

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

DRAFT NORTHERN SOUTHEAST AREA PLAN AMENDMENT
SE-02-001A12

Management Unit B: Baranof Island Area, Unit B-24 and Subunit B-24A

related to a
Noncompetitive Public and Charitable Land Sale – ADL 234114

The Commissioner of the State of Alaska, Department of Natural Resources (DNR) finds that the following amendment to the Northern Southeast Area Plan meets the requirements of *AS 38.04.065 Land Use Planning and Classification* and *11 AAC 55.010-030 Land Planning and Classification* for land use plans and hereby adopts the amendment. DNR will manage state lands within the area of the revision consistent with this designation and management intent. See the following attachment for more detailed information.

- Designation: The amendment will create subunit B-24A, a new subunit encompassing only the subject parcel identified in the noncompetitive sale case, serialized as ADL 234114, transferring 0.435 acres from unit B-24 to B-24A. The designation of subunit B-24A will be Public Facilities - Transfer, and unit B-24 will remain designated as Public Facilities - Retain.
- Management Intent: The management intent for Tract B of the area described above, within the new unit B-24A and classified under SE-02-001A12, will be replaced with, "This unit is designated Public Facilities - Transfer (Pt). These sites are reserved for specific infrastructure to serve the public at large. These sites will be classified as Reserved Use Land so that a non-state charitable or public entity can acquire the site and develop or operate consistent with the purposes outlined in the plan." A public and charitable land sale is an appropriate surface use in subunit B-24A. There will be no changes to the management intent and guidelines for the remainder of land within unit B-24.
- Easements and Setbacks: A 100-foot building setback from the ordinary high water of the water body. Tract B of ASLS No. 88-62 is subject to a 50-foot public access easement along the mean high-water line per covenant #9 of the Lease Agreement for ADL 104776. Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

Approved by: John Boyle
Commissioner
Department of Natural Resources
State of Alaska

Date

ATTACHMENT

to the DRAFT NORTHERN SOUTHEAST AREA PLAN AMENDMENT SE-02-001A12

Management Unit B: Baranof Island Area, Unit B-24 and Subunit B-24A

related to a Noncompetitive Public and Charitable Land Sale – ADL 234114

Location and legal description of new subunit B-24A: The parcel is located on Japonski Island in Sitka, Alaska, off Seward Road, more specifically described as:

Tract B of Alaska State Land Survey No. 88-62, containing 0.435 acres, more or less, according to the survey plat recorded in the Sitka Recording District on September 14, 1992, as Plat No. 92-19.

Tract B will be removed from unit B-24 in the Northern Southeast Area Plan (NSEAP).

Authority: The authority to revise plans derives from *AS 38.04.065(a)*, *AS 38.04.065(b) Land Use Planning and Classification*; and *11 AAC 55.030(f)(1)(A) Land Use Plan* defines when a revision constitutes a plan amendment.

Current Plan: The NSEAP designates unit B-24 Japonski Island, ASLS 82-62 (pt), as within the Southern Region: Baranof Island Area in a Tidelands Resource Management Zone. The NSEAP designates Unit B-24 as Public Facilities - Retain (Pr). This designation converts to a classification of Reserved Use Land. The management intent within unit B-24 states: "Tracts A, B, C, D and E are to be retained in state ownership and used for public purposes consistent with the management agreements described under parcel description. Lots 12, 13 and 14 are to also be retained in state ownership." Resources and Uses of unit B-24 are: "...[T]ract B is managed under a Public and Charitable Lease with the US Coast Guard (ADL 104776)."

Proposed Plan Amendment: Remove land encompassed by the subject parcel identified in ADL 234114 from management unit B-24 and create a new subunit, B-24A. B-24A will be designated as Public Facilities - Transfer and classified as Reserved Use Land. Management intent for the new subunit B-24A will state, "This unit is designated as Public Facilities - Transfer (Pt). Tract B is appropriate for a public and charitable land sale to serve the public at large." There will be no changes to designations, management intent, and guidelines for the remainder of land within unit B-24.

