

## **State of Alaska Department of Education and Early Development**

### **Final Finding & Decision of Land Conveyance**

United States Coast Guard

AS 14.07.030(a)(6)

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated December 14, 2022. The PD (attached) has received the required public review.

#### **Recommended Actions**

The State of Alaska, Department of Education and Early Development (DEED), Facilities Section, originally proposed to complete a negotiated sale of certain state land at or above fair market value to the United States Coast Guard (USCG) of approximately 1.56 acres of DEED-owned land on Japonski Island, Sitka, Alaska, pursuant to the provisions of AS 14.07.030(a)(6). This action is modified by this FFD.

This FFD determines that it is in the best interest of DEED and the Mt. Edgecumbe High School to convey parcels Alaska State Land Survey 88-62, Tracts C and C-1, approximately 1.29 acres, and retain Tract F-1. The USCG has determined that it no longer seeks conveyance of Tract F-1 as part of the proposed sale.

#### **Authority**

DEED has the authority under AS 14.07.030(a)(6) Powers of the department to convey real property to federal agencies, state agencies, or to political subdivisions.

#### **Public Participation and Input**

DEED provided public notice inviting comment on the PD for the proposed conveyance in the following manner:

- Posted on the State of Alaska Online Public Notice system from December 14, 2022 to January 13, 2023.
- Emailed notice to adjacent and nearby landowners: Department of Natural Resources, City and Borough of Sitka, Southeast Alaska Regional Health Consortium, University of Alaska.

The public notice stated that written comments were to be received by 4:00 PM January 13, 2023, in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

#### **Summary of Comments**

DEED received comments from the public comment period as summarized below.

Individual commentors: two members of the public expressed about items on the property; one is the Ray Stein Memorial benches and the second is the rose bushes. They requested that these be moved to another area on the Mount Edgecumbe High School campus.

DEED Response: Thank you for your review of the PD. DEED and MEHS share your desire to maintain these features on the campus.

DEED received comments after the close of the public comment period as summarized below.

Sitka Tribe of Alaska (STA): STA asked for an extension and requested DEED directly notify them of any future property sales within STA traditional lands.

DEED Response: Thank you for your review of the PD. DEED will endeavor to include STA in future real property disposal notices as requested.

### **Modifications to Decision and/or Additional Information**

The recommended action has been modified from the original proposed action in the PD to retain Tract F-1 by DEED, per the request of the USCG applicant.

### **Final Finding and Decision**

DEED Facilities Section staff recommends proceeding with the action as described in the Preliminary Decision with the modification of removing Tract F-1 in the sale of the land. The public and DEED land use interest in retaining the proposed parcel in state ownership does not outweigh the United States Coast Guard and regional safety interest.

The findings presented above have been reviewed and considered. Public Notice has been accomplished and comments received were considered. The actions are consistent with constitutional and statutory intent for DEED-held State-owned land and this action is undertaken under relevant authorities.

/ signature on file /

5.03.2024

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Karen Morrison, Division of Finance & Support Services Director, DEED

Date

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska, Department of Education and Early Development, and Mt. Edgecumbe High School to proceed with the recommended action(s) as described and referenced herein.

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5/3/2024

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Dr. Deena M. Bishop, Commissioner, DEED

Date

**Reconsideration Provision**

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may request reconsideration. The request must state the specific relief being sought and provide a basis for requesting that relief. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, and may be mailed or delivered to the Commissioner, Department of Education and Early Development, P.O. Box 110500, Juneau, Alaska 99811; faxed to 1-907-465-2806; or sent by electronic mail to [deed.commissioner@alaska.gov](mailto:deed.commissioner@alaska.gov).

If reconsideration is not requested by that date or if the commissioner does not order reconsideration on their own motion, this decision goes into effect as a final order and decision on the 31st calendar day after the date of issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision before appealing this decision to Superior Court.