

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

FINAL FINDING AND DECISION

of a
Land Offering in the City of Delta Junction
Delta Dozen – ADL 421364
AS 38.05.035(e), AS 38.05.045

and its
RELATED ACTION:
Mineral Order 1243 (Closing)
AS 38.05.185 and AS 38.05.300

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated August 26, 2020. The PD (attached) and related action have had the required public review.

I. Recommended Action(s)

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends offering for sale State-owned land for private ownership within the Delta Dozen project area (ADL 421364), as described in the PD. Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally*.

For the purposes of providing land for settlement in the Delta Dozen project area, LCS may offer for sale no more than 12 surveyed parcels. This project area is located within the City of Delta Junction and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards.

There is a related action with this proposal:

Mineral Order: DNR proposes to close the project area to new mineral entry through Mineral Order (MO) 1243.

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

II. Authority

DNR has the authority under *AS 38.05.045 Generally* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by *AS 38.05.035(e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska provides: "It is the policy of the State to encourage the settlement of its land and development of its resources by making them available for maximum use consistent with the public interest."

For the related action, *AS 38.05.300 Classification of Land* and *AS 38.05.185 Generally* allow for mineral orders.

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III. Public Participation and Input

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

- Posted under State of Alaska Online Public Notice from August 26, 2020 to October 6, 2020.
- Posted on DNR Land Sales website from August 26, 2020 to October 6, 2020.
- Notices mailed to the City of Delta Junction per AS 38.05.945(c)(1).
- Mailed to postmasters in Delta Junction with a request to post for 30 days, per AS 38.05.945(c)(4).
- Mailed to the library in Delta Junction with a request to post for 30 days.
- Mailed to the Doyon, Limited regional corporation per AS 38.05.945(c)(2)-(3).
- Mailed to landowners in the vicinity of the offering and the Healy Lake Traditional Office.
- Sent notification to area state legislators and to multiple state agencies.
- Notified parties via the DNR Land Sales subscribers lists by email.

The public notice stated that written comments were to be received by 5:00PM, October 6, 2020 in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

Should this project move forward, final subdivision design and survey will be completed by an Alaska licensed surveyor. The surveyor will submit a platting application including a preliminary plat to the local platting authority prior to survey. This process will be subject to City of Delta Junction ordinances and codes. During the process the public will have opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

The Preliminary Plat will be submitted to the City of Delta Dozen for review in accordance with Title IV- Land Use of their ordinance.

Section 4.65.090(A) *Notification- Preliminary and Final Plat Hearings*. "Notification of hearings on preliminary and final plats will be mailed to adjacent property owners and published once a week for two consecutive weeks in a newspaper of general circulation in the area or, if none, posted in at least two public places in the area."

Section 4.70.020(C) *Preliminary Plat- Action*. "The Planning Commission shall approve, approve with conditions or disapprove the preliminary plat within sixty (60) days of its submittal by the subdivider. The Planning Commission shall state its decision in the minutes and will return a written copy of its decision and comments and one copy of the preliminary plat to the subdivider. If the Planning Commission takes no action within sixty (60) days, the preliminary plat is considered approved and a certificate of approval shall be issued on demand. The subdivider may consent to the extension of the period for action by the Planning Commission."

IV. Summary of Comments

DNR DMLW LCS received two comments during the public comment period, one from the City of Delta Junction and one from an individual, which are summarized below.

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City of Delta Junction Comment: The Delta Junction City Council met on September 15th and decided against applying to obtain the Delta Dozen project area through a Public and Charitable Sale. The City Council voted in favor of replating Block 29, based on LCS's proposed lot sizes (as written in the Preliminary Decision) and will waive any fees normally charged for plat approval. The City of Delta Junction subdivision design standards regarding parcel sizes, are based in part on the Delta Junction Water and Sewer Feasibility Study done in 2008, which recommends one acre per lot for proper, safe water and sewer capabilities. The City Council preferred replating; however, another option might be deed restrictions which would restrict landowners from separating and selling the smaller lots (if parcels were combined during the selling process). As for Block 2, Lot 6, the Council understood and agreed that this parcel would be sold as is.

