

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

PRELIMINARY DECISION
ADL 68214

Proposed Noncompetitive Sale to Preference Right Applicant
AS 38.05.035(e), AS 38.05.102

RELATED ACTIONS:

Proposed Amendment to the Prince William Sound Area Plan – AS 38.04.065
Proposed Land Classification Order – AS 38.04.065 and AS 38.05.300
Proposed Mineral Order (Closing) – AS 38.05.185 and AS 38.05.300

PUBLIC COMMENT PERIOD ENDS 3:00 PM, THURSDAY, AUGUST 21, 2025

I. Proposed Action

Preliminary Decision: Approval of Noncompetitive Preference Right Parcel Sale ADL 68214

Attachment A: Vicinity Map

Attachment B: Public Notice

The public is invited to comment on the proposed related actions:

Draft Amendment to the Prince William Sound Area Plan SC-88-004A06

Draft Land Classification Order CL SC-88-004A06

Draft Mineral Order (Closing) MO 1284

Primary Proposed Action, Noncompetitive Sale: The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) has received an application from Brandy Rose Griffith to purchase a parcel of state-owned land pursuant to Alaska Statute (AS) 38.05.102 Lessee Preference. The proposed decision will allow the parcel to be sold through a noncompetitive sale to the applicant. The leasehold is located along Prince William Marina Road, approximately two miles southwest of Cordova. The subject parcel is within Section 32, Township 15 South, Range 3 West, Copper River Meridian, containing 0.374 acres, more or less.

The subject parcel being considered for conveyance consists of uplifted tidelands that were created as a result of an avulsive event caused by the Great Alaska earthquake that occurred on March 27, 1964. The land is now considered uplands and is appropriate for conveyance out of State ownership. See *Attachment A: Vicinity Map* for a depiction of the subject parcel.

AS 38.05.102 Lessee Preference allows the granting of a preference right purchase or lease to those holding leases authorized under AS 38.05.070-.105 Alaska Land Act and who are currently in good standing. A 1981 amendment to AS 38.05.070 Generally made this section inapplicable to short-term leases.

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Proposed Related Actions: The related actions will be developed separately; however, public notice is being conducted concurrently.

Area Plan Amendment: State land sold under AS 38.05.102 Lessee Preference must have a Settlement classification. DNR proposes to amend the Prince William Sound Area Plan (PWSAP, adopted 1988 and amended April 3, 2007) to classify approximately 0.374 acres within Unit 27G as Settlement. Refer to subsection e, Planning, Classification, and Mineral Orders of **Section V. Description** of this document for more information on this proposed related action.

Land Classification Order: In relation to the Area Plan Amendment, DNR proposes to classify the project area within Unit 27G, in a Land Classification Order, to Settlement Land. Refer to subsection e, Planning, Classification, and Mineral Orders of **Section V. Description** of this document for more information on this proposed related action.

Mineral Order (Closing): DNR proposes to close the parcel to new mineral entry. No mineral claims or mining activity have been identified within the project area. Refer to subsection e, Planning, Classification, and Mineral Orders of **Section V. Description** of this document for more information on this proposed related action.

These related actions will be developed separately. However, approval of the proposed actions is dependent upon one another in that one action will not proceed without approval of all actions.

Public Notice of Proposal: In accordance with AS 38.05.945 Notice, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this proposal. Public notice for all actions will be conducted concurrently and will include the Preliminary Decision (PD) for noncompetitive sale (ADL 68214), draft Area Plan Amendment SC-88-004A06, draft Land Classification Order CL SC-88-004A06, and draft Mineral Order 1284.

See **Section VII. Submittal of Public Comments** and *Attachment B*: Public Notice for details on how to submit a comment for consideration. If, after consideration of timely, written comments, LCS moves forward with the proposal, a Final Finding and Decision (FFD) will be issued.

II. Authority

DNR has the authority under AS 38.05.102 Lessee Preference to sell state-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by AS 38.05.035(e) Powers and Duties of the Director. Article VIII, Section 1, of the Constitution of the State of Alaska states, "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." The authority to execute this decision has been redelegated to the Section Chief of the DMLW Land Conveyance Section.

For related actions, AS 38.04.065 Land Use Planning and Classification, AS 38.05.300 Classification of Land, and AS 38.05.185 Generally allow for amendments and special exceptions to area plans, land classifications, and mineral orders.

