

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 421743**

I. SUPPLEMENTAL STATEMENT

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated August 11, 2023. The attached maps to this FFD depict the selections that are 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 4, 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 2,140 acres, approving approximately 40 acres for conveyance and transfer of management authority, and rejecting approximately 2,100 acres.

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 August 11, 2023, to September 15, 2023.
- Posted on the Public Notices page of the DNR Alaska State Land Sales website from August 11, 2023, to September 15, 2023.
- Posted on the DNR Municipal Entitlement website from August 11, 2023, to September 15, 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.
- Emailed notice to permittees and lessees that hold contracts on the proposed approved parcel.

The public notice stated that written comments must be received by 4:30 PM, Friday, September 15, 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 Harvest Alaska LNG, LLC, DNR DMLW Water Resources Section, Water Management Unit, and DNR DMLW State Pipeline Coordinator’s Section. All comments received during the public comment period are transcribed and addressed below.

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

The State Pipeline Coordinator’s Section (SPCS) reviewed the Preliminary Decision Proposed Conveyance of State Land Under AS 29.65.010, North Slope Borough (NSB) Municipal Land Entitlement Selection, ADL 421743. Based on the location of the land proposed for conveyance, it does not appear to encompass any AS 38.35 pipeline rights-of-way.

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

Comment from Harvest Alaska LNG, LLC:

Harvest Alaska LNG, LLC (Harvest LNG) has no objection to DMLW’s Preliminary Decision for ADL 421743 concerning the North Slope Borough’s municipal entitlement selection.

However, we note that ADL 422035 should have been included in Table F: Other Leases and Permits. Harvest LNG is the grantee/lessee under ADL 422035 which covers a portion of “AIDEA Pad” located south of Flow Station 3, and overlaps ADL 421055 issued to Alyeschem, LLC.

DNR DMLW LCS Response to Harvest Alaska: LCS appreciates your review. The missing permit will be noted below in **Section VI. Modifications to Decision**.

Comments from DNR DMLW Water Resources Section (WRS):

It appears the wrong certificate of water rights file number is listed in the Preliminary Decision. The certificate listed is LAS 12176 however the correct file number is LAS 12167.

The DNR Water Resources Section, Water Management Unit, has no objection to the proposed land conveyance for the North Slope Borough under ADL 421743 for the North Slope Borough, O&S Infrastructure lands.

DNR DMLW LCS Response to WRS: LCS appreciates your review. The correction will be noted below in **Section VI. Modifications to Decision**.

VI. MODIFICATIONS TO DECISION

Pursuant to a comment received during the public notice period, two corrections or clarifications must be made between the PF and FFD. These corrections do not make any changes to the amount of acreages that are approved for conveyance or rejected.

PD Table 5 is modified to read:

Map Name	MTRS	File Type
Flow Station 1	U010N015E06	LAS 28591 Miscellaneous Land Use to Savant Alaska, LLC LAS <u>12167</u> Water Right to Hilcorp North Slope, LLC TWUA A2022-13 Temp Water Use to Hilcorp North Slope, LLC TWUA A2023-20 Temp Water Use to Hilcorp North Slope, LLC

PD Table F: Other Leases and Permits is modified to read:

Map Name	MTRS	ADL
Flow Station 3	U010N014E03	ADL 421055 Oddlot Lease to Alyeschem, LLC <u>ADL 422035 to Harvest Alaska LNG - LLC</u> TWUA A2023-09 Temp Water Use to Hilcorp North Slope, LLC

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 40 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
Flow Station 1	U010N015E	Sec. 6: N1/2S1/2SW1/4 (40 ac.)	40
APPROVED for CONVEYANCE: TOTAL APPROXIMATE ACRES			40

LANDS PROPOSED FOR REJECTION

Table 2 lists those lands proposed to be rejected for conveyance in this decision. These selections fall within the NSAP Units A-04 and A-05, assigned unconveyable classifications. Additionally, these selections include lands that the DNR Division of Oil and Gas (DOG), DNR DMLW Northern Regional Office (NRO), and SPCS stress are areas and infrastructure critical to the organization and maintenance of the industry. Input from DOG, NRO, and SPCS, and the associated management intent are reasons for retention by the State.