DNR DMLW LCS Response: Thank you for your comment. Based on recommendations from the City of Delta Junction, LCS intends to combine several smaller lots in Block 29 to provide sufficient spacing for water and septic systems, as well as a larger buildable area. The total combined acreage would likely not exceed 1.5 acres per lot. LCS is coordinating with the City of Delta Junction on the option of a replat for the eleven lots in Block 29, within the Delta Dozen project area. This replat would combine multiple smaller lots in order to meet minimum lot sizes following the City of Delta Junction's subdivision requirements. If a replat is determined to not be feasible, LCS will explore deed restriction options, as appropriate. LCS appreciates the offer to waive fees for plat approval.

Individual Comment: I would suggest that due to lot size, consideration be made for water and sewage separation.

DNR DMLW LCS Response: Thank you for your comment. LCS intends to combine several smaller lots in Block 29 to provide sufficient spacing for water and septic systems, as well as a larger buildable area.

V. Traditional Use Findings

In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a Traditional Use Finding is required for project areas within the Unorganized Borough. This project area is within the Unorganized Borough. As discussed in the PD, information obtained from the Eastern Tanana Area Plan, research, and agency review did not identify traditional uses of the project area. Public review brought forth no new information indicating traditional use conflicts that were not apparent at the PD stage.

VI. Modifications to Decision and/or Additional Information

The recommended action has not been modified from the original proposed actions described in the PD. Additionally, pursuant to the received comments, LCS intends to combine several smaller lots in Block 29 for sale, with the total combined acreage not likely to exceed 1.5 acres per lot. LCS is coordinating with the City of Delta Junction for a replat of the eleven lots in Block 29, within the Delta Dozen project area, to meet minimum lot sizes following the City of Delta Junction's subdivision requirements.

Recommendation and Approval of the Final Finding and Decision follow.

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VII. Final Finding and Decision

The Land Conveyance Section recommends proceeding with the action as described in the Preliminary Decision. This action is undertaken under relevant authorities. Offering these parcels for sale will help meet the State's goal to provide land for settlement for sale to the public and raise revenue for the State.

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

(signature on file)

11/16/2020

Recommended by: Timothy Shilling
Competitive Land Sales Manager
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

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(s) as described and referenced herein.

(signature on file)

11/20/2020

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

Date

(signature on file)

12/02/2020

Approved by: Corri A. Feige
Commissioner
Department of Natural Resources
State of Alaska

Date

Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).

If reconsideration is not requested by that date or if the commissioner does not order reconsideration on their own motion, this decision goes into effect as a final order and decision on the 31st calendar day after the date of issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.



Block 2, Lot 6 Block 29, Lots 1-7 & 16-19

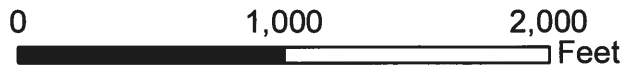
Attachment A: Vicinity Map Delta Dozen ADL 421364

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.



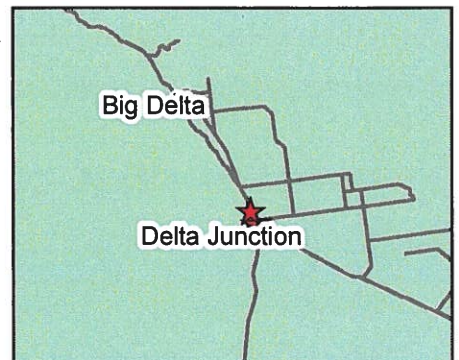
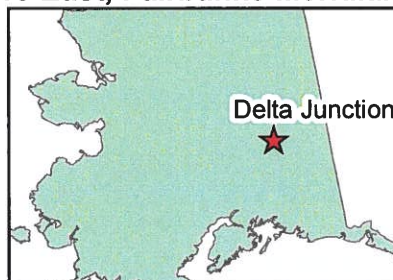
Legend

Project Area



KNF 4/14/20

**Sections 14 & 23, Township 10 South,
Range 10 East, Fairbanks Meridian**



USGS QUAD 1:63.360
BIG DELTA A-4
For more information contact:
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