

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

**FINAL FINDING AND DECISION**

of a  
Tideland Conveyance in the Unorganized Borough  
**ADL 107311 – City of Tenakee Springs**  
*AS 38.05.035(e), AS 38.05.825*

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated March 8, 2021. 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 19.528 acres, more or less, of State-owned tide and submerged lands within Tenakee Inlet, as described in the ADL 107311 PD, pursuant to *AS 38.05.825 Conveyance of tide and submerged land to municipalities*.

**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 proposed primary action was published and distributed in the following manner:

- Posted on the State of Alaska Online Public Notice website from March 8, 2021 to April 14, 2021.
- Notice mailed to the City of Tenakee Springs per *AS 38.05.945(c)(1)*.
- Mailed to the Dermott O'Toole Memorial Library and postmaster at the Tenakee Springs post office with a request to post for 30 days, per *AS 38.05.945(c)(4)*.
- Mailed to the Sealaska Regional Corporation per *AS 38.05.945(c)(2)-(3)*.
- Mailed to Federally Recognized Tribes and Native Village Corporations.
  - Federally Recognized Tribes
    - Hoonah Indian Association
    - Central Council of Tlingit and Haida Indian Tribes of Alaska
  - Village Corporations
    - Hoonah Totem Corporation

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- Emailed notice to the Southeast Alaska Soil and Water Conservation District, Trustees for Alaska, U.S. Army Corps of Engineers, and all State agencies who received the agency review notice.

The public notice stated that written comments were to be received by 5:00 PM, April 14, 2021 in order to ensure consideration and eligibility to appeal. For more information, refer to the attached PD.

The final survey will be completed by an Alaska licensed surveyor. An ATS (ATS 1304) exists for this parcel, however, the plat of ATS 1304 is not valid for conveyance purposes as it was not approved by the City of Tenakee Springs as the platting authority. The plat of ATS 1304 must be amended and re-recorded, or a new ATS will be required for this parcel prior to issuance of a state tideland patent. If a new ATS is completed, 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 ordinances within Title 7 of the City of Tenakee Springs Municipal Code. During the process, the public will have an opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

### **IV. Summary of Comments**

DNR DMLW LCS received comments from the Alaska Department of Transportation and Public Facilities. All comments received during the public comment period as summarized and addressed below.

DNR DMLW LCS received brief comments of non-objection from the following agencies: Alaska Department of Transportation & Public Facilities.

DNR DMLW LCS Response: LCS appreciates your review of the preliminary decision.

### **V. Modifications to Decision and/or Additional Information**

The recommended action has not been modified from the original proposed action described in the PD.

Recommendation and Approval of the Final Finding and Decision follow.

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**VI. 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. 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 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

April 21, 2021

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Recommended by: Rachel Longacre  
Section Chief  
Land Conveyance Section  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

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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

April 22, 2021

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

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Date

**Appeal Provision**

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

If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision on the 31<sup>st</sup> calendar day after issuance. An eligible person must first appeal this decision in accordance with *11 AAC 02* before appealing this decision to Superior Court (*11 AAC 02.020 (a) and (b)*). A copy of *11 AAC 02* may be obtained from any regional information office of the Department of Natural Resources.