Table 2

Map Name	MTR	Section and Legal Description	Acres
Central Gas Facility	U011N014E	Sec. 11: NW1/4NW1/4 (40 ac.), S1/2NW1/4 (80 ac.), E1/2NW1/4SW1/4 (20 ac.), NE1/4SW1/4 (40 ac.)	180
Gathering Center 1	U011N013E	Sec. 11: E1/2SW1/4NW1/4 (20 ac.), SE1/4NW1/4 (40 ac.), N1/2N1/2SW1/4 (40 ac.), S1/2SE1/4 (80 ac.) ... 180 ac. Sec. 13: S1/2NW1/4NE1/4 (20 ac.), SW1/4NE1/4 (40 ac.), S1/2NE1/4NW1/4 (20 ac.), S1/2NW1/4 (80 ac.), N1/2SW1/4 (80 ac.), NW1/4SE1/4 (40 ac.) ... 280 ac. Sec. 14: N1/2NE1/4 (80 ac.), N1/2S1/2NE1/4 (40 ac.), SE1/4SE1/4NE1/4 (10 ac.), NE1/4NE1/4SE1/4 (10 ac.) ... 140 ac. Sec. 24: NW1/4NW1/4NE1/4 (10 ac.), E1/2NE1/4 (80 ac.), N1/2SE1/4 (80 ac.) ... 170 ac.	770
	U011N014E	Sec. 19: W1/2SW1/4SW1/4NW1/4 (5 ac.), SW1/4 (160 ac.) ... 165 ac.	165
Gathering Center 2	U011N013E	Sec. 16: NW1/4 (160 ac.), N1/2N1/2SW1/4 (40 ac.), S1/2S1/2SE1/4SE1/4 (10 ac.) ... 210 ac. Sec. 17: NE1/4SE1/4 (40 ac.) ... 40 ac.	250
Flow Station 1	U011N014E U011N015E U010N015E	Sec. 36: E1/2E1/2NE1/4 (40 ac.), E1/2NE1/4NE1/4SE1/4 (5 ac.) ... 45 ac. Sec. 31: SE1/4NE1/4NE1/4 (10 ac.), W1/2NW1/4 (80 ac.), W1/2SW1/4 (80 ac.), SE1/4SW1/4 (40 ac.) ... 210 ac. Sec. 6: N1/2NW1/4 (80 ac.), W1/2NW1/4SW1/4NE1/4 (5 ac.) ... 85 ac.	340

Map Name	MTR	Section and Legal Description	Acres
Flow Station 2	U011N015E	Sec. 33: E1/2SW1/4NE1/4 (20 ac.), SE1/4NE1/4 (40 ac.), N1/2NE1/4SE1/4 (20 ac.) ...80 ac. Sec. 34: S1/2SW1/4SW1/4NW1/4 (5 ac.), NW1/4NW1/4SW1/4 (10 ac.) ... 15 ac.	95
Flow Station 3	U010N014E	Sec. 3: NW1/4 (160 ac.), N1/2SW1/4 (80 ac.) N1/2S1/2SW1/4 (40 ac.) ...280 ac. Sec. 4: E1/2NE1/4NE1/4 (20 ac.) ...20 ac.	300
REJECTION: TOTAL APPROXIMATE ACRES			2100

Recommendation and approval of the Final Finding and Decision follow.

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. It is appropriate to convert the Ha/Og designation on the portion of Flow Station 1 parcel that falls within U10N15E06 and is within Unit A-14 to Se and, therefore, changes to the conveyable classification of Settlement Land.
2. It is appropriate to convey approximately 40 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 the borough to obtain it.
3. It is appropriate to reject 2,100 acres because the NSAP classifications for Units A-04 and A-05, which the selections fall into, and the associated management intent state the land will be retained by the State.

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.



Approved by: Hannah Uher-Koch
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

