

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 109138 – City of Edna Bay
AS 38.05.035(e), AS 38.05.825

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated January 3, 2022. 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 Edna Bay, as described in the ADL 109138 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 primary proposed action was published and distributed in the following manner:

- Posted on the State of Alaska Online Public Notice website from January 3, 2022, to February 8, 2022.
- Posted on the Public Notices page of the DNR DMLW Alaska State Land Sales website.
- Notice mailed to the City of Edna Bay per *AS 38.05.945(c)(1)*. City of Edna Bay posted copies of the notice for 30 days at the Edna Bay post office, school, and harbor per *AS 38.05.945(c)(4)*.
- Mailed to the Sealaska Regional Corporation per *AS 38.05.945(c)(2)-(3)*.
- Emailed notice to the Southeast Alaska Soil and Water Conservation District, U.S. Army Corps of Engineers, U.S. Forest Service, and all State agencies who received the agency review notice.

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The public notice stated that written comments were to be received by 5:00 PM, February 8, 2022, to ensure consideration and eligibility to appeal. For more information, refer to the attached PD.

IV. Summary of Comments

DNR DMLW LCS received no comments during the public notice period.

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 no comments were received. 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

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

3/7/2022

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.

signature on file

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

3/7/22

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. 7th Avenue, Suite 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 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 31st 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.