

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

FINAL FINDING AND DECISION
CONVEYANCE OF STATE LAND UNDER AS 29.65, AS 38.05.035(e)

NORTH SLOPE BOROUGH MUNICIPAL LAND ENTITLEMENT SELECTION ADL 421699
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I. SUPPLEMENTAL STATEMENT

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated April 6, 2022. The attached map to this FFD depicts the selection that is the focus of this decision. The PD (attached) has received the required public review.

II. RECOMMENDED ACTION

The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends that Alternative 3, as described in the PD, is the preferred action since it best fits the intent and requirements of the Municipal Entitlement Act. This decision covers approximately 12 acres, approving approximately 12 acres for conveyance and transfer of management authority.

III. AUTHORITY

The authority for conveyance of state land is pursuant to *AS 29.65 General Grant Land* and the authority for the Final Finding and Decision is pursuant to *AS 38.05.035(e) Power and Duties of the Director*.

IV. PUBLIC PARTICIPATION AND INPUT

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment on the PD for the proposed conveyance of municipal entitlement selections was published and distributed in the following manner:

- Posted on the State of Alaska Online Public Notice website from April 6, 2022, to May 13, 2022.
- Posted on the Public Notices page of the DNR Alaska State Land Sales website from April 6, 2022, to May 13, 2022.
- Posted on the DNR Municipal Entitlement website from April 6, 2022, to May 13, 2022.
- Mailed with a request to post for 30 days to the Utqiagvik and Prudhoe Bay postmasters and Utqiagvik Public Library per *AS 38.05.945(c)(4)*.
- Mailed to the Arctic Slope Regional Corporation per *AS 38.05.945(c)(2)-(3)*.
- Mailed and emailed to the North Slope Borough per *AS 38.05.945(c)(1)*.
- Emailed notice to all other State agencies who received the agency review notice.

The public notice stated that written comments must be received by 4:30 PM, Friday, May 13, 2022, in order to ensure consideration and eligibility to appeal. For more information, refer to the attached PD.

V. SUMMARY OF COMMENTS

DNR DMLW LCS received comments from DNR DMLW Public Access Assertion and Defense, DNR DMLW Statewide Abatement of Impaired Lands, DNR Division of Parks and Outdoor Recreation, and the Department of Transportation & Public Facilities. All comments received during the public comment period are summarized and addressed below.

DNR DMLW LCS received brief comments of non-objection from the following agencies: Department of Transportation & Public Facilities (DOT&PF) and DNR Division of Parks and Outdoor Recreation (DPOR).

DNR DMLW LCS Response: LCS appreciates your review.

Comments from DNR DMLW Public Access Assertion and Defense (PAAD):

There are no Navigable Waters per AS 38.04.062 within or adjacent to this parcel. This parcel also does not contain and is not adjacent to any Navigable or public waters Per AS 38.05.126, 127 and 965 (14) & (21).

DNR DMLW LCS Response to PAAD: LCS appreciates your review.

Comments from DNR DMLW Statewide Abatement of Impaired Lands (SAIL):

SAIL submitted a detailed summary and a Disclosure of Past Use and Known Contamination. SAIL reasserts that DMLW “makes no warranties as to the ‘nonexistence’ of contamination not now identified” and that “state records are not a warranty as to all potential contamination.”

DNR DMLW LCS Response to SAIL: LCS appreciates your review. NSB was provided with a copy of the North Slope Tract 13 DNR-DMLW Disclosure of Past Use and Known Contamination on April 27, 2022.

VI. MODIFICATIONS TO DECISION

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

VII. DISCUSSION AND FINAL FINDING AND DECISION

Through this Final Finding and Decision, DNR determines that it is in the best interest of the State to convey 11.54 acres of state land with management authority transferred to NSB upon the effective date of this decision. There are no overriding state interests in retaining this selection and the conveyance to NSB is consistent with the requirements for conveyance under AS 29.65, and the management intent requirements of the North Slope Area Plan.