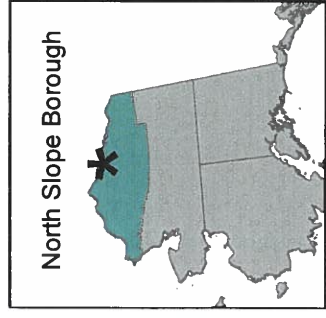
Municipal Selections

Final Finding and Decision
ADL 421743

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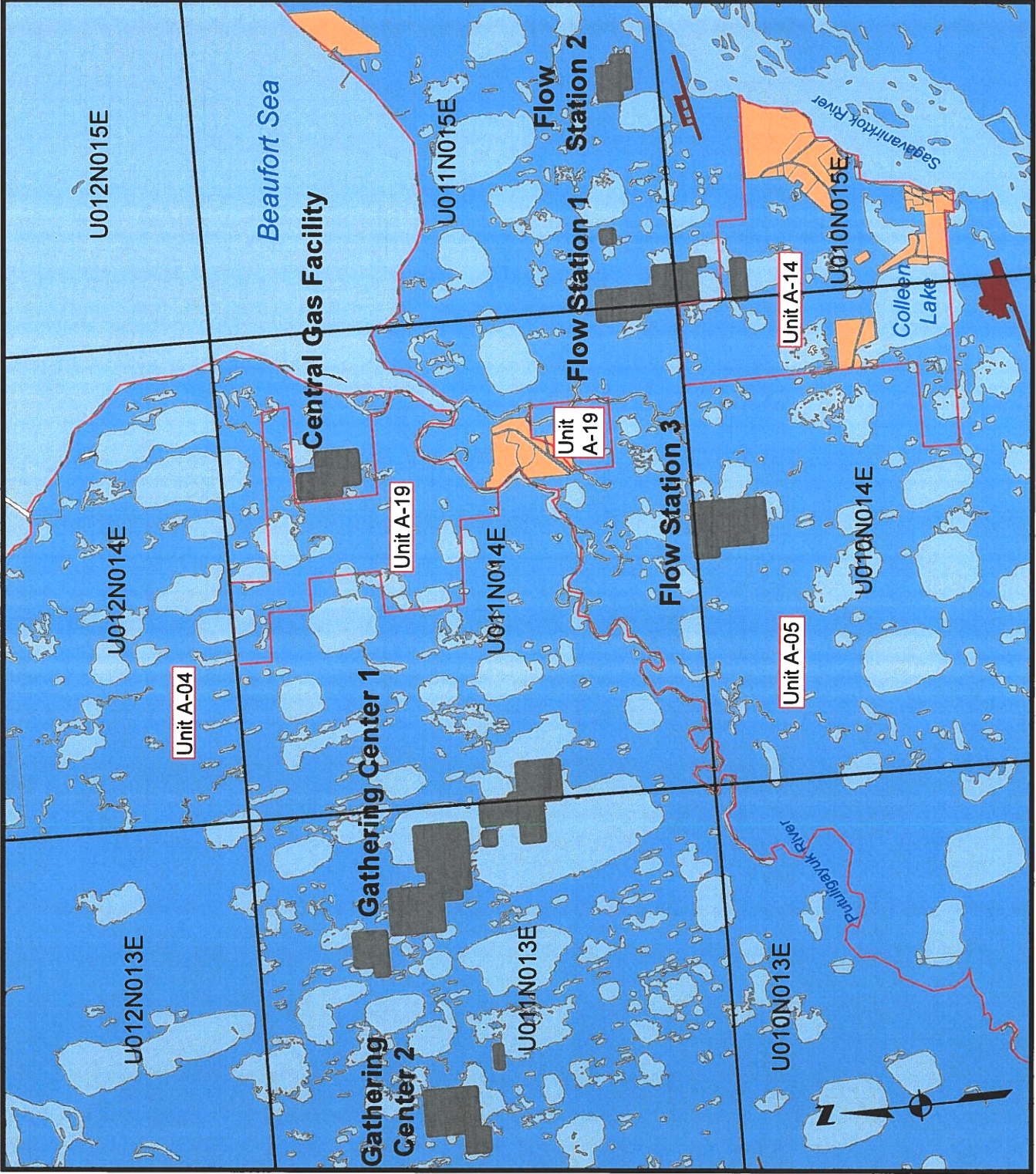
Legend

- Selected by Borough
- NSB Lands
- State Land - TA or Patent
- Airport
- North Slope Area Plan Unit



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September 2023



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North Slope Borough

Municipal Selections

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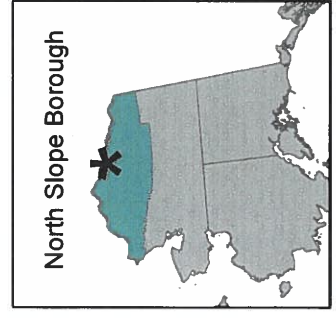
ADL 421743

Central Gas Facility

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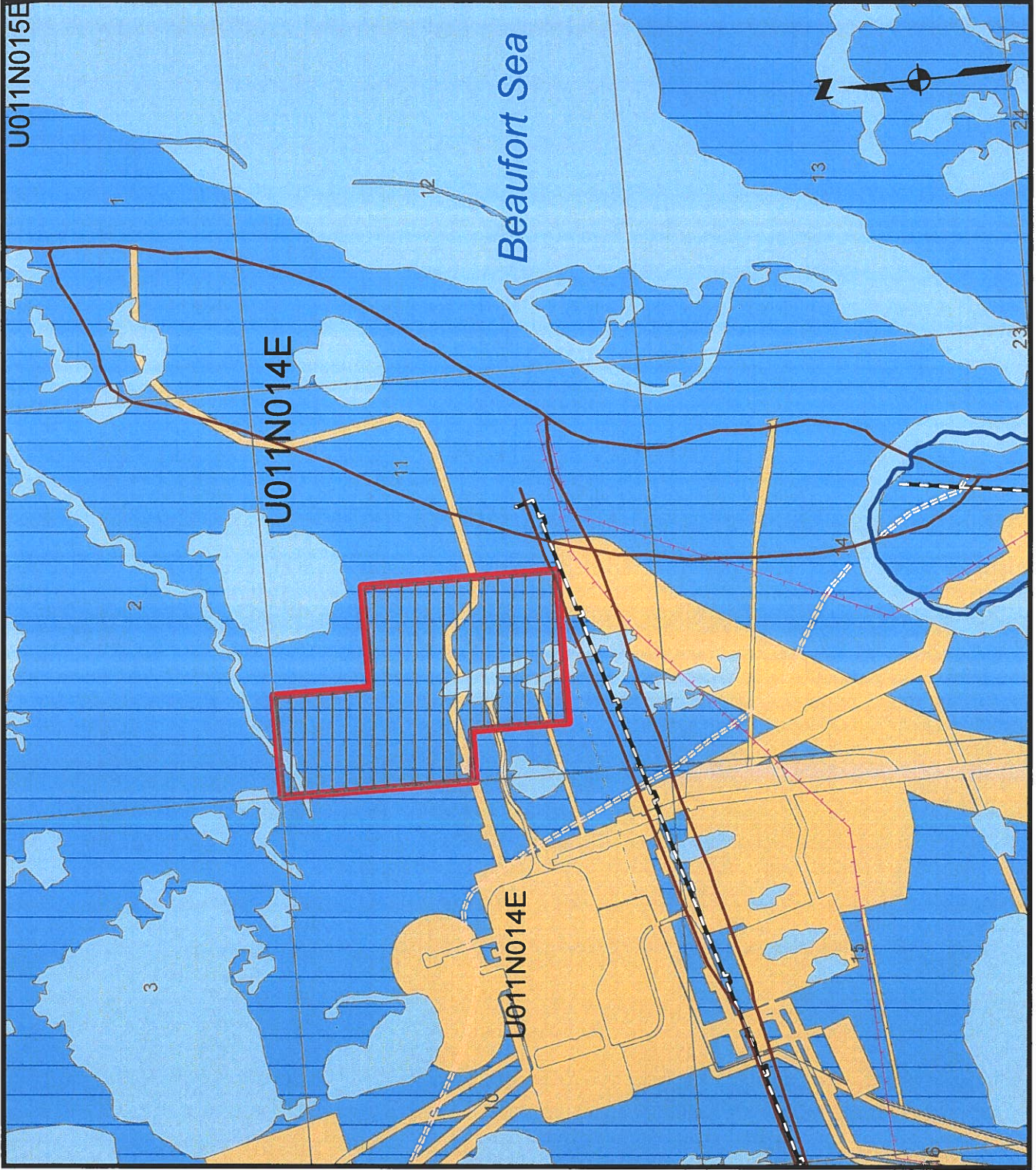
- Anadromous Stream
- Local Roads
- Pipeline
- Powerline
- Trail
- Selected by Borough
- Rejected
- State Land - TA or Patent
- Mineral Leases
- Land Estate Leases

NSAP Unit A-04



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Final Finding and Decision

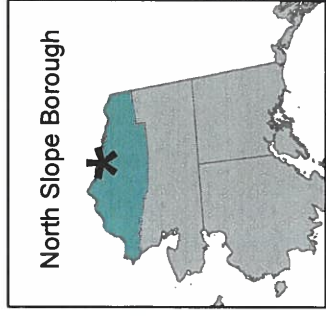
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Gathering Center 1

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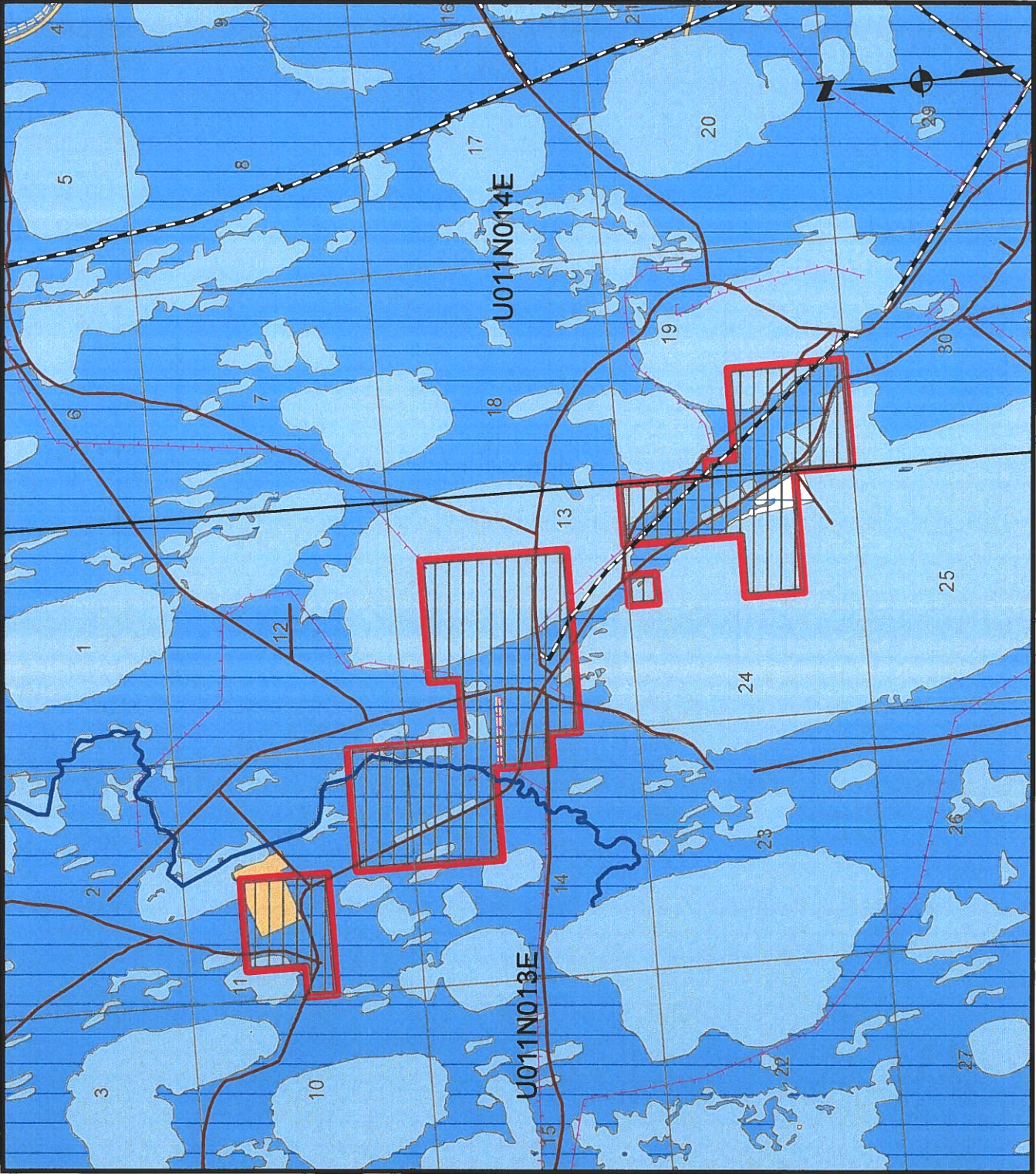
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NSAP Unit A-04



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North Slope Borough

Municipal Selections







Final Finding and Decision

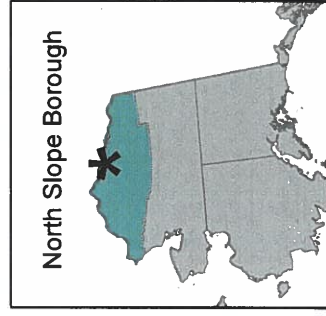
ADL 421743

Gathering Center 2

NSAP Unit A-04

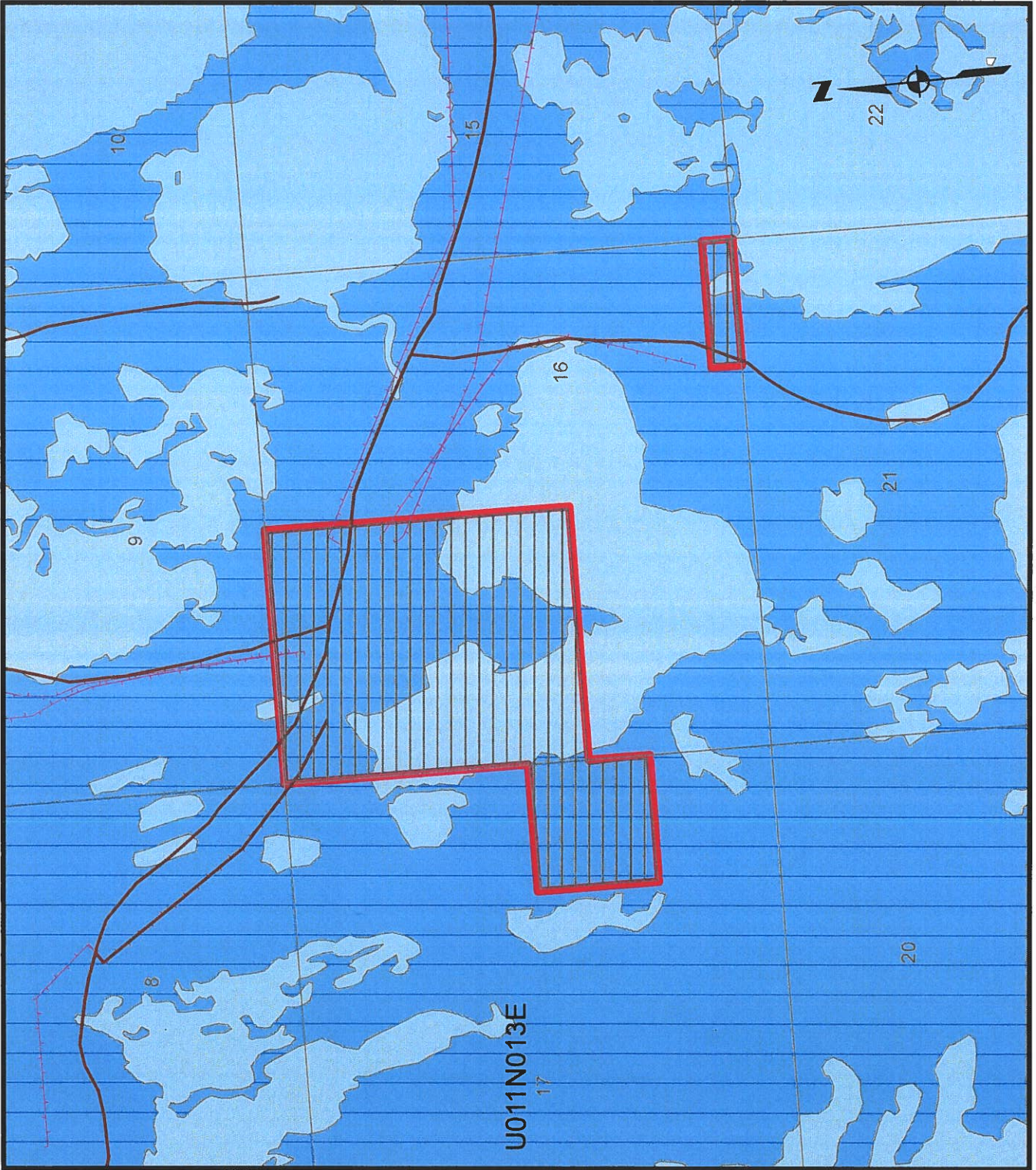
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-  Local Roads
-  Powerline
-  Selected by Borough
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North Slope Borough

Municipal Selections

Final Finding and Decision

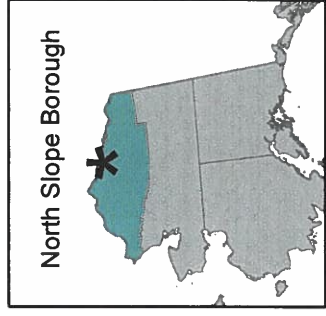
ADL 421743

Flow Station 1

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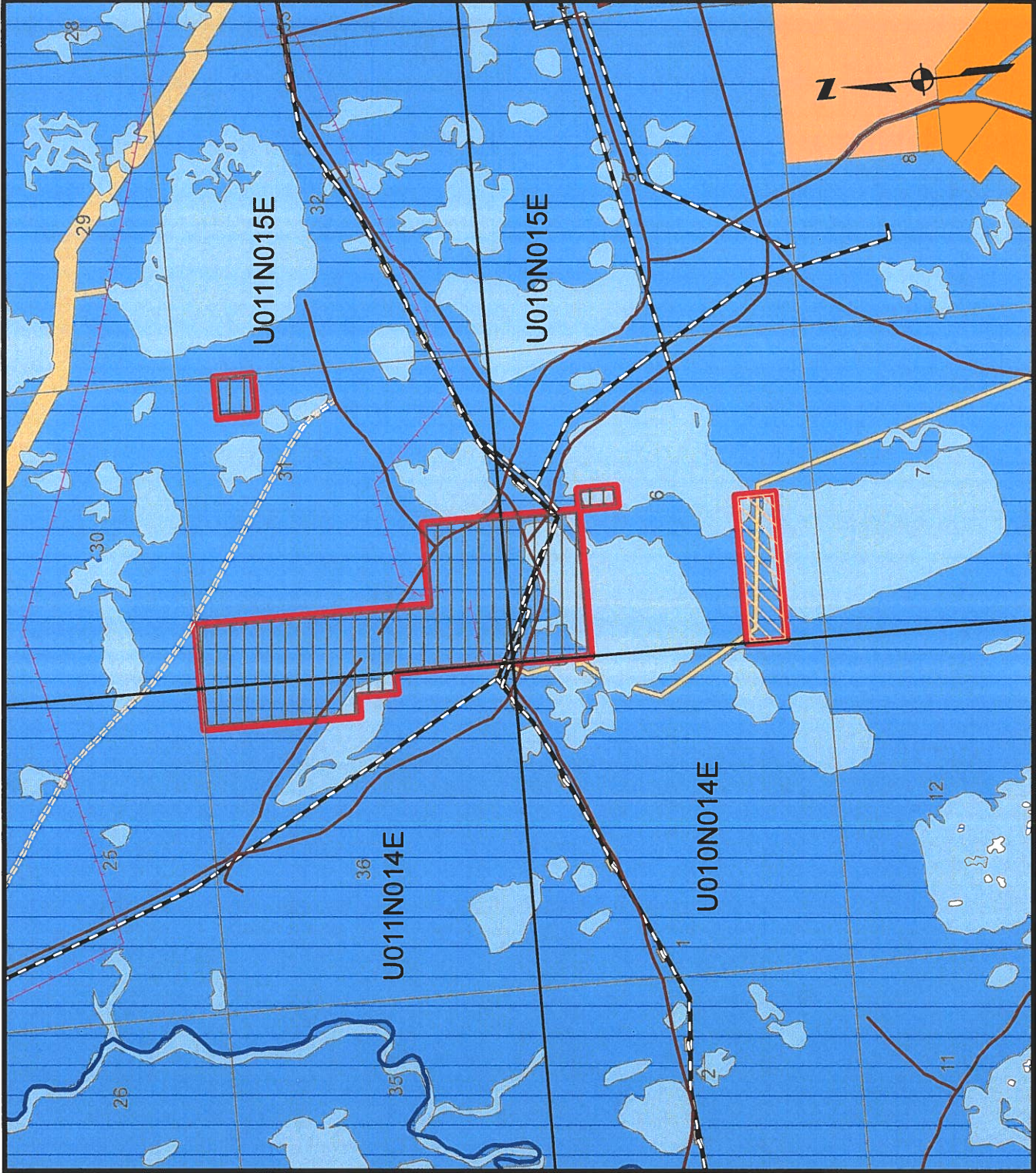
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- Local Roads
- Pipeline
- Powerline
- Trail
- Selected by Borough
- Approved Conveyance
- Rejected
- Approved Conveyance to Borough
- Conveyed to Borough
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NSAP Units A-05, A-16



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North Slope Borough










Municipal Selections

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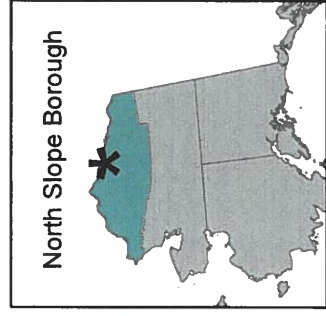
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Flow Station 2

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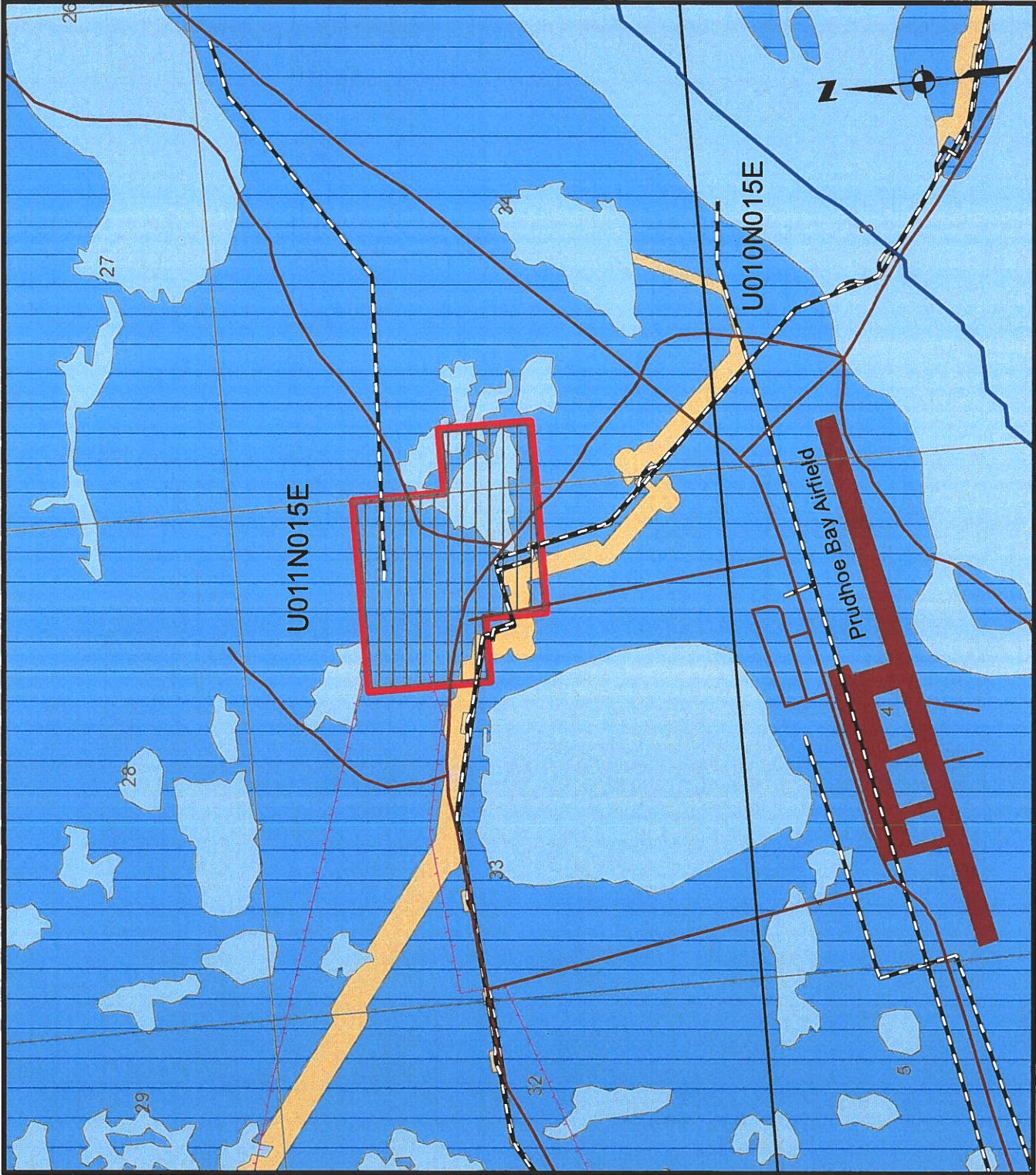
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-  Land Estate Leases

NSAP Unit A-05



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North Slope Borough










Municipal Selections

Final Finding and Decision

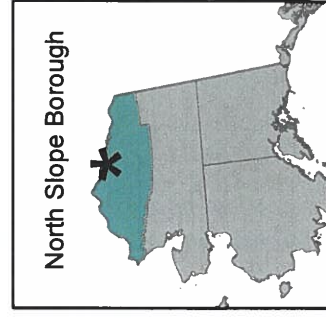
ADL 421743

Flow Station 3

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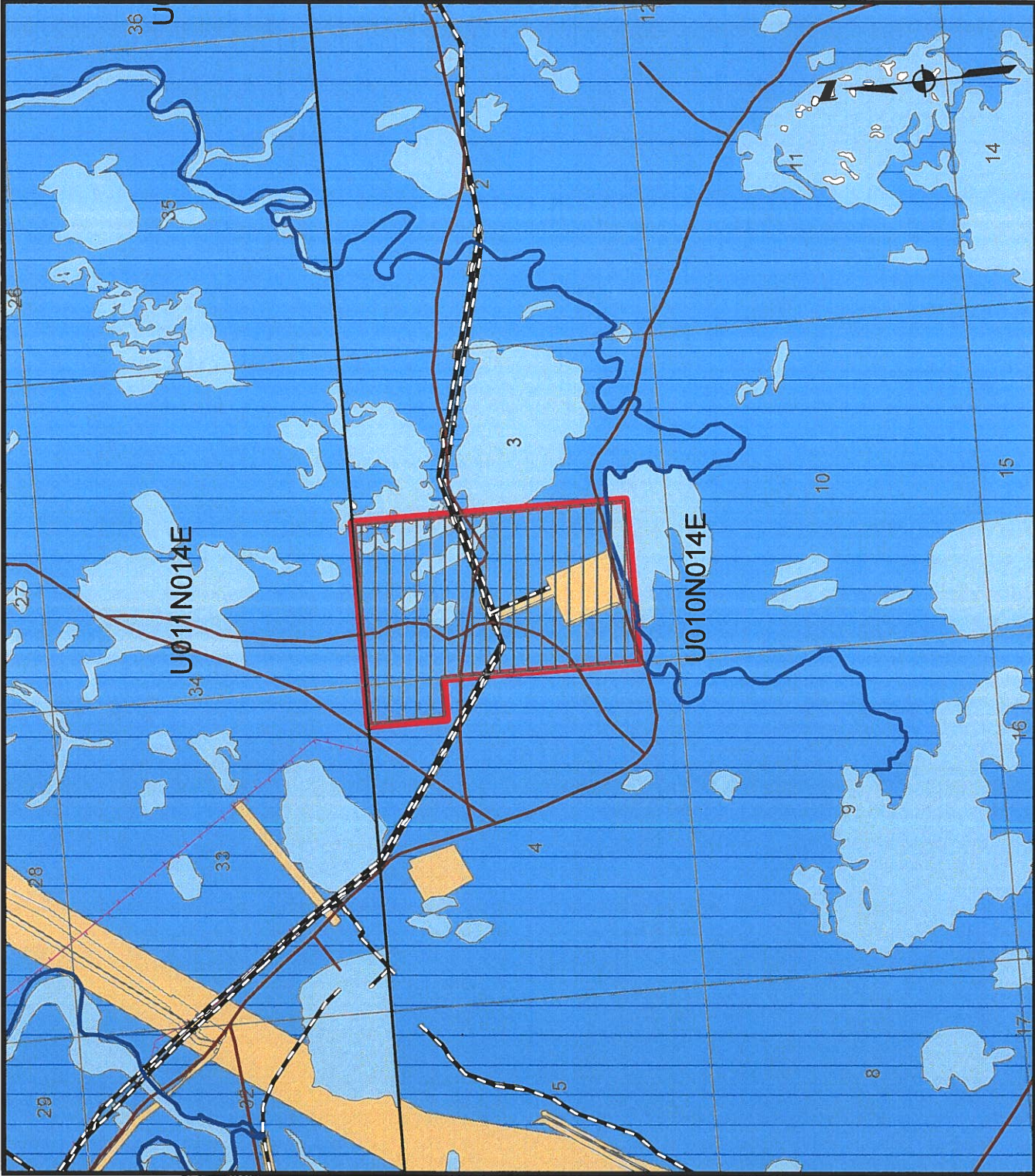
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NSAP Unit A-05



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