

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 414833**

**I. SUPPLEMENTAL STATEMENT**

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated June 22, 2023. 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 1,508 acres, approving approximately 1,508 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 June 22, 2023, to July 28, 2023.
- Posted on the Public Notices page of the DNR Alaska State Land Sales website from June 22, 2023, to July 28, 2023.
- Posted on the DNR Municipal Entitlement website from June 22, 2023, to July 28, 2023.
- 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, July 28, 2023, 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 Water Resources Section, Water Management Unit, DNR DMLW Realty Services Section, DNR DMLW State Pipeline Coordinator's Section, and the Department of Transportation & Public Facilities. All comments received during the public comment period are transcribed and addressed below.

DNR DMLW LCS received brief comments of non-objection from the following agencies: DNR Water Resources Section, Water Management Unit, and Department of Transportation & Public Facilities (DOT&PF).

*DNR DMLW LCS Response:* LCS appreciates your review.

Comments from DNR DMLW Realty Services Section (RSS):

To account for future changes of the ambulatory boundaries of the Kavik River and the Shavirovik River, Realty Services suggests that a legal description that doesn't refer to east and west river boundaries be employed. Realty recommends descriptors such as "right bank, left bank, etc." be used to describe the parcel to be conveyed to NSB. As the rivers move over time, east and west boundary descriptors may result in a legal description that no longer encompasses the desired land. Please consult with the Surveys Section to account for this unique scenario. It may also be prudent to alert the North Slope Borough of the possibility of either of the river's boundaries changing prior to survey and patent.

*DNR DMLW LCS Response to RSS:* LCS appreciates your review. Because of the nature of large rivers to be ambulatory over time, it is a sound suggestion to change the legal description of the OHWM to left and right as opposed to east and west. For modifications to this decision, please see **Section VI. Modifications to Decision** below.

NSB needs to be aware that the rivers will meander from their current courses over time. This will, most likely, change the legal description from what is stated in this FFD. The final acreage to be charged to NSB will be calculated after a survey has been recorded. Deviations less than the acreage stated within this decision will be credited back to NSB for future selections.

Comments from DNR DMLW State Pipeline Coordinator's Section (SPCS):

The State Pipeline Coordinator's Section (SPCS) reviewed the Municipal Entitlement Preliminary Decision for North Slope Borough (NSB), Kavik River land transfer, ADL 414833. Based on the location of the land under discussion, it does not appear to encompass any AS 38.35 pipeline rights-of-way.

However, if to access the proposed land is needed by crossing or entering the AS 38.35 pipeline rights-of-way, which are comprised of primarily aboveground pipelines, the SPCS requests the NSB consult the pipeline lessees listed below to discuss the best location for crossing, so that it is done in a safe manner and doesn't interfere with the pipelines' operations.

**Badami Oil (ADL 415472), and Badami Utility (ADL 415965) Pipelines**

*Nutaaq Pipeline, LLC  
C/O Savant Alaska, LLC, a Glacier Oil and Gas Company  
David Pascal, Manager of Nutaaq Pipeline, LLC.  
188 W. Northern Lights Blvd., Suite 510  
Anchorage, AK 99503  
(907) 433-3822  
[dpascal@glacieroil.com](mailto:dpascal@glacieroil.com)*

**Point Thomson Export Pipeline, ADL 418975**

*PTE Pipeline LLC  
C/O Harvest Alaska  
Andrew Limmer, President  
3800 Centerpoint Drive, Suite 1400  
Anchorage, AK 99503*

(907) 564-5232  
[alimmer@harvestmidstream.com](mailto:alimmer@harvestmidstream.com)  
 (copy to Michelle Brown [mibrown@harvestmidstream.com](mailto:mibrown@harvestmidstream.com))

**Alaska LNG – PTTL Pipeline (ADL 421296)**  
 Alaska Gasline Development Corporation  
 Lisa Haas, Environmental and Regulations Manager  
 3201 C Street, Ste. 505  
 Anchorage, AK 99503  
 (907) 947-9353  
[lhaas@agdc.us](mailto:lhaas@agdc.us)

DNR DMLW LCS Response to SPCS: LCS appreciates your review. NSB will be notified to contact the appropriate agencies should they decide to create access to the land.

**VI. MODIFICATIONS TO DECISION**

Pursuant to a comment received during the public notice period, there is a minor correction and clarification to be made between the PF and FFD. This change does not affect the amount of acreage approved for conveyance.

- PD Table 5 is modified to read:

Map Name	MTR	Section and Legal Description	Acres
Kavik River Confluence	U008N019E	That portion of Tract C located right of the OHWM of Kavik River and located left of the OHWM of Shaviotvik River within the protracted sections of: Sec. 14: 23.75 ac. Sec. 23: 418.37 ac. Sec. 24: 12.59 ac. Sec. 25: 72.92 ac. Sec. 26: 586.94 ac. Sec. 27: 393.48 ac.	1,508
<b>PROPOSED CONVEYANCE: TOTAL APPROXIMATE ACRES</b>			<b>1,508</b>

**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 1,508 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
Kavik River Confluence	U008N019E	That portion of Tract C located right of the OHWM of Kavik River and located left of the OHWM of Shaviovik River within the protracted sections of: Sec. 14: 23.75 ac. Sec. 23: 418.37 ac. Sec. 24: 12.59 ac. Sec. 25: 72.92 ac. Sec. 26: 586.94 ac. Sec. 27: 393.48 ac.	1,508
<b>APPROVED for CONVEYANCE: TOTAL APPROXIMATE ACRES</b>			<b>1,508</b>

**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 the parcel to Rm and therefore change to the conveyable classification of Resource Management Land.
2. That it is appropriate to convey approximately 1,508 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

8/8/2023

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.



