

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

**FINAL FINDING AND DECISION**

of a  
**Proposed Land Offering in the Unorganized Borough  
City of Coffman Cove – Platting Authority**

**Coffman Cove Loop Road Subdivision – ADL 108055  
AS 38.05.035(e), AS 38.05.045**

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision dated March 5, 2015. The preliminary decision has had the required public review.

The Preliminary Decision is considered part of this FFD and is hereby attached.

Attachment I: Amended Vicinity Map

**I. Recommended Action**

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales and Contract Administration Section (LSCAS) recommends offering for sale State-owned land for private ownership within the Coffman Cove Loop Road Subdivision project area (ADL 108055), as described in the Preliminary Decision. Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally [Land for Sale]*.

For the purposes of providing land for settlement in the DNR's Southeast Region, approximately one mile southwest of Coffman Cove on Prince of Wales Island, if deemed feasible, DNR may develop a subdivision of no more than 75 parcels varying in size from approximately 1 acre to 5 acres along with larger remainder tract(s). While the project area is located in the Unorganized Borough, it is within the city limits of The City of Coffman Cove, which has platting authority and therefore survey, platting, and road construction will be subject to the relevant local platting authority subdivision standards and ordinances. The local process includes public comment opportunity. The project may be subdivided and offered in multiple stages.

**II. Authority**

DNR DMLW has the authority under *AS 38.05.045 Generally [Sale of Land]* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State as required by *AS 38.05.035 (e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska states that it is the policy of the State to encourage the settlement of its land.

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### **III. Public Participation and Input**

All State requirements for public notice and public comment input have been met as covered in detail in Section V below. Further research, evaluation of agency and public input, and ongoing development study may reveal new data for consideration with concept and design of the proposed project. Should this project move forward with State approval, final subdivision design and survey will be completed by an Alaska licensed surveyor. 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 The City of Coffman Cove ordinances and codes. During the process the public will have opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

Subdivision design will be submitted to the City of Coffman Cove for review in accordance with Title XIV *Subdivisions* of their ordinance.

Section 14.05.020(A) *Major Plats ~ Notification*. “The Platting Board shall issue a notice of public hearing on the preliminary plat at least five (5) days before the plat is scheduled for public hearing...”

Section 14.05.030(A) *Major Plats*. “The platting board shall approve, disapprove or return the preliminary plat for modification or correction within sixty (60) days of its submittal by the subdivider...”

### **IV. Traditional Use Findings**

In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a traditional use finding is required for project areas within the Unorganized Borough. This project area is within the Unorganized Borough. Public comment raised concern over lots located adjacent to the grassy flats area related to traditional use. As a result of the concern DNR has removed those lots from the project area. Refer to the **Summary of Public Notice and Comments** and **Modifications to Decision and/or Additional Information** sections for more information. Public review brought forth no other information indicating traditional use conflicts that were not apparent at the Preliminary Decision stage. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a possible increase in the various traditional activities which may be practiced by private-property owners.

### **V. Summary of Public Notice and Comments**

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment appeared on the State of Alaska Online Public Notices website at <http://notes.state.ak.us/pn/> and was posted on the DNR DMLW LSCAS website at [http://dnr.alaska.gov/mlw/landsale/public\\_notice/](http://dnr.alaska.gov/mlw/landsale/public_notice/) for the entire public notice period. Notification and decision copies were sent directly to area legislators and to multiple State agencies, and to other interested entities; parties were notified via the subscribers list for public notice and subdivision offering by email; information was posted to Twitter and Facebook.

Notices were mailed to The City of Coffman Cove per *AS 38.05.945 (c) (1)*, as well as Sealaska Corporation native regional corporation per *AS 38.05.945 (c) (2)-(3)*. Courtesy notice was

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distributed to Klawock Heenya Corporation, Craig Community Council, Organized Village of Kassan, and Klawock Cooperative Association. Additionally, notices, Attachment A map, and a request to post for 30 days were sent to 7 postmasters and 6 librarians in the vicinity of the offering.

The public notice stated that written comments were to be received by 5:00PM, April 7, 2015 in order to ensure consideration and eligibility for reconsideration or appeal. For more information, refer to Attachment C of the Preliminary Decision.

In response to the public notice, DNR DMLW LSCAS received timely comments from two State agencies, The City of Coffman Cove, Sealaska Corporation, and 1 individual. All comments received during the public comment period are summarized below.

DNR Division of Geological & Geophysical Surveys (DGGS) comment: DGGS reviewed the proposed subdivision and expressed no additional comments about the project.

DNR DMLW LSCAS Response: The review and response are appreciated.

Office of History and Archaeology (OHA) comment: OHA reviewed the proposed subdivision for conflicts with cultural resources and noted that the Alaska Heritage Resource Survey Database (AHRIS) indicates that there are no recorded cultural resource sites within the proposed subdivision area. However, in the general vicinity of the proposed subdivision there are several prehistoric sites indicating a higher potential for encountering cultural resources. The primary area of concern is Government Lot 10. OHA noted that there are no known on-ground archaeological surveys for the area, and requested that the portion of the proposed subdivision within that lot be removed from offering until an archaeological survey can be conducted by a qualified professional.

DNR DMLW LSCAS Response: LSCAS has worked closely with OHA regarding this project and will support the recommendations made. Pursuant to further coordination, OHA has agreed to conduct a survey of the area of concern by fall of 2015. DMLW will continue to work with OHA to remove potentially sensitive areas discovered in the survey. Additionally, it is standard practice to advise those involved with development as well as applicants that if any sites or artifacts may be discovered on property that is offered, OHA must be notified.

OHA completed an inspection of the area on November 9, 2015. Findings from that inspection indicated that no cultural, historical, or other potentially sensitive areas were discovered.

The City of Coffman Cove (the City) comments: An email from the City Administrator stated that the creek labeled as Trumpeter Creek on the Vicinity Map is actually an un-named creek. Trumpeter is a little further out the road and empties into Sweetwater Lake.

DNR DMLW LSCAS Response: The review and response are appreciated. The error is corrected on the updated map.

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The City of Coffman Cove (the City) comments: A letter from the City Administrator stated that the City of Coffman Cove is supportive of the project but requests the following aspects when developing the Final Best Interest Finding:

1. Development between the Coffman Cove Road and the Grassy Flats Estuary will result in conflict with the community's traditional use of that area. The community uses the Grassy Flats Estuary for bird, bear and deer hunting. A 100' buffer of trees between the estuary and the area of development will not be sufficient. The City is opposed to any development between the highway and the estuary.
2. The unnamed creek (labeled as Trumpeter Creek in the Preliminary Decision) is part of the municipal watershed and development in the area of the creek should be avoided.
3. The City is not opposed to selective logging within the proposed subdivision provided it is done responsibly. The City is opposed to clear-cutting within the proposed subdivision.
4. The City supports a platted subdivision road accessible from the Coffman Cove Highway to service parcels with Highway frontage. Driveways on the Highway pose a safety hazard for parcel owners and traveling motorists, therefore, all Highway frontage lots should be accessed from the platted subdivision road rather than the Highway. We will make the necessary changes to our subdivision ordinance to ensure that parcel owners will be prohibited from developing access via the Highway.
5. Once the roads are platted and ownership is transferred to the City of Coffman Cove, it becomes the City's responsibility to secure the Army Corp Permit before road construction can take place. The Army Corp requires a 2:1 wetland mitigation ratio which forces the City to sacrifice either money or land in order to have the roads constructed. The City does not have the resources to satisfy the mitigation requirement nor should it be the City's responsibility when the State is profiting financially from the land sale. The City requests that all mitigation for the platted roads be satisfied by the State and that land be set aside with a covenant in accordance with the Army Corp wetland permit requirements.

DMLW Response: Support is always welcome and DMLW looks forward to working with all concerned to move this proposal forward. DNR DMLW LSCAS has maintained coordination with the City of Coffman Cove, to include a workshop on May 5, 2015. .

1. LSCAS has been working with the City to find a reasonable area of development with regards to Government Lot 10. LSCAS has removed that portion of the project area within W1/2 of Government Lot 10 north of FDR 3030. Refer to the **Modifications to Decision and/or Additional Information** section and Attachment I: Amended Vicinity Map for more information.
2. Pursuant to further consultation with the City of Coffman Cove, DNR DMLW LSCAS has additionally removed that portion of the project area east of the unnamed creek (identified as Trumpeter Creek in error on the Preliminary Decision) Refer to the **Modifications to Decision and/or Additional Information** section and Attachment I: Amended Vicinity Map for more information.
3. LSCAS does not propose to clear-cut the area for the State's development of the subdivision.
4. LSCAS agrees that all lots should access internal platted roads where possible. However, due to terrain this is not possible for all lots. In the Southwest corner of the proposed subdivision a few parcels will have to access off the highway; shared driveways will be required wherever

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possible. DNR will minimize direct access to the highway. Final subdivision design to include dedication of access will be completed through the platting process, and specific notes will be included on the final plat where appropriate. Lot owners will have to abide by City code for access once the ordinances are implemented prohibiting highway access to individual lots.

5. Should wetland mitigation lands be required for this project LSCAS/DMLW will work closely with the City and the Army CORPS of Engineers to meet these requirements. DNR may provide lands near or within the project area for wetlands mitigation purposes. This may be completed through the platting process or as a separate action as appropriate.

Sealaska Corporation comment: A short response of no comment.

DNR DMLW LSCAS Response: The reply is appreciated.

1 Individual comment was received from March 5, 2015 through April 7, 2015.

Individual Comment #1: This person was in support of the proposed subdivision as long as the grass flats buffer at the high water mark is put in effect, and that the watershed creek is accounted for design planning. Otherwise the commenter expressed no problems with the proposal.

DNR DMLW LSCAS Response: Favorable input expressing interest and support from local sources is always welcome. As discussed in the Preliminary Decision, details of the actual subdivision design are subject to change. With respects to the comments about the Grassy Flats area and the traditional use, DNR DMLW LSCAS has appreciated working with the locals & the City on this proposal and have removed a large portion of land within Government Lot 10 from the proposed subdivision (see response to the City's 1<sup>st</sup> bullet above). DNR DMLW LSCAS has additionally removed that portion of the project area east of the unnamed creek (identified as Trumpeter Creek in error on the Preliminary Decision).

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

The recommended action has been modified from the original proposed action described in the Preliminary Decision. The project area has been modified to remove the western portion of Government Lot 10, and that portion of the project area east of the un-named creek formerly labeled as Trumpeter Creek. Upon further review of the Special Exception and Area Plan Amendment by the Resource Assessment and Development Section it was determined that these related actions were not needed in this case. Additionally DMLW will work with the City of Coffman Cove to meet the requirements of wetlands mitigation and may, if necessary, provide lands for this purpose. LSCAS will reduce the maximum number of lots for sale from 100 to 75.

The new legal description of the project area is as follows:

- That portion of Government Lot 9 within and south of Coffman Cove Road (ADL 106933) and that portion of Government Lot 9 in the southwest corner;

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- The East 1/2 of Government Lot 10 excluding 100-foot inland along Coffman Cove, and the West 1/2 of Government lot 10 excluding that portion north of FDR 3030;
- That portion of Government Lot 13 south of Coffman Cove Road (ADL 106993);
- SE1/4SW1/4, excluding that portion Northwest of FDR 3030;
- That portion of the SE1/4 west of the unnamed creek excluding ASLS 96-61; and
- That portion of the S1/2SE1/4NE1/4 southeast of ASLS 86-163.

as shown on Attachment I: Amended Vicinity Map; all within Protracted Section 2, Township 68 South, Range 81 East, Copper River Meridian. The project area consists of approximately 241 acres identified for disposal by this proposed action, located within the Unorganized Borough, Ketchikan Recording District, First Judicial District, Alaska.

Recommendation and Approval of the Final Finding and Decision follow.

**Final Finding and Decision**

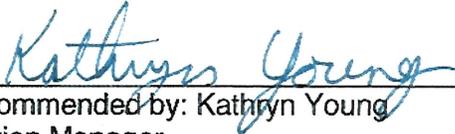
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**VII. Final Finding and Decision**

The Department recommends proceeding with the proposed action as described in the Preliminary Decision and as supplemented herein. This action is undertaken under relevant authorities. Offering these parcels for sale will help meet the State's goal to provide land for settlement for sale to the public and raise revenue for the State.

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 proposed actions are consistent with constitutional and statutory intent for State-owned land.

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.



Recommended by: Kathryn Young  
Section Manager  
Land Sales and Contract Administration Section  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska



Date



Approved by: Brent Goodrum  
Director  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska



Date

**Appeal Provision**

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02 Appeals. 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> Ave., 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).

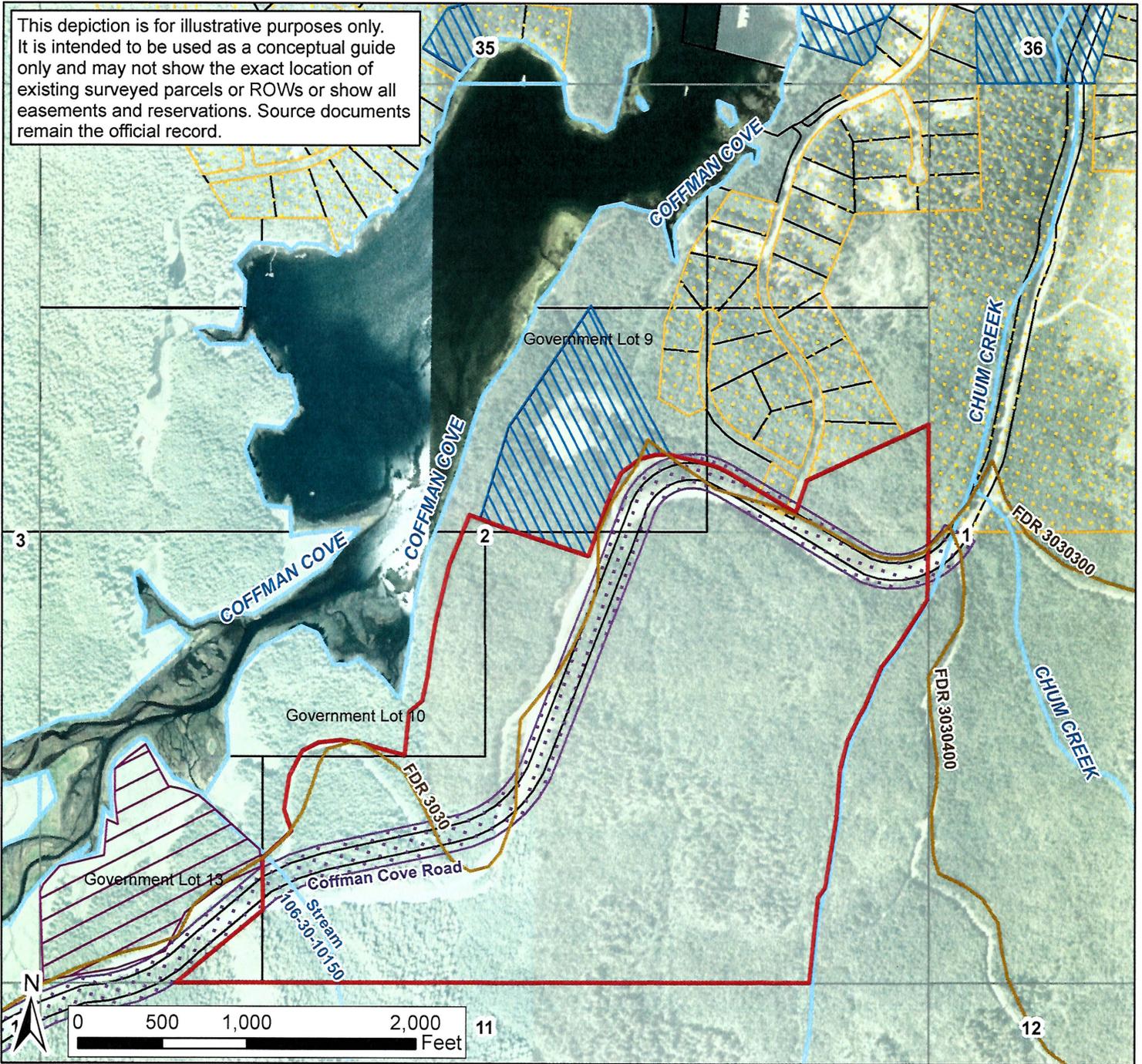
If no appeal is filed by that date, this decision goes into effect as a final order and decision on the 31<sup>st</sup> calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may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



# Coffman Cove Loop Subdivision ADL 108055

## Attachment I: Amended Vicinity Map to the Final Finding and Decision for a Proposed Land Offering in the City of Coffman Cove

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



Portions of Government Lots 9, 10, and 13; a portion of S1/2SE1/4NE1/4; SE1/4SW1/4 and a portion of SE1/4 west of unnamed creek; Section 2, excluding ASLS 86-163 and ASLS 96-61, within Township 68 South, Range 81 East, Copper River Meridian.

**USGS QUAD 1:63,360**

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For more information contact:

Alex Lawrence

Department of Natural Resources

Division of Mining, Land and Water

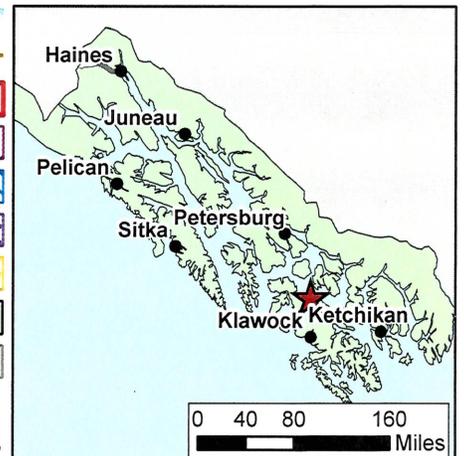
Land Sales & Contract Administration Section

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- Hydrology
- Roads
- Project area
- ADL 108293 - reserved tract
- Municipal Entitlement
- Easement
- Agreement, Settlement, Reconveyance
- Survey Boundary
- Section Lines
- State Lands: TA/Patent



TAS 12/1/2015