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III. Administrative Record

The case file for Alaska Division of Lands (ADL) 68214 constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Prince William Sound Area Plan (PWSAP, adopted 1988 and amended April 3, 2007), and associated land classification files;
- State of Alaska, 2004 Informal Opinion Attorney General (January 21, 2004). *Application of Public Trust Doctrine to avulsed lands*;
- *Update on the Status of Subsistence Uses in Exxon Valdez Oil Spill Area Communities*, 2014, June 2016. Alaska Department of Fish and Game, Division of Subsistence, Technical Paper No. 412;
- Memorandum from DMLW Survey Section to LCS Regarding the Extent of 1964 Earthquake Uplift in 3 Mile Bay near Cordova, February 2019 (Uplift Determination); and
- DNR case files: Alaska Tideland Survey No. 786.

IV. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section II. Authority** is limited and specific to determining the following: (1) if the applicant and subject parcel themselves qualify, (2) if it is in the State's best interest to sell the subject parcel, and (3) if it is in the State's best interest to sell the subject parcel to the applicant. The scope of this decision does not include the control of post-patent use and LCS does not intend to impose deed restrictions for this purpose. Restrictions regarding land use will be handled by the local zoning authority, if any.

The proposed related actions will be issued concurrently with the FFD. These actions are described in more detail in the Planning, Classification, and Mineral Order Subsection (V)(e) of this document.

V. Description

- a. Location: The subject parcel is located within DNR's Southcentral Region along Prince William Marina Road, approximately two miles southwest of Cordova in the Unorganized Borough, within Section 32, Township 15 South, Range 3 West, Copper River Meridian. See *Attachment A*: Vicinity Map for additional information.

USGS Map Coverage: Cordova C-5

Platting Authority: City of Cordova

Regional Corporation: Chugach Alaska Corporation

Federally Recognized Tribe: Native Village of Eyak

Village Corporation: The Eyak Corporation

ANCSA Non-Profit: Chugachmiut

- b. Legal Description: Alaska Tidelands Survey No. 786, containing 0.374 acres, more or less, according to the survey plat recorded in the Cordova Recording District on December 9, 1994, as Plat No. 94-5.
- c. Title: Information from Title Report No. 23222, dated April 11, 2025, indicated the State of Alaska holds fee title to the uplifted tide and submerged lands of ATS 786 through the Statehood Act and the Submerged Lands Act of 1953. A third-party interest was identified in the Title Report as Grant of Access Easement, dated 8/31/2009, from Prince

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William Marina, Inc., to Alaska Tideland Survey No. 786, recorded on Doc. No. 2009-000335-0. This third-party interest is not expected to impact the proposed action.

State Reservation of Title:

Retention of and Access to Mineral Estate: In accordance with Section 6 (i) of the Alaska Statehood Act and AS 38.05.125 Reservation, the State retains ownership of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper, silver, etc.) and leasable minerals (such as oil, gas, coal, etc.).

The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all land uses. The State may also lease these retained interests to mineral developers or allow mining locations to be staked. However, AS 38.05.130 Damages and Posting of Bond also provides that the landowner will be compensated for damages resulting from mineral exploration and development.

Navigable Waters: Per AS 38.05.126(b) Navigable and Public Waters, "...the State has full power and control of all of the navigable or public water of the State, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the State." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the Constitution of the State of Alaska and protected in the United States Constitution. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made, and access will be reserved per AS 38.05.127 Access To and Along Public and Navigable Water. For more information, see Access, including Access To and Along Public or Navigable Water subsection of this document.

The Bureau of Land Management has determined that all tidal waters from three geographical miles seaward of the coastline to Mean High Water are considered navigable under the Submerged Lands Act of 1953.

Native Interest: The subject parcel is within the boundaries of the Chugach Alaska Corporation regional corporation and federally recognized tribe, Native Village of Eyak. There are no Native interests identified with this parcel.

Other Conflicts or Pending Interest: None.

d. Background:

The State of Alaska holds fee title to the tide and submerged lands of ATS 786 under the Alaska Statehood Act and the Submerged Lands Act of 1953.

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The State issued a 55-year lease for ADL 68214 on November 6, 1975, to Al L. Weathers. The lease was assigned from Al L. Weathers to George W. Weeks and Susan Elaine Weeks on November 28, 1975. On February 9, 1976, the lease was assigned from George W. Weeks and Susan E. Weeks to the State of Alaska, Veterans Affairs. A Tideland Assignment of Lease was completed on February 6, 1985, from George W. Weeks and Susan E. Weeks to Rose Weathers. Finally, Assignment No. 3 to Tideland Lease, issued on March 11, 2010, assigned the lease from Rose Weathers, via a Power of Attorney given to Kerin Kramer, to Brandy Griffith. On February 4, 2021, Brandy Rose Griffith applied to purchase the leasehold, ADL 68214, noncompetitively through statutory authority AS 38.05.102 Lessee Preference.

