STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Land Office
Final Decision
ADL 106446
Frank Stelmach
Application for Lease
AS 38.05.075(c)

This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated April 10, 2023, and comprise the record of decision for this disposal of interest under AS 38.05.075(c).

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

One public comment was received.

> Mona Christian: Has concerns with a dock extension in a narrow channel, specifically for navigation, and is opposed to the authorization.
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> DMLW Response: DMLW recognizes the concern associated with navigation in such an area. During adjudication and public notice, all required state and federal agencies were solicited for comments on safety, navigability, and other environmental concerns. No comments or concerns were provided during that time. The extension will be limited to the dimensions proposed in the preliminary decision and will be recorded publicly when the final survey is submitted.

It has also been determined by DMLW that survey requirements listed in the preliminary decision shall be updated to the following:

"The applicant shall provide an Alaska Tideland Survey (ATS) upon completion of the project. The survey must be conducted by a professional land surveyor. Survey instructions should be requested from the Survey Section, DMLW, DNR. The survey should include all infrastructure as-built within the new proposed boundary, include the required offsets for the allotted boat moorage and any other items included in the special survey instructions."

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. All public comments have been addressed and the survey requirements have been updated to now require an ATS. 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 38.05.075(c).[1] 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.

[1] Authority to sign on behalf of the Commissioner has been delegated by memorandum dated September 30, 1999, to the Director of the Division of Mining, Land and Water, and redelegated from the Director to the Regional Managers.

Kaitlyn Raffier
Southeast Regional Manager

07/11/2023
Date

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals 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)-(b). A copy of 11 AAC 02 is available on the department's website at https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf.