State of Alaska, Department of Natural Resources
Division of Mining, Land & Water South Central Region Office

Proposed Site-Specific Area Plan
ADL 226153, City of Mountain Village

Introduction:
City of Mountain Village (CMV) has applied to the Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW) to lease 6.5 acres +/- of shoreland for a city barge landing site situated on the north bank of the Yukon River south of CMV. The barge landing site is existing and has been in use by CMV as a public dock/barge landing facility and as a venue for exporting gravel products. CMV has also expressed a desire to develop a more 'formal' bulkhead dock, which will be completed as a phased project in the future. Feasibility studies and preliminary plans are currently being drafted and CMV would like to move forward with plans for a permanent facility within the next 10 years.

The Southcentral Region Office (SCRO) is considering the issuance of a 25-year Public & Charitable (P&C) shorelands lease to CMV for the use, operation, and maintenance of the city dock/barge-landing site. SCRO would issue an Entry Authorization (EA) for the use and maintenance of the site prior to lease issuance. The proposed action is outside the boundaries of any area plan and the land is not classified; therefore, in conjunction with this preliminary decision, DMLW is also proposing to recommend a Site-Specific Area Plan (SSAP) and to recommend land classification as Waterfront Development.

Authority:
The SSAP and Land Classification Order (LCO) have been developed pursuant to AS 38.04.065, Land Use Planning and Classification; AS 38.05.300, Classification of Land.

Location:
The barge landing site is located on the north bank of the Yukon River, just south of CMV; USGS map Kwiguk A-4 63K, (62° 5'9.235"N, 163° 43'4.766"W).

The authority to execute the SSAP and LCO has been delegated to the Director, Division of Mining, Land & Water.

Legal Description:
The site is located within Section 14, Township 23 North, Range 79 West, Seward Meridian, containing approximately 5 acres.

Access:
The site is accessed via land and by river. The site is currently an existing barge landing.

Title:
The State of Alaska holds title to the subject tidelands under the Equal Footing Doctrine and the Submerged Land Act of 1953. When Alaska was admitted to the Union on January 3, 1959, the State acquired title to land beneath inland navigable waters, land beneath

periodically submerged tidelands, and to submerged lands extending three miles seaward of the coast. Section 6(m) of the Alaska Statehood Act states "the Submerged Lands Act of 1953 shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States there under."

Adjacent Landowners, Native Corporations or Boroughs:

The site is surrounded by Native-owned lands. It is within the boundaries of the Calista Corporation, Azachorok Inc., and the Asa'Carsarmiut Tribe.

Mineral Orders, Local Planning, Third Party Interests, or Conflicts:

There are no existing mineral orders associated with this location, and none are anticipated at this time. The site is located in an unorganized borough. There has been no prior planning related to this site. RST 120 Kotlik-Marshall Trail is in close proximity but will not impact or prevent the approval of this Site Specific Area Plan or classification of the land to Waterfront Development.

Resource Values/Land Use:

Subsistence: The subject lease site is located within Game Management Unit 18. As described by the Alaska Department of Fish and Game, subsistence resources are widely distributed and used throughout the area. Subsistence use is defined in Alaska Statute AS 16.05.940(33) as "noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of non-edible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption." Wildlife: The following large mammals are present in the area: black bear, brown bear, caribou, moose, muskox, wolf, and wolverine. Known traditional uses consist of subsistence and recreational hunting.

Fisheries: The site is on the Yukon River within the Northwest Drainages Management Unit, Seward Peninsula Norton Sound sub area. It is also within the Yukon Salmon Management Area. Chinook and Chum salmon are the most important species with Sockeye, Pink and Coho present but are more minor in importance.

Heritage Resources: No survey was conducted. The State Historical Preservation Office was notified during agency review and did not submit any comments.

Access: The site will be accessed via land and by river. The site is currently an existing barge landing.

Prior Use: The barge landing site was built in the early 1980's by Schenk Seafoods and was used in conjunction with tier commercial fishing operations. The small spit is a manmade structure measuring approximately 40 feet in width by 400 feet long extending from the mean high water line into the Yukon River. The site is currently being used by CMV as a public dock/barge landing site.

Projected Future Uses: The projected future use is to continue to use it as a public dock/barge landing site while CMV seeks a possible Municipal Entitlement conveyance. They have also expressed a desire to convert the structure to a more formal bulkhead dock.

Adjacent Land Use: All of the surrounding land is owned by entities other than the State of Alaska.

Mineral Entry: Mineral Estate conveyed to Calista Corporation Patent No. 50-91-0585

Current Issues: There are no known current issues.

Classification: This area is currently unclassified. The proposed recommended classification is Waterfront Development, which is further described in 11 AAC 55.215.

Management Intent: The management intent is to retain the parcel in State ownership.

Management Guidelines: Under the proposed classification, the subject parcel would be available for a public dock/barge landing site as a critical component to the City's economic and subsistence trade.

