

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

**FINAL FINDING & DECISION
EV 3-383**

**Public Utility Easement Vacation and Replat
Petitioners: Bruce Heiser, Raymond Castor and Chery Castor**

This Final Finding & Decision compliments, confirms and updates the attached Preliminary Decision (PD) approved on March 24, 2025. No changes have been made to the PD.

PETITIONED ACTION:

EV 3-383 is in Southeast Alaska where Tuxekan Narrows and Tuxekan Passage converge. The petitioner is requesting the vacation of a 20' public utility easement (PUE) running along the lot line between Lot 18, Block 2 of ASLS 85-317 and Lot 19-A, Block 2 of Plat 99-50, elimination of said lot line, and creation of a new lot line 70 feet to the west, creating Lots 18A & 19A-1. The lot line to be eliminated is between Lot 18, Block 2 of ASLS 85-317, filed as Plat 87-24, Ketchikan Recording District and Lot 19-A of Plat 99-50, Ketchikan Recording District. This action falls within the NW¹/₄ of Section 30, T. 69S., R. 80E., C.R.M., Alaska, as depicted on Attachment A.

Legal Authority:

AS 29.03.030, AS 38.05.035(e), AS 38.05.945, AS 40.15.070, AS 40.15.300-.380, 11 AAC 51.065, 11 AAC 53.630-730.

Under AS 29.03.030 and AS 40.15.070, the State of Alaska Department of Natural Resources is the platting authority for the State within the Unorganized Borough (UB).

PUBLIC NOTICE AND COMMENT:

Public Notice of approval of the PD, pursuant to AS 38.05.945, was advertised in the Ketchikan Daily News on April 12th and again on April 19th, 2025; posted on the State of Alaska online Public Notice web site from March 28th, 2025 through April 28th, 2025 and posted at the Craig Post Office, Klawock Post Office and a copy was sent to the Thorne Bay Post Office, Alaska. Copies of the PD were sent to the Petitioners, local utility companies, surrounding landowners within 500' and state agencies listed below under Agency Review and Comments. All agencies responded with non-objection comments.

A Public Hearing was held on April 29, 2025. There were no attendees at the telephonic public hearing.

No other public comments or objections were received during the public notice period.

AGENCY REVIEW AND COMMENT:

Agency Review was conducted prior to issuance of the PD and concurrent with public notice. Agency Review of the proposed action began on March 19, 2024 and concluded May 29, 2025. Agencies notified included Department of Transportation and Public Facilities-South Central Region (DOT&PF); Alaska Department of Fish and Game (ADFG), DNR Division of Mining, Land and Water –Southcentral Region Lands Office (SCRO), Alaska Mental Health Trust Land Office (MHTLO) and DNR Division of Parks and Outdoor Recreation (DPOR).

All Agencies submitted comments of non-objection.

FINDING:

1. Pursuant to 11 AAC 51.065, the proposed alternate route is equally useable, and adequately wide to satisfy all present and reasonably foreseeable uses. The alternate route for the 20-foot public utility easement proposed to be vacated, in accordance with 11 AAC 51.065, is a 20-foot wide public utility easement centered on an existing service line between Lots 19A & 19B, Plat 99-50, Ketchikan Recording District. The petitioner's surveyor has coordinated with Alaska Telephone and Power, who has agreed to a 20-foot public utility easement along this existing service line. The 20-foot utility easement will be depicted and dedicated on the final EV plat.
2. No reasons were presented during the agency or public reviews that require retention of the current utility configuration or the associated replatted lot line.

Approval of the proposed action, as depicted on Attachment A, is contingent upon the following conditions:

1. Dedication of the 20-foot public utility easement as depicted on Attachment A.
2. Approval of a State Platting Resolution.
3. A final plat (owner signed/surveyor sealed mylar) must be submitted within 18-months from the date of the vacation approval. The survey plat must be filed in accordance with the provisions of AS 40.15.300-380 and in compliance with the provisions of 11 AAC 53.600-.900.
4. Submittal of a Certificate to Plat current within 90-days, with the final plat.

Prepared By:

Victoria Braun
Victoria Braun,
Natural Resource Specialist 2

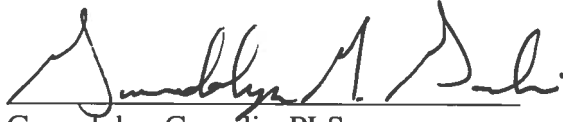
5/20/2025
Date

FINAL DECISION:

The finding presented above has been reviewed and considered. The requirements of all applicable statutes and regulations have been satisfied. It is the finding of the Director, Division of Mining,

Land and Water, that it is in the best interest of the State of Alaska and the public, and that I hereby approve the recommended action.

Approved By:



Gwendolyn Gervelis, PLS
Chief, Survey Section

5/20/2025
Date

APPEAL PROVISION:

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>.