

**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

Granite Mountain Remote Recreational Cabin Sites – ADL 231543
AS 38.05.035(e), AS 38.05.045, AS 38.05.600

and its
RELATED ACTIONS:
Amendment to the Kuskokwim Area Plan SC-88-001A20
AS 38.04.065
Land Classification Order CL SC-88-001A20
AS 38.04.065 and AS 38.05.300
Mineral Order #1173 (Closing)
AS 38.05.185 and AS 38.05.300

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated February 22, 2017. The PD and related actions have had the required public review, and are attached.

I. Recommended Actions

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales Section (LSS) recommends offering for sale State-owned land for private ownership within the Granite Mountain Remote Recreational Cabin Sites (RRCS) project area (ADL 231543), as described in the Preliminary Decision.

For the purpose of providing land for settlement, DNR proposes to sell land within the Granite Mountain RRCS project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may offer authorizations to stake up to 40 parcels ranging from 5 to 20 acres in this project area, for a maximum of 800 acres sold through this offering under *AS 38.05.600 Remote Recreational Cabin Sites*. Authorizations will be awarded by drawing. When so authorized, entrants may stake a parcel within a defined staking area, lease the staked parcel during the survey, platting, and appraisal process, and convert the lease to a sale at a purchase price established by the appraised value, plus associated fees. Although the total disposal authorized under this proposal will not exceed the stated maximums, the development and offering of the project area may be completed in multiple stages. 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 relevant state subdivision standards.

There are three related actions with this proposal:

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Area Plan Amendment: DNR proposes to amend the Kuskokwim Area Plan (KUAP), adopted 1988. The amendment will change the designation of Subunit 5h from Resource Management to Settlement. The amendment will also modify the management intent for the area to specify the subunit is appropriate for disposal. This amendment is necessary to allow for land disposal within Subunit 5h. The management intent for Subunit 5g will be amended to remove the 50-foot building setback from wetlands.

Land Classification Order: In relation to the Area Plan Amendment, DNR proposes to reclassify a portion of the project area in a Land Classification Order from Resource Management to Settlement.

Mineral Order: DNR proposes a mineral order to close the project area to new mineral entry. Those portions of MCO 435 that currently close parts of the project area will be rescinded, and the entire project area will be closed to new mineral entry under a single new mineral order. There are no known active mineral claims within the project area.

Public notice for these related actions was conducted concurrently with the notice for the primary action's Preliminary Decision.

II. Authority

DNR has the authority under *AS 38.05.600 Remote Recreational Cabin Sites* and *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 states "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." In addition to *AS 38.05.600 Remote Recreational Cabin Sites*, *11 AAC 67.805 Designating Areas for Remote Recreational Cabin Sites*, and *11 AAC 67.815 Offering Remote Recreational Cabin Sites* apply.

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 amendments to area plans, land classification orders, and mineral orders.

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. Summary of Public Notice and Comments**. Further information may lead to alterations of design of this project within the parameters set forth through this decision. Should this project be approved, final survey will be completed by an Alaska licensed surveyor.

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 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.

The Granite Mountain RRCS project is within the Unorganized Borough and outside of any local platting authority. However, in an effort to provide additional opportunity for public participation

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and input, if it is determined to be feasible and practical, DMLW may hold courtesy meetings during the development of a project. DMLW did conduct a Public Scoping Meeting in McGrath on June 15 and 16, 2015 to gather information about the potential Granite Mountain RRCS project. Feedback from that meeting was discussed in the Preliminary Decision.

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. Research indicates that the Kuskokwim River corridor and major tributaries and surrounding lands have long been utilized by indigenous and other peoples for transportation, trade, subsistence, exploration, and general public uses. As discussed in the PD, possible historical and cultural sites have been excluded from the project area. Major access points, such as stream confluences, have been withheld from staking and reserved in state ownership. There may be an increase in the density of the population in the area. 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. 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 Preliminary Decision stage.

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 <https://aws.state.ak.us/OnlinePublicNotices/> and was posted on the DNR DMLW LSS website at http://dnr.alaska.gov/mlw/landsale/public_notice/ for the entire public notice period from February 22, 2017 through April 11, 2017.

Notification and decision copies were sent directly to area state legislators and to multiple state agencies. Public notice was sent to other interested entities including landowners in the vicinity of the offering; additionally, parties were notified via the DNR Land Sales subscribers lists by email. Information was also posted to Twitter and Facebook. Notices were mailed to Doyon Limited native corporation per AS 38.05.945(c)(2)-(3). Additionally, notices and a request to post were sent to postmasters and librarians in the vicinity of the offering.

The public notice stated that written comments were to be received by 5:00PM, April 11, 2017 in order to ensure consideration and eligibility to appeal. For more information, refer to the Preliminary Decision.

DNR DMLW LSS received comments from six State of Alaska agencies and none from private individuals or entities. All comments received during the public comment period are summarized below.

Agency Comments: All responding state agencies submitted comments of non-objection.

VI. Modifications to Decision and/or Additional Information

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

Recommendation and Approval of the Final Finding and Decision follow.

