

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Land Office**

**Preliminary Decisions ADL 108268 and ADL 108818
Attachment 3. Supplemental Adjudication Memo for ADL 103223**

Proposed Action

Upon receipt of occupancy fees and either issuance of a new land use authorization for this parcel or removal of improvements from this parcel, close case file ADL 103223.

Lease Description

Recording Info: Book 121, Pages: 606-168, Ketchikan Recording District; Serial No. 102-1984-001671-0

Lessee: Haida Corporation

Authority: AS 38.05.070, AS 38.05.075

Authorized Use: Log storage and transfer facilities

Term: 30 years, November 16, 1983 through November 15, 2013

Legal Description: Tract A, ATS 1165 within Sec. 19, T 77 S, R 84 E, CRM, containing 8.7149 acres, more or less, according to the survey plat filed in the Ketchikan Recording District on May 18, 1981 as Plat No. 81-16

Lease Annual Fee: The annual fee at the expiration of the lease was \$2,050.00. The last payment was received on July 10, 2014 and provided for land use for one year after the term of the lease, to November 15, 2014.

Performance Guaranty and Insurance: Not required by lease.

Background

The DMLW received an application to renew this lease along with another application to renew another lease, ADL 105851, of the adjacent parcel, Tract B, ATS 1165, on February 14, 2014. Initially, Haida Corporation requested that the two lease renewals be combined into one lease; this request was serialized as ADL 108268. Since that time, Haida Corporation made multiple modifications to their request and eventually removed Tract B from the application.

Associated Cases

ADL 108268: Lease, Haida Corporation

Status: Application complete, *parcel included in application

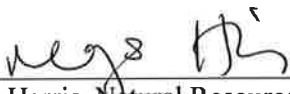
ADL 108327: Trespass, Tony Christianson/Hydaburg Cooperative Association
Status: Active, closure pending

Discussion and Adjudicator Recommendation

This parcel was occupied after the lease expired on November 15, 2013. No compensation has been received for land use occurring from November 16, 2014 to date. Once fees are provided for unauthorized land use and unauthorized activity ceases, this case can be closed.

Unauthorized Use Begin Date: November 16, 2014

Fee for Unauthorized Use: \$2,050.00 per year/\$170.84 per month (same as expired lease)



Megs Harris, Natural Resources Specialist II

7.9.18

Date

Supervisor Concurrence: I agree with the adjudicator's recommendation.



Virginia Batts, Natural Resources Manager I


7/12/2018

Date

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Land Office**

**Preliminary Decisions for ADL 108268 and ADL 108818
Attachment 4. Supplemental Adjudication Memo for ADL 105851**

Proposed Action

Upon receipt of occupancy fees and either issuance of a new land use authorization for this parcel or removal of improvements from the leased parcel, close case file ADL 105851.

Lease Description

Recording Info: Book 238, Pages 117-127, Ketchikan Recording District; Serial No. 102-1994-005499-0

Lessee: Haida Corporation

Authority: AS 38.05.075(c)

Authorized Use: In-water log storage facility

Term: 20 years, from November 16, 1994 through November 15, 2014

Legal Description: Tract B, ATS 1165 within Sec. 19, T 77 S, R 84 E, CRM, containing 4.4968 acres, more or less, according to the survey plat filed in the Ketchikan Recording District on May 18, 1981 as Plat No. 81-16.

Lease Annual Fee: The annual fee at the expiration of the lease was \$1,100.00 per year, due by November 16th during the term of the lease. The last fee payment was received on December 2, 2013, which was provided for land use that occurred through November 15, 2014.

Performance Guaranty and Insurance: Not required.

Background

The DMLW received an application to renew this lease along with an application to renew another lease, ADL 103223, of the adjacent parcel, Tract A, ATS 1165, on February 14, 2014. Initially, Haida Corporation requested that the two lease renewals be combined into one lease; this request was serialized as ADL 108268. Since that time, Haida Corporation made multiple modifications to their request and eventually removed the subject parcel from their application.

The DMLW received a Relinquishment Form and Environmental Hazard Affidavit for ADL 105851 on January 22, 2018. On February 14, 2018, Haida Corporation sent the DMLW a memo and photographs documenting removal of a sunken vessel (F/V Haida Girl - ADL 108327), ramp, and log float from the leased parcel.

The DMLW received an application from Sealaska Timber Company, LLC, serialized as ADL 108818, to lease this parcel on February 27, 2018.

Associated Cases

ADL 103429: Lease, Haida Corporation

Status: Closed, superseded by ADL 105851

ADL 108268: Lease, Haida Corporation,

Status: Application complete, *parcel removed from application

ADL 108327: Trespass, Tony Christianson/Hydaburg Cooperative Association

Status: Active, closure pending

ADL 108818: Lease, Sealaska Timber Company, LLC

Status: Application complete, *parcel included in application

Discussion and Adjudicator Recommendation

This parcel was occupied by log storage facilities and other improvements after the lease expired. No compensation has been received for land use from November 16, 2014 to date. Once fees are provided for unauthorized land use and unauthorized activity ceases, this case can be closed.

Unauthorized Use Begin Date: November 16, 2014

Fee for Unauthorized Use: \$1,100 per year/\$91.67 per month (same as expired lease)



Megs Harris, Natural Resources Specialist II

7.9.18

Date

Supervisor Concurrence: I agree with the adjudicator's recommendation.



Virginia Batts, Natural Resources Manager I

7/11/18

Date

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
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**Preliminary Decisions for ADL 108268 and ADL 108818
Attachment 5. Supplemental Adjudication Memo for ADL 106228**

Proposed Action

Upon receipt of occupancy fees and either issuance of a new land use authorization or removal of improvements, close case file ADL 106228 and release performance guaranty.

Lease Description

Recording Info: Serial No. 2003-002008-0, Ketchikan Recording District

Lessee: Sealaska Timber Corporation

Authority: AS 38.05.070(b)

Authorized Use: In-water log storage and ship moorage facilities

Term: 10 years, from February 1, 2003 through January 31, 2013

Legal Description: Alaska Tideland Lease Diagram ADL 106228, Tracts A and B located within Section 19, Township 77 South, Range 84 East, Copper River Meridian, containing a total 47.06 acres, more or less, in the Ketchikan Recording District.

Lease Annual Fee: \$4,950, due by each February 1st during the term of the lease. The last payment, received on April 6, 2016, was for \$9,900 and provided for land use through January 31, 2016.

Performance Guaranty and Insurance: A \$15,100.00 performance guaranty was required and is incorporated in Sealaska Corporation's blanket bond with the Division of Mining, Land & Water. The lease required Commercial General Liability Insurance with no minimum amount and Workers Compensation Insurance.

Background

The DMLW received an application from Sealaska Timber Company, LLC to renew this lease on February 14, 2013. The application was superseded by applications serialized as ADL 108700 (closed) and ADL 108818. The DMLW is proposing to authorize use of the site as well as additional tide and submerged land in the vicinity – lease case ADL 108818.

Associated Cases

ADL 108818: Lease, Sealaska Timber Company LLC

Status: Application complete, *parcel included in application

ADL 108700: Lease, Sealaska Timber Company LLC
Status: Closed, *application replaced by ADL 108818

Discussion and Adjudicator Recommendation

This leasehold was occupied by log storage and ship moorage facilities after the lease expired. No compensation was received for land use from February 1, 2016 to date. Once fees are provided for unauthorized land use and either authorization is granted or the unauthorized use is otherwise resolved, this case can be closed.

Unauthorized Use Fee Begin Date: February 1, 2016

Fee Rate: \$4,950 per year/ \$412.50 per month (same as expired lease)



Megs Harris, Natural Resources Specialist II

7.9.18

Date

Supervisor Concurrence: I agree with the adjudicator's recommendation.



Virginia Batts, Natural Resources Manager II

7/11/18

Date

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Land Office**

**Preliminary Decisions for ADL 108268 and ADL 108818
Attachment 6. Supplemental Adjudication Memo for Closure of ADL 108327**

Proposed Action: Close unauthorized use case ADL 108327.

Unauthorized Use Description

This case relates to the shipwreck of a fishing vessel, "Haida Girl", on state tidelands in Sukkwan Strait formerly leased by Haida Corporation under ADL 105851 and tentatively leased to Sealaska Timber Company, LLC under ADL 108818. This case is associated with Alaska Department of Environmental Conservation Spill Number 13119921902.

Case Subtype: Shipwreck

Date Reported: November 7, 2013

Location: Tide and submerged land in Sukkwan Strait near Saltery Point

MTRS: Sec. 19, T 77 S, R 84 E, CRM - Tract B, ATS 1165

Performance Guaranty and Insurance: Performance guaranty and insurance was not collected.

Fee: No fees was collected for this shipwreck.

Background: On November 7, 2013, the DMLW was notified that two vessels, "Haida Girl" and the "Tiny Tim", sank on state-owned tide and submerged land around Saltery Point. At the time of the report, the Haida Girl was believed to have sank within Tract B, ATS 1165, then leased to Haida Corporation under ADL 105851 (expired November 15, 2014).

The DMLW opened unauthorized use files for the shipwrecks: ADL 108327 for the Haida Girl and ADL 108328 for the Tiny Tim. The responsible party was identified as Anthony Christianson/Haida Cooperative Association, and the DMLW worked with Christianson from 2013-2015 on plans to remove the sunken vessels. Christianson's attempts to remove the vessels were unsuccessful. On January 12, 2016, the DMLW sent Christianson a letter memorializing his continued responsibility for the sunken vessels on state land.

Prior to approving relinquishment of ADL 105851 or issuance of a subsequent land use authorization to Haida Corporation, the DMLW required Haida Corporation to remove the Haida Girl from land that had been leased to them or provide a cost estimate for removal. On February 14, 2018, Haida Corporation sent the DMLW a memo and photographs, documenting removal of the Haida Girl as well as a ramp and log float from ATS 1165.

The DMLW is proposing to authorize use of Tract B, ATS 1165 to STC under ADL 108818.

Associated Cases

ADL 108818: Lease, Sealaska Timber Company, LLC

Status: Application Complete, *parcel included in application

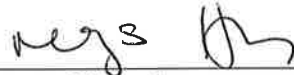
ADL 108328: Trespass, Tony Christianson/Hydaburg Cooperative Assn.

Status: Active, unresolved

ADL 105851: Lease, Haida Corporation

Status: Expired, closure pending

Adjudicator Recommendation: Based on a review of this case and site restoration documentation provided by Haida Corporation, it is my recommendation to close this case.



Megs Harris, Natural Resources Specialist II

7.9.18

Date

Supervisor Concurrence: I agree with the adjudicator's recommendation.

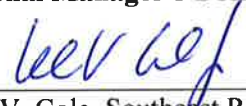


Virginia Batts, Natural Resources Manager I

7/11/2018

Date

Regional Manager's Decision: It is the decision of this office to take the action as recommended above.



Lee V. Cole, Southeast Regional Manager

7-11-2018

Date

A person affected by this decision may appeal it in accordance with 11 AAC 02. 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. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by e-mail to dnr.appeals@alaska.gov. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar 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. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Land Office**

**Preliminary Decisions for ADL 108268 and ADL 108818
Attachment 7. Supplemental Adjudication Memo for ADL 108328**

Proposed Action

No new action is proposed; this unauthorized use case is to remain open until the shipwreck of the Tiny Tim is removed from state land.

Unauthorized Use Description

This is an unauthorized use case relating to the shipwreck of a tow boat, "Tiny Tim", on state submerged land near Sallery Point.

Case Subtype: Shipwreck

Date Reported: November 7, 2013

Location: Tide and submerged land near Sallery Point. The precise location of the sunken vessel is unknown.

MTRS: Secs. 17-20, T 77 S, R 84 E, CRM

Performance Guaranty: No performance guaranty or insurance was required.

Annual Fees: No fees were collected for this shipwreck.

Background

On November 7, 2013, the DMLW was notified that two vessels, "Haida Girl" and the "Tiny Tim", sank on state-owned tide and submerged land around Sallery Point. At the time the shipwrecks were reported, the Haida Girl was believed to have sank within Tract B, ATS 1165, then leased to Haida Corporation under ADL 105851 (expired November 15, 2014). The Tiny Tim was believed to have sank at that same location or in the immediate vicinity, possibly on land that had been leased by Sealaska Timber Corporation under ADL 106228 (expired January 31, 2013).

The DMLW opened unauthorized use files for the shipwrecks: ADL 108327 for the Haida Girl and ADL 108328 for the Tiny Tim. The responsible party was identified as Anthony Christianson/Haida Cooperative Association. The DMLW worked with Christianson from 2013-2015 on plans to remove the sunken vessels; however, Christianson's attempts to remove the vessels were unsuccessful. On January 12, 2016, the DMLW sent Christianson a letter memorializing his continued responsibility for the sunken vessels on state land.

Prior to approving relinquishment of ADL 105851 or issuance of a subsequent land use authorization, the DMLW required Haida Corporation to remove vessels from land that had been leased to them or provide a cost estimate. With materials submitted by Haida Corporation in support of the application for ADL 108268 and relinquishment of ADL 105851, received January 22, 2018, Haida Corporation outlined plans to remove the Haida Girl and stated they were unaware of the precise location of the Tiny Tim. Haida Corporation wrote that the Tiny Tim was not within ATS 1165, formerly leased to them under ADL 103223 or ADL 105851, and indicated the shipwreck was in 100 feet of water. Haida Corporation estimated the cost of removing the Tiny Tim to be \$50,000.

Associated Cases

ADL 108818: Lease, Sealaska Timber Company, LLC

Status: Application complete

ADL 108327: Trespass, Tony Christianson/Hydaburg Cooperative Assn.

Status: Active, unresolved

ADL 106228: Lease, Sealaska Timber Company, LLC

Status: Expired, closure pending

Adjudicator Recommendation

Based on a review of this case, no new action is recommended. The DMLW should not hold either Haida Corporation or Sealaska Timber Company LLC responsible for the wreckage of the Tiny Tim. The DMLW cannot precisely locate the wreckage of the Tiny Tim at this time, and it may have wrecked on submerged land that was not subject to an active lease. The DMLW has already informed the vessel owner, Anthony Christianson, of his continued responsibility for the wreckage.



Megs Harris, Natural Resources Specialist II

7.9.18

Date

Supervisor Concurrence

I agree with the adjudicator's recommendation.



Virginia Batts, Natural Resources Manager I

7/11/18

Date

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Land Office**

**Preliminary Decisions for ADL 108268 & ADL 108818
Attachment 8. Supplemental Adjudication Memo for ADL 108491**

Proposed Action

Upon receipt of land use fees and either issuance of a new land use authorization or removal of unauthorized improvements, close case file ADL 108491.

Unauthorized Use Description

This case relates to unauthorized use of state land for in-water log storage on an unsurveyed parcel of state tide and submerged land north of Tract B, ATS 1165.

MTRS: Secs. 17, 18, 19, and 20, T 77 S, R 84 E, CRM; approximately 10 acres

Performance Guaranty: \$1,000 Time Certificate of Deposit. The bond was originally for a permit issued to Haida Corporation, SET 91-041, and was transferred to ADL 108491 after SET 91-041 and ADL 106316 were closed.

Annual Fees: Not collected. According to Log Storage Report No. 2501-13, the fee for sites from 1 to 12 acres is \$1,375 per annum.

Background

Haida Corporation was last authorized to use this site by a permit, SET No 91-041, which expired on June 1, 1996. The DMLW received a lease application, serialized as ADL 106316, on November 14, 1996. Additional information to complete the application was requested but not received. No authorization was issued in response to the application. Expecting a new application to be submitted, the DMLW closed ADL 106316 on June 25, 2015.

This ADL 108491, was opened on January 4, 2016. The area was included in both applications from Haida Corporation and Sealaska Timber Company LLC, ADL 108268 and ADL 108700, at different times. The DMLW is currently proposing to authorize Sealaska Timber Company, LLC to use this area under ADL 108818.

Associated Cases

ADL 108818: Lease application, Sealaska Timber Company LLC
Status: Application complete, preliminarily approved

ADL 108700: Lease, Sealaska Timber Company LLC
Status: Closed, application replaced by ADL 108818

ADL 108268: Lease application, Haida Corporation

Status: Application complete, preliminarily approved *subject area removed from application

ADL 108316: Lease application, Haida Corporation

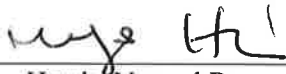
Status: Closed, combined and converted into ADL 108491

SET 91-041: Permit - expired, Haida Corporation

Status: Closed, superseded by ADL 106316

Discussion and Adjudicator Recommendation

This site has been used for in-water log storage without authorization or compensation to the state since June 1, 1996. Once land use fees have been provided for the past six years and the proposed lease for ADL 108818 is made final, close this case and release the performance guaranty.



Megs Harris, Natural Resources Specialist II

7.9.18

Date

Supervisor Concurrence: I agree with the adjudicator's recommendation.



Virginia Batts, Natural Resources Manager I

7/11/18

Date