Agency Review:

Agency review was conducted from February 19, 2016 through March 10, 2016. The review requested comments on the proposed lease and the proposed recommendation for SSAP and classification. The review was sent to the following agencies:

Alaska Department of Fish and Game, Division of Habitat (ADF&G)
ADF&G, Division of Sport Fisheries
DNR, Division of Parks and Outdoor Recreation, State Historic Preservation Office
Department of Environmental Conservation
DNR, Land sales and Contract Administration
DNR, Mining Section
DNR, Division of Oil and Gas
DNR, Water Unit
DNR, Realty Services
Alaska Dept. of Transportation
National Oceanic and Atmospheric Administration
U.S. Army Corp of Engineers
U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers
U.S. Environmental Protection Agency

ADF&G commented that CMV will need to obtain a Fish Habitat Permit for ADF&G Division of Habitat.

Public Notice:

Pursuant to AS 38.05.945(b)(3), a public notice describing this proposed action will be posted on the Alaska Online Public Notice System for 30 days, from July 26, 2016 through August 26, 2016, 2016. Letters with instructions to post the notice will also be sent to the CMV, Saint Mary's, and Pilot Station post offices.

Pursuant to AS 38.05.945(c)(1), CMV will be given notice for 30 days, from July 30, 2016 through August 26, 2016. Per 38.05.946 Hearings, CMV may hold a hearing within 30 days after receipt of the notice. They will be informed of this option.

Pursuant to AS 38.05.945(a)(1) the State shall give notice of classification or reclassification of State land under AS 38.05.300 Classification of Land. The notice for the proposed lease, the SSAP, and reclassification of State land for the proposed lease site will be conducted concurrently and within the same notice.

The public is invited to comment on each separate action, the lease, the area plan, or the proposed land classification, or they can comment on the project in its entirely. Comments should be submitted to DNR, DMLW, South Central Region Office, 550 W 7th Ave, Ste. 900 C, Anchorage AK. 99501. John Cotenas can be contacted for further information at 907-269-8479 or at john.cotenas@alaska.gov. Additional copies of the preliminary decision and SSAP may be obtained from SCRO. Interested parties have the right to comment during the public notice period and the commenters who are aggrieved by the final finding and decision will have the right to appeal it. It should be noted that in order to be able to appeal the final finding and decision, a person must provide written comments during the preliminary decision comment period. A copy of the final decision will be sent to any person who comments on the preliminary decision, and will include an explanation of the appeal process.
The State is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact the Department's Public Information Center in Anchorage between the hours of 10:00 am and 5:00 pm, Monday through Friday, at 907-269-8400 by telephone or by TDD at 907-269-8411.

Site-specific Area Plan and Classification:

The proposed barge-landing site is located on land that is not currently classified. Per 11 AAC 55.040(i), until land has been classified, an interest in State land will not be allowed except for specific types of authorizations as outlined in the regulation. The proposed issuance of a public and charitable lease to CMV for the barge-landing site does not meet any of the above circumstances and therefore must be classified.

DMLW proposes that the land be classified Waterfront Development. Per 11 AAC 55.215, land classified waterfront development is land that has been designated for a commercial or industrial activity. This classification is appropriate for the proposed use of the land as DMLW is proposing to issue a public and charitable lease for a public dock and commercial barge-landing site. Classifying the site as Waterfront Development would not negatively impact the surrounding area. A proposed recommended Land Classification Order, SC-16-001, is attached. See Attachment C.

The proposed recommended SSAP would classify the land Waterfront Development. The management intent would be to retain the parcel in State ownership for a barge landing site and public dock. Under the proposed classification and management intent, the subject parcel would be available for construction of a public facility to meet the barge access needs of CMV.

The requirements of AS 38.04.065(b), Land Use Planning and Classification, have been considered and the proposed action is found to be consistent with this statute. The principles of multiple use and sustained yield would be maintained. It is anticipated that the proposed SSAP and classification will not negatively impact current or future uses in the area.

Recommended by:

_____ _____

John Cotenas, Natural Resource Specialist II Date

_____ _____

Clark Cox, South Central Region Manager Date

Approved by:

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Brent Goodrum, Director, Division of Mining, Land & Water Date

State of Alaska, Department of Natural Resources Division of Mining, Land & Water
South Central Regional Office
LAND CLASSIFICATION ORDER NO. SC-16-001

This classification order is for ADL 226153, a 25-year public and charitable lease to City of Mountain Village for the continued use and upkeep of the city barge-landing site. No area plan is affected.

I. Name: Department of Natural Resources, Division of Mining, Land & Water, South Central Regional Office.

II. The classification in Part III is based on written justification contained in the accompanying Final Finding and Decision, and Site-Specific Area Plan dated_____.

III.

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Legal Description	**Acreage**	**Acquisition Authority**	**Existing Classificatio n**	**Classification This Action**
Seward Meridian, Township 23 North, Range 79 West, Section 14 See Attachment A	6.5 +/-	Equal Footing doctrine and the Submerged Land Act of 1953	None	Waterfront Development

IV.

This order is issued under the authority granted by AS 38.04.065 and AS 38.05.300 to the Commissioner of the Department of Natural Resources. The above described lands are hereby designated and classified as indicated. Nothing shall prevent the reclassification of these lands if warranted in the public interest.

Approved by:

_____ _____
Brent Goodrum, Director, Division of Mining, Land & Water Date