Also being proposed is the technical correction to the unit B-24 designation name from 'Japonski Island, ASLS 82-62', to 'Japonski Island, ASLS 88-62'.

Explanation: The NSEAP was adopted on October 15, 2002. The State and the U.S Coast Guard entered into a 55-year long-term lease agreement for the subject parcel on September 15, 1994, ADL 104776. In 2015, the State classified the subject parcel as Reserved Use Land under Land Classification Order SE-02-001. The new subunit B-24A will encompass the subject parcel only and does not include any tidelands that are not considered uplands for this sale.

The public and charitable land sale to the U.S. Coast Guard is an appropriate use with the management intent reserved for specific infrastructure to serve the public at large. Multiple use factors affecting the area, resource inventory, present and potential land uses, and compatible classifications have all been considered. These factors are listed in *AS 38.04.065(b) Land Use Planning and Classification*. However, before any sale of the parcel, DMLW LCS will carefully consider public comments and possible adverse impacts of the proposed use or activity upon customary, traditional, recreational, and personal use resources under State law.

During the Agency Review period for the proposed public and charitable application, the Alaska Department of Fish and Game provided guidance on the subject upland parcel regarding the importance of minimal adverse impacts to marine habitat in the Sitka Sound. See the Preliminary Decision for more information.

Public Facilities - Retain are for sites reserved for a specific infrastructure to serve state interests. These units are classified Reserved Use Land and are not selectable by municipalities under State law (except under AS 38.05.810). Units designated Public Facilities - Retain will be retained in state ownership, while units designated Public Facilities - Transfer may be conveyed to municipalities, but not sold to private individuals.

Public Facilities - Transfer are sites reserved for a specific infrastructure to serve the public at large. These sites are classified Resources Management Land, a designation and classification used for lands which are presently inaccessible or remote and may have a number of resources, but where the lack of adequate resource, economic or other relevant information combined with the unlikelihood of resource development within the next 10 years makes a specific resource allocation decision unnecessary. In the Northern Southeast Area Plan, all state lands without other designations are designated General Use and classified Resource Management Land.

The subject parcel will be reclassified as Reserved Use Land, combined with the proposed plan amendment designation Pt, so that a non-state charitable entity can acquire the site and develop or operate it consistent with the purposes outlined in the plan. Land classified as Reserved Use Land is reserved for transfer to another government agency performing a public service.

During the adjudication process, it was discovered that NSEAP incorrectly named the unit designation reflecting ASLS survey number 82-62, whereas the correct ASLS survey number is 88-62. This type of minor change to the plan is considered a technical correction pursuant to *11 AAC 55.030(f)(2)*.

A public and charitable sale of the subject parcel supports the management goals of the NSEAP by providing an opportunity to a government agency to acquire the land. The use of the site has been for emergency services to the surrounding communities in Southeast Alaska since the 1990's. The sale of the parcel does not change the use of a public interest and still allows public access to the adjacent tidelands.

AS 38.05.035(e) Powers and Duties of the Director gives DNR the authority to sell state land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the state. The subject parcel is appropriate for a public and charitable land sale as provided in the Preliminary Decision dated September 22, 2023. The area plan amendment, and land

classification order will accompany the Final Finding Decision as a separate action issued concurrently.

Assessment: The following alternatives were considered:

1. (Preferred) Amend the Northern Southeast Area Plan as described above to create subunit B-24A encompassing the subject parcel. The new subunit will be designated Public Facilities -Transfer. Amending the plan is the preferred alternative as it addresses a public and charitable sale, supporting emergency services to the Southeast region, and does not interfere with uses of surrounding lands.
2. (No Action) Do not amend the Northern Southeast Area Plan. This alternative is not preferred as it fails to address the public and charitable sale to a government agency.

Requirements of AS 38.04.065(b) Land Use Planning and Classification: The factors identified in this section of statute have been considered, and the proposed action is consistent with that portion of the statute.