

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

FINAL FINDING AND DECISION

of a
Land Offering in the Unorganized Borough
Missile Club Subdivision – ADL 421397
AS 38.05.035(e), AS 38.05.045

and its
RELATED ACTION(S):
Special Exception to the Yukon Tanana Area Plan (YTAP)
AS 38.04.065
Mineral Order 1250 (Closing)
AS 38.05.185 and AS 38.05.300

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated January 28, 2021. The PD (attached) and related actions have had the required public review.

I. Recommended Action(s)

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends offering for sale State-owned land for private ownership within the Missile Club Subdivision project area (ADL 421397), as described in the PD. Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally*. Leases ADL 415712 and 415715 within the project area might be eligible for non-competitive purchase under *AS 38.05.102 Lessee preference*, following submittal and adjudication of a preference right application.

For the purposes of providing land for settlement in the Missile Club Subdivision project area, LCS may develop a subdivision up to 16 parcels no smaller than 40,000 square feet for sale and additional remainder tracts, as necessary, to be retained in State ownership. The project area consists of approximately 185 acres, with up to 80 acres identified for disposal by this action. This project area is located within the Unorganized Borough and therefore survey, platting, and access to and within the project area will be subject to the State of Alaska subdivision standards. The project may be subdivided and offered in multiple stages.

There are two related actions with this proposal:

Special Exception: The special exception to the YTAP exempts a portion of the project area from the unit P-22 requirement for a 100-foot buffer adjacent to the Parks Highway. This exemption is needed because the buffer would exclude improvements within residential leases from inclusion within subdivision parcels, and because the buffer would cause severe limitations on parcel usability.

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Mineral Order: Mineral Order (MO) 1250 closes the project area to new mineral entry. There are no mining claims within the project area.

Public notice for these related actions were conducted concurrently with the notice for the primary action's PD.

II. Authority

DNR has the authority under *AS 38.05.045 Generally* 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 provides: "It is the policy of the State to encourage the settlement of its land and development of its resources by making them available for maximum use consistent with the public interest". Under *AS 38.05.055 Auction Sale Procedures*, land designated commercial, industrial, or agricultural by this decision may be available to non-residents at the land's first offering at auction. In addition, if it is deemed appropriate, DNR has the authority to develop and offer parcels larger than 5 acres under the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*.

For related actions, *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally* allow for special exceptions to area plans and mineral orders.

III. Public Participation and Input

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment on the PD for the proposed primary action and drafts of the related actions were published and distributed in the following manner:

- Posted under State of Alaska Online Public Notice from January 28 to March 2, 2021.
- Posted on DNR Land Sales website from January 28 to March 2, 2021.
- Courtesy notices mailed to the Denali Borough and the City of Anderson.
- Mailed to postmasters in Anderson, Clear, and Nenana with a request to post for 30 days, per *AS 38.05.945(c)(4)*.
- Mailed to libraries in Anderson and Nenana with a request to post for 30 days.
- Mailed to the Doyon regional corporation per *AS 38.05.945(c)(2)-(3)*.
- Mailed to landowners and lessees within 0.5-miles of the project area boundary and local Native corporations and organizations (Toghotthele Corporation, Nenana Native Association).
- Sent notification to area State legislators and to multiple State agencies.
- Notified parties via the DNR Land Sales subscribers lists by email and the DNR Land Sales Twitter and Facebook accounts.

The public notice stated that written comments were to be received by 5:00 PM, March 2, 2021 to ensure consideration and eligibility to appeal. For more information, refer to the PD.

Should this project move forward, final subdivision design and survey will be completed by an Alaska licensed surveyor. The Missile Club Subdivision project is within the Unorganized Borough and outside of any local platting authority. Within an organized borough or local platting authority, platting ordinances typically provide for an additional opportunity for review and comment on proposed platting actions. The scope of such a review is limited and specific to

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review of the project's adherence to the local platting ordinance, and is the sole prerogative of a political subdivision of the State which establishes platting authority and the applicable ordinances governing such actions.

IV. Summary of Comments

DNR DMLW LCS received comments from the State of Alaska, Department of Transportation (DOT) and DNR Division of Oil & Gas, State Pipeline Coordinator's Section (SPCS). LCS did not receive any written public comments. All comments received during the public comment period are summarized below.

DOT Comment: No comments. Please continue to coordinate with DOT's Northern Region Right-of-Way group as the project moves forward.

DNR DMLW LCS Response: LCS will continue to coordinate with the DOT Northern Region as the project progresses.

DNR Division of Oil & Gas SPCS Comment: SPCS has no concerns. There are no AS 38.35 proposed pipelines, pipeline rights-of-way, or applications in the vicinity.

DNR DMLW LCS Response: Thank you for your review of the PD.

V. 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. As discussed in the PD, the project area vicinity is currently used for settlement, limited commercial enterprise, and wild resource harvesting. Residents of Anderson and Nenana report using areas in the project area vicinity for subsistence harvest of wild resources. 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 new private-property owners. Impacts on existing resource users will be minimized by creating parcels for sale that encompass the lease areas and areas immediately adjacent.

No conflicts with traditional uses of the land have been discovered. Public review brought forth no new information indicating traditional use conflicts that were not apparent at the PD stage.

VI. Modifications to Decision and/or Additional Information

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

Recommendation and Approval of the Final Finding and Decision follow.

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VII. 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. 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 actions are consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.

/s/

Recommended by: Timothy Shilling
Natural Resource Manager
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

April 30, 2021

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(s) as described and referenced herein.

/s/

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

May 19, 2021

Date

/s/

Approved by: Corri A. Feige
Commissioner
Department of Natural Resources
State of Alaska

June 2, 2021

Date

Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may request reconsideration, in accordance with *11 AAC 02*. Any reconsideration request 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 Ave., Ste. 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 and requests for reconsideration 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 reconsideration is not requested by that date or if the commissioner does not order reconsideration on their own motion, this decision goes into effect as a final order and decision on the 31st calendar day after the date of issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of 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.