for long-term planning that fee ownership encourages, such as building additions or plans to transfer ownership to future generations.

Alternative 3: Retain

The division may take no action and retain the subject parcel. Under this alternative the State expends resources managing the land, while forgoing potential income generated by sale or lease. The size and land use designation of this parcel negate any state revenue-generating uses of this parcel other than settlement uses, therefore the state does not have an alternative use for the parcel should it be retained. This alternative is not in the State's best interest as it causes the state to incur management costs, forgo potential revenue, and does not align with area plans. In the long-term, this alternative does not meet Division and legislative objectives for transferring settlement designated land into private ownership.

For the above stated reasons, alternative 1 is the preferred alternative recommended by this preliminary decision. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

X. Recommendation and Preliminary Decision

This preliminary decision recommends alternative 1 as described above and proposes approval of noncompetitive disposal of state lands under AS 38.05.035(b)(7) to a

qualified applicant. This proposed action is consistent with the overall management intent for state lands and meets statutory and regulatory requirements.

After public notice, the subsequent review process may result in changes to the preferred alternative, or a determination to stop the action. A Final Finding and Decision will address any significant issues or concerns raised during the public review process.

The state does not guarantee the condition or usefulness of the subject land. The land is offered "as is" with no guarantees, expressed or implied, as to its suitability for any planned or potential use, or as to the availability of any public or private services.

If conditions for which this application was made change before proceeding to purchase, either by contract or payment in full, an amended decision, including further public notice, may be required prior to the completion of the purchase.

The proposed action may be in the best interests of the state and the Preliminary Decision is hereby approved to proceed to Public Notice in accordance with AS 38.05.945.

Prepared by:

[signature on file] _____
Jane Boer
Natural Resource Specialist III

January 15, 2020
Date of Signature

This Preliminary Decision is hereby approved to proceed to public notice in accordance with AS 38.05.945.

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

January 15, 2020
Date of Signature



Attachment A: Vicinity Map Thimbleberry Subdivision ADL 108913 and ADL 108858

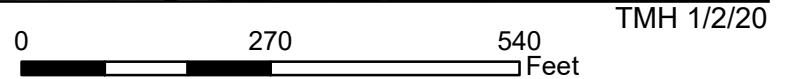
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

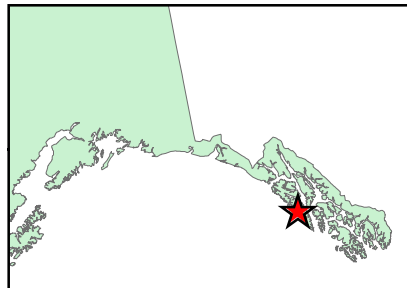
Legend

-  ADL 108913
-  ADL 108858
-  ADL108549 -Trespass



Section 5, Township 56 South, Range 64 East, Copper River Meridian

USGS QUAD 1:63.360
Sitka A-4
For more information contact:
Terry Hess
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales Section
Phone: 907-269-8591
Fax: 907-269-8916
Email: land.development@alaska.gov



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

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

ATTACHMENT B: AREA DATA SUMMARY TABLE

**Agency Review
March 15, 2019 to April 25, 2019**

**Proposed Land Offering in the City and Borough of Sitka
Thimbleberry Subdivision – ADL 108913**

Offering Information	
Proposed Number of Parcels	1 parcel
Proposed Parcel Size	Approximately 0.29 acres
Proposed Related Actions	Mineral order (closing)
Project Area	
Location	Section 5, within Township 56 South, Range 64 East, Copper River Meridian
Project Area Acreage	Approximately 0.29 acres
USGS Topography Map	USGS Quad Sitka A-5
Legal Description	That portion of Lot 14 US Survey 3557 excluding ADL 108858, located within Section 5, Township 56 South, Range 64 East, Copper River Meridian.
Title	Patented State-owned land, patent no. 1217355
Area Plan and Classification	Northern Southeast Area Plan (NSEAP) Northern (adopted 2002). Lot 14 of USS 3557 is classified Settlement Land per Determination SC-01-02-D11.
Mineral Orders	None. Project area will be closed to mineral entry prior to offering.
Physical Characteristics	
Access	Access to the parcel is by road from Sitka to Shotgun Alley. Float plane access or boat access may be possible to Thimbleberry Bay.
Terrain and Major Features	Terrain is moderate to steep slopes with dense vegetative cover of Sitka spruce and undergrowth. Typical rain forest with exposed bedrock.
View	Thimbleberry Bay
Soils	Soil consists of Verstovia-McGilvery complex loam and silt loam, and soils are well drained. Depth to lithic bedrock is approximately 18 to 26 inches. Known soil concerns will influence the project's design and feasibility and such features will be described in the project file and offering materials where relevant.

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the City and Borough of Sitka

Thimbleberry Subdivision – ADL 108913

Page 2 of 3

Wetlands	There are no known wetlands within the project area. Dredging or filling of wetlands may require a permit from the US Army Corps of Engineers.
Vegetation	Typical rain forest with Sitka spruce, willow and under growth.
Water Source	City of Sitka water is available.
Anadromous Waters	None.
Local Management Information	
Fire Protection	Critical fire management option. Fire service is provided by the Sitka Fire Department.
Game Management Unit	4
Local Authority	City and Borough of Sitka holds authority for planning, platting, taxes, and zoning for the project area.
Flood Zone	Flood Insurance Rate Map 02220C0417C. The project area is within Flood Zone AE – Base Flood Elevations determined.
Utilities	This area is currently served by City and Borough of Sitka, Electric Department
Waste Disposal	Solid waste disposal is available through the City of Sitka, contracted by Alaska Waste. City of Sitka sewer is available.
Setbacks, Reserved Areas, Easements, and Conditions	
Building Setbacks	None proposed. The Shotgun Alley follows along the southerly and easterly boundary of the project area. Any setback from MHW of Thimbleberry Bay will likely be encompassed by the ROW and ROW setbacks required by the platting authority.
Public Access and Utility Easements	Parcels may be subject to the following: <ul style="list-style-type: none"> • public access easement(s); • utility easement(s); and, • additional reservations and/or restrictions required through the local platting authority.
Retained Lands	None identified.
Public or Navigable Water Bodies	Jamestown Bay and Thimbleberry Bay. Lot 14 is situated between Jamestown Bay to the northwest, and Thimbleberry Bay to the south. That portion of Lot 14 along Jamestown Bay is under application for non-competitive sale (ADL 108858), and Shotgun Alley is located between the Thimbleberry Bay Subdivision project and Thimbleberry Bay. If additional water bodies are deemed public or navigable within the project area prior to platting, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.
Additional Information	
Native Regional Corporations	Sealaska Regional Corporation
Villages and Tribal Councils	Sitka Tribe of Alaska and Shee Atika Corporation.
Oil and Gas Activity	None known.
Mining Activity	None known.

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the City and Borough of Sitka

Thimbleberry Subdivision – ADL 108913

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Comments	<p>DNR received an application (ADL 108858) for the non-competitive purchase of a portion of Government Lot 14 of USS 3557, along Jamestown Bay. The applicant received permission from the City and Borough of Sika to construct a driveway from Shotgun Alley, through Lot 14, to their private parcel. The applicant has a constructed driveway, rustic boat launch, and various other improvements within the northwesterly portion of Lot 14.</p> <p>In conjunction with processing the application for ADL 108858, LSS proposes to survey and sell the remainder portion of Government Lot 14, outside of any parcel created through ADL 108858.</p>
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**STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, & WATER
LAND SALES SECTION**

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for
Proposed Land Offering:
**Thimbleberry Subdivision – ADL 108913
Non-competitive Sale – ADL 108858
and Mineral Order 1219**

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, FEBRUARY 19, 2020

DNR is conducting public notice for the proposed competitive sale of a single surveyed parcel (ADL108913) in a future offering, the non-competitive sale of a parcel pursuant to an application for preference right purchase (ADL 108858), and the related mineral order (MO 1219); as described in the Preliminary Decision documents.

Location: within DNR's Southeast Region, approximately 2.5 miles southeast of downtown Sitka.

Project size: approximately 0.76 acres. The proposals include the subdivision of a 0.76-acre parcel into an approximately ½-acre parcel proposed for competitive land sale, and an approximately ¼-acre parcel for non-competitive sale. A single mineral order (closing) will encompass the entire 0.76 acres.

To obtain the notice, Preliminary Decisions, Mineral Order, or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907-269-8400, or Fairbanks at 907-451-2705, or the Southeast Land Office in Juneau at 907-465-3400 (TTY for all locations: 711 for Alaska Relay or 1-800-770-8973), or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, FRIDAY, FEBRUARY 7, 2020.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment on the Preliminary Decisions and/or Mineral Order for which notice is being conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 5:00PM, WEDNESDAY, FEBRUARY 19, 2020.** Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision. Written comment may be received by fax, email or postal mail. To submit comments or for direct inquiries, contact DNR DMLW Land Sales Section, 550 W. 7th Ave., Suite 640, Anchorage, AK 99501, fax # 907-269-8916, land.development@alaska.gov. If you have questions, call Terry Hess at 907-269-8591.

Attachment C: Public Notice

Thimbleberry Subdivision ADL 108913
Non-competitive Land Sale ADL 108858
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If no significant change is required, the preliminary decision, including any minor changes and a summary of comments and responses, will be issued as the final finding and decision without further notice. A copy of the final finding and decision will be sent to any persons who commented timely on the preliminary decision.

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