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VII. Final Finding and Decision

The Department recommends proceeding with the proposed 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 proposed actions are consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.

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 actions as described and referenced herein.

/s/

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

May 2, 2017

Date

/s/

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

5/11/17

Date

/s/

Approved by: Andrew T. Mack
Commissioner
Department of Natural Resources
State of Alaska

5/31/2017

Date

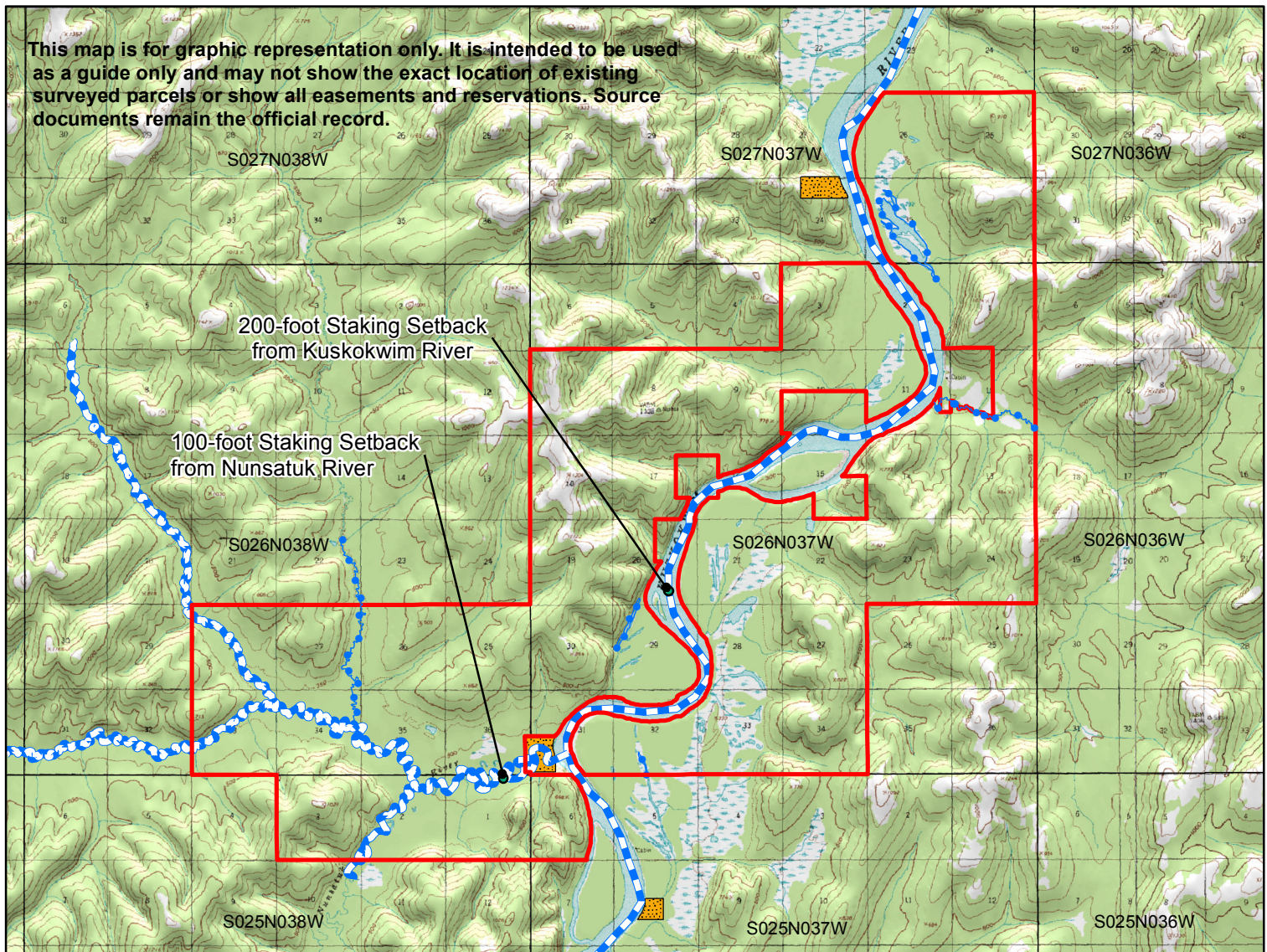
Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on this 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 907.269.8918; or sent by electronic mail to dnr.appeals@alaska.gov.

If reconsideration is not requested by that date or if the commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st day after 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.



Attachment A: Vicinity Map Granite Mountain RRCS ADL 231543



Legend

- Project Area
- Private Property
- Public Water
- - - Anadromous Waters



Township 27 North, Range 37 West; Township 26 North, Range 37 West;
Township 26 North, Range 38 West; Township 25 North, Range 37 West; and
Township 25 North, Range 38 West; Seward Meridian

0 1 2 4 Miles

TAS 1/16/2017

USGS QUAD 1:63,360

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For more information contact:

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Department of Natural Resources

Division of Mining, Land, and Water

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