Lands Approved for Conveyance

Table 1 below lists those lands approved for conveyance in this decision by location/map name, Meridian (M), Township (T), Range (R), Section and legal description, and approximate acreage. The estimated acreages for conveyance do not account for any exclusions, and exact acreages would be determined by survey, if one is needed. The final acreage amount will be credited towards partial fulfillment of North Slope Borough’s municipal land entitlement.

Table 1

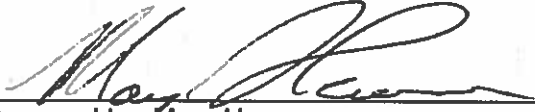
Map Name	MTR	Section and Legal Description	Acres
Tract 13	U010N015E	Sec. 18: Tract 13, ASLS 76-227, Plat 77-3	11.54
APPROVED for CONVEYANCE: TOTAL APPROXIMATE ACRES			11.54

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.

1. That it is appropriate to convert the Ha/OG designation on Tract 13 to Se and therefore change to the conveyable classification of Settlement Land.
2. That it is appropriate to convey approximately 11.54 acres of state-owned land to North Slope Borough. This decision determines that the interest of the State to retain this land does not outweigh the interests of NSB to obtain it.

The findings presented above have been reviewed and considered. The Public Notice has been accomplished in accordance with AS 38.05.945. The case file has been found to be complete and the requirements of all applicable statutes have been satisfied. It has been determined that it is in the best interest of the State to proceed with the conveyances identified in this FFD to the North Slope Borough under the authority of AS 29.65.




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

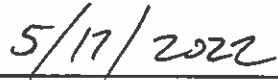


Date

Under the authority of the applicable statutes, it is in the best interest of the State to proceed with the recommended action as described in this Final Finding and Decision.

fol: 

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



Date

APPEAL PROVISION

A person affected by this decision may appeal it, in accordance with *11 AAC 02*. Any appeal must be received in writing within 20 calendar days after the date of the 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 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 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 \$250 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 administrative order and decision of the department on the 31st day after issuance. An eligible person must first appeal this decision in accordance with *11 AAC 02* before appealing this decision to the Superior Court (*11 AAC 02.020(a)* and *(b)*). A copy of *11 AAC 02* may be obtained from any regional office of the Department of Natural Resources or at: <http://www.akleg.gov/basis/aac.asp>.