The leasehold is a residential lease on avulsed tidelands, now considered uplands. Field inspections were completed in 2008, 2010, 2012, 2014, 2016, and 2024. During the 2016 inspection, it was noted that the house and garage that were previously observed on the parcel had been removed. This 2016 field inspection report stated, “the site is basically a construction site...”. Photos were taken to document the stated condition of the leasehold. The parcel did not pass inspection at that time. Correspondence with the lessee via email with attached photos on 7/26/2016 showed that much of the parcel had been cleaned up and was then considered in compliance with the stipulations of the lease. During the last inspection in May 2024, a small house was located on the subject parcel; however, the lessee was not living in it at the time due to a non-functioning septic system. The subject parcel contained boat trailers, boats, an old dump truck, and various types of debris (e.g., scrap wood, metal, tires, etc.). The leasehold did not pass the May 2024 inspection. The Field Inspection Report from the May 2024 inspection stated that “debris from the previous inspection, recommended for immediate removal in the 2016 Field Inspection, remains on-site.” The lessee was asked “to provide photographic evidence of site cleanup and debris removal by November 13, 2024.” The lessee quickly followed up and sent in photos of the cleaned-up parcel on July 22, 2024. The leasehold was then considered in good standing, thus allowing the preference right application to move forward.

Legal access to the leasehold is via Grant of Right-of-Way Easement recorded on August 23, 1974, in Book 40, Page 313, Cordova Recording District, as Document No. 1974-000618-0, and by the Re-Subdivision TR. B, Lot 3 USS 2610, recorded on March 16, 1990, Cordova Recording District as Plat No. 90-2, and by Grant of Access Easement recorded on September 16, 2009, Cordova Recording District, as Document No. 2009-000335-0, and by ATS No. 603, filed on December 30, 1980, Cordova Recording District as Plat No. 80-5.

On March 27, 1964, a magnitude 9.2 earthquake struck the region. Portions of the Cordova area landscape experienced an uplift of six feet or more because of the earthquake. A February 2019 Memorandum from the DMLW Survey Section to LCS Regarding the Extent of the 1964 Earthquake Uplift in 3 Mile Bay near Cordova determined that the leasehold is now uplands. Tidal waters do not influence the leasehold. Per a 2004 informal Attorney General opinion, uplifted tidelands are conveyable as uplands.

As of the time of this PD, there are no liens associated with the leasehold.

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e. Planning, Classification, and Mineral Orders:

1. *Planning:* The subject parcel is located within PWSAP (adopted 1988 and amended April 3, 2007), Management Unit 27 – City of Cordova. The parcel is currently unclassified and will need to be classified as Settlement in order to be conveyed.

Area Plan Amendment: The subject parcel was not included within the classification of Management Unit 27 of the PWSAP. The parcel was surveyed as an Alaska Tidelands Survey prior to analysis of earthquake uplift caused by the 1964 earthquake. The parcel is now considered uplands as a result of the earthquake and can therefore be conveyed once it is classified as Settlement Land. An amendment to the PWSAP is necessary to address the subject parcel's designation and management intent. Concurrent with this decision, an amendment to the PWSAP will create Subunit 27G, a new subunit with a designation of Settlement (Se) which converts to a classification of Settlement Land. This new subunit will encompass the 0.374-acre subject parcel. Land within the proposed Subunit 27G is appropriate for settlement due to consistency with adjacent uses. Multiple uses, factors affecting the area, resource inventory, present and potential land uses, and compatible classifications have been considered and are listed in AS 38.04.065(b) Land Use Planning and Classification. The plan amendment will receive public notice. If DNR approves the noncompetitive sale, the plan amendment will accompany the FFD. The approval of an area plan amendment is a separate action, occurring concurrently with the FFD. However, approval of the conveyance is dependent upon approval of the area plan amendment.

A goal of the PWSAP areawide land management policies for Settlement includes making suitable public land available to present and future Alaskans for private settlement purposes. Isolated parcels of State land in or near existing communities will be offered for settlement unless it is appropriate as a site for a school, gravel pit, road, park, sewer treatment plant, or other public facility. The subject parcel is a long-term lease, originally issued on November 6, 1975, satisfying the necessary interest in the parcel to qualify for a preference right. The PWSAP states that small parcels in Cordova may be offered for sale if compatible with adjacