

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES**  
**DIVISION OF MINING, LAND AND WATER**  
**Southeast Regional Land Office**  
**Final Decision**  
**ADL 108691**  
**Whale Island Dock Association**  
Application for Lease  
AS 38.05.070(b)

This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated October 26, 2020, and comprise the record of decision for this disposal of interest under AS 38.05.070(b).

**Revisions to Preliminary Decision:**

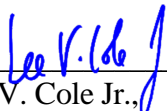
The preliminary decision stated that this lease authorization was adjudicated under AS 38.05.035(b)(5) as the improvements had been on land before statehood. Under closer review of the case and statute, it was determined that this was not the proper authority under which the case should have been adjudicated.

This final decision determines that ADL 108691 is authorized under AS 38.05.070(b). This statute will change the lease term that was determined in the preliminary decision from 25-years to 10-years.

**Summary of Agency and Public Comments Received During the Public Notice Period:**

No comments were received.

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. Since no comments were received during the public comment period, the only changes to the Preliminary Decision are those that are outlined in the Revisions to the Preliminary Decision section. It is the finding of the Commissioner of the Department of Natural Resources that it is in the best interest of the State to proceed with this disposal of interest under the authority of AS 38.05.070(b).<sup>1</sup>

  
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Lee V. Cole Jr.,  
Southeast Regional Manager

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December 18, 2020  
Date

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. 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 1-907-269-8918, or sent by electronic mail to [dnr.appeals@alaska.gov](mailto: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

<sup>1</sup> Authority to sign on behalf of the Commissioner has been delegated by memorandum dated September 28, 2001, to the Director of the Division of Mining, Land and Water, and redelegated from the Director to the Regional Managers.

\$200 under the provisions of 11 AAC 05.160 (a) and (b). If no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the Department on the 31st day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court (11 AAC 02.020(a) and (b)). A copy of 11 AAC 02 may be obtained from any regional office of the Department of Natural Resources.