Approved by: Hannah Uher-Koch  
Acting Section Chief  
Land Conveyance Section  
Division of Land, Mining and Water  
Department of Natural Resources  
State of Alaska

8/8/2023

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 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 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 \$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 31<sup>st</sup> 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>.

ATTACHMENT A

North Slope Borough





Municipal Selections

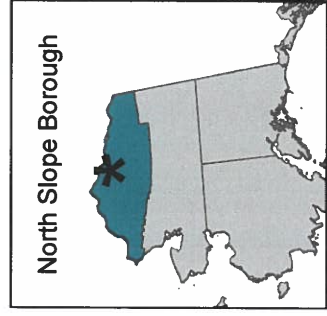
Final Finding & Decision

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Kavik River Confluence

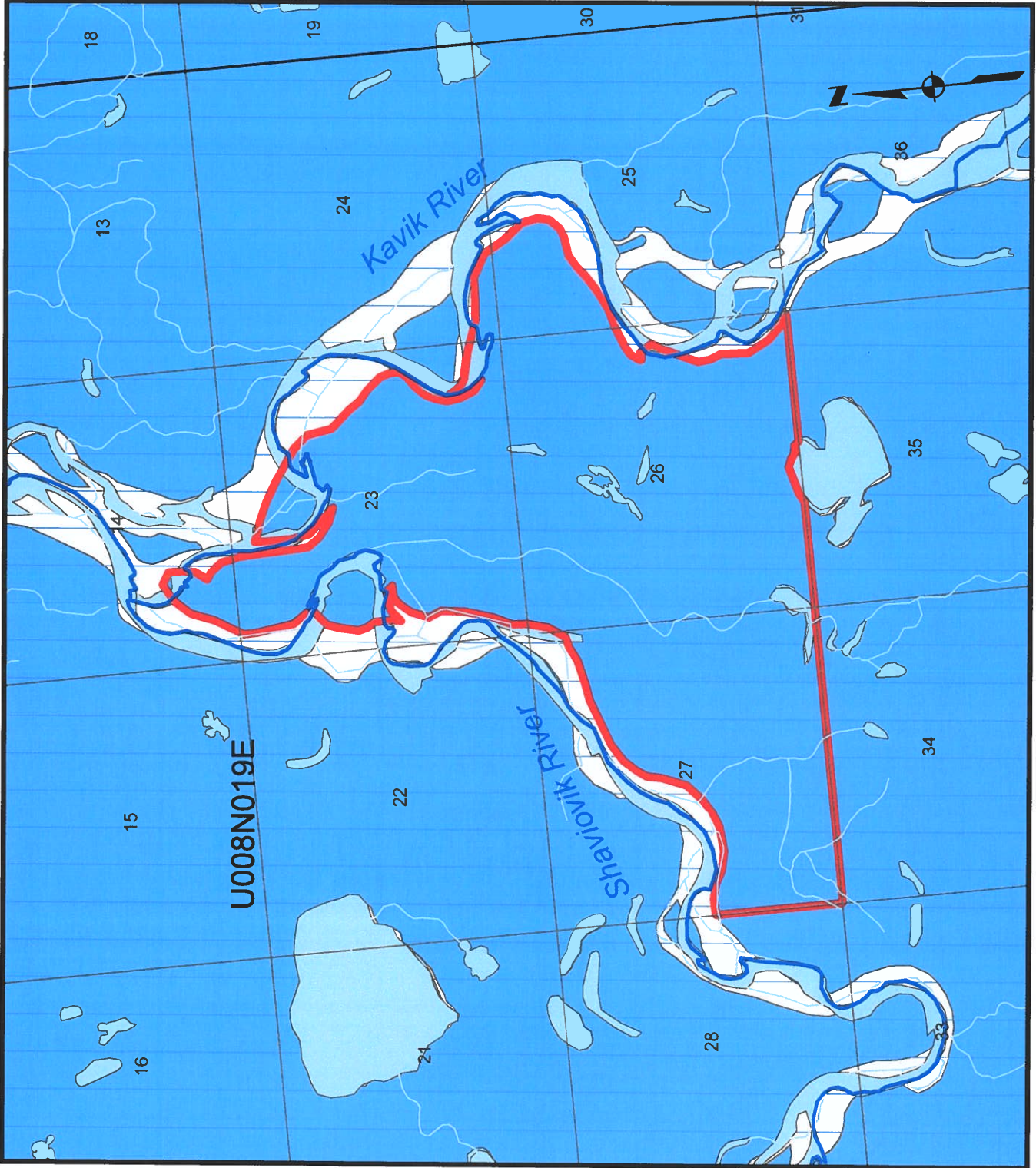
Legend

-  Anadromous Stream
-  Approved Conveyance
-  State Land - TA or Patent
-  Mineral Leases
-  NSAP Unit C-19



Created by DNR-DMLW-LCS-ME

August 2023



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.