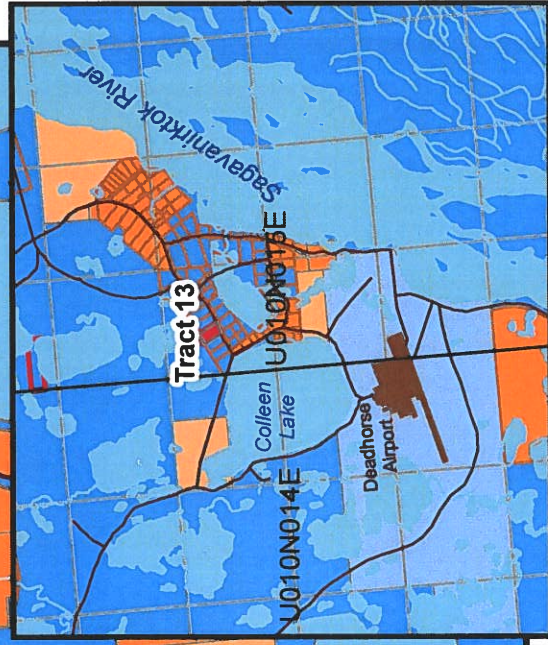
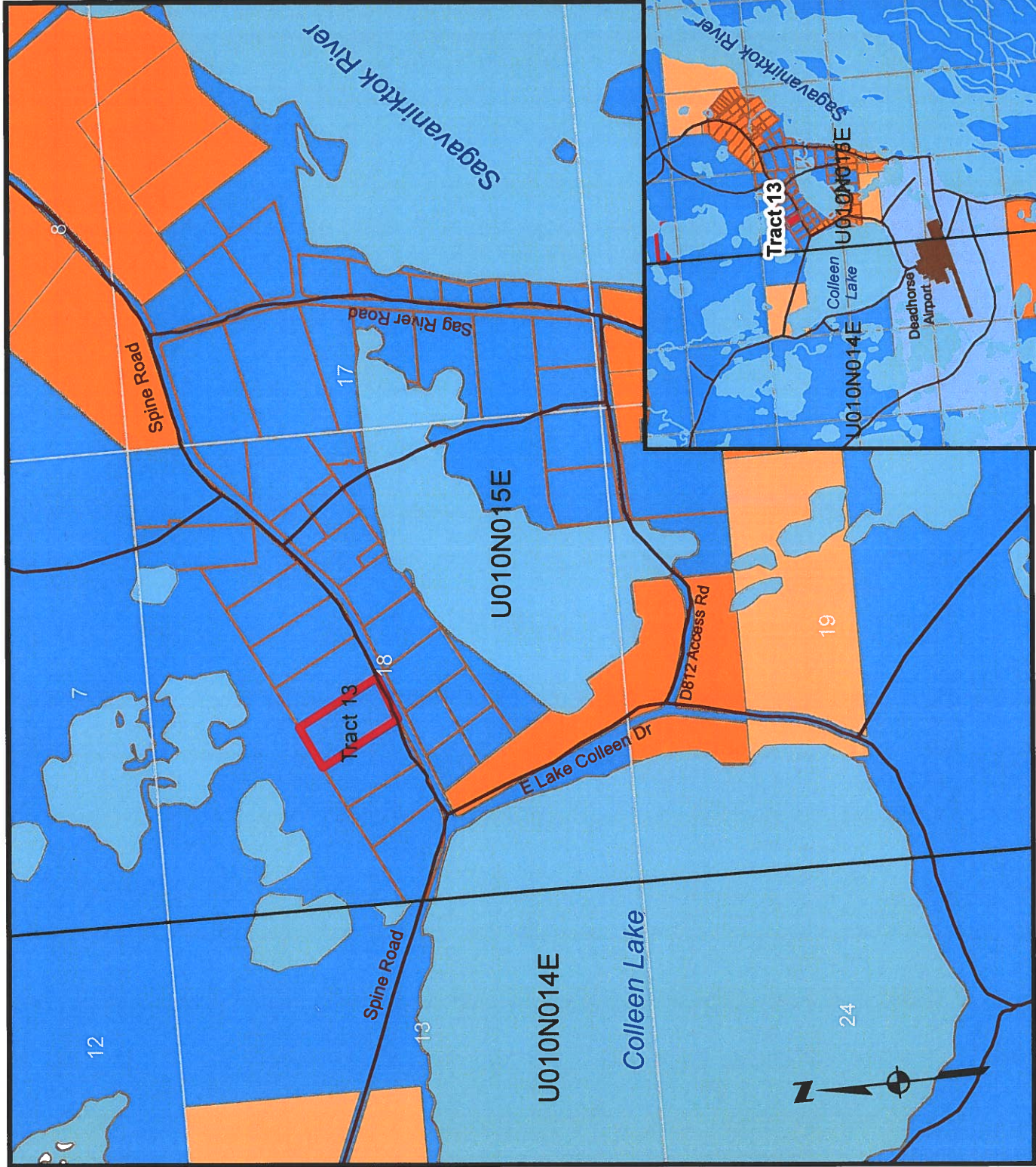
North Slope Borough Municipal Selections

Final Finding and Decision

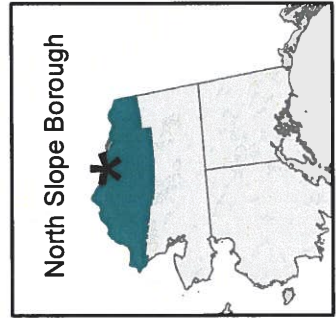
ADL 421699

Legend

-  Local Roads
-  Surveyed Tracts
-  Selected by Borough
-  Approved Conveyance to Borough
-  Conveyed to Borough
-  State Land - TA or Patent
-  ILMA to DOT&PF
-  Mineral/Surface Leases



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



Created by DNR-DMLW-LCS-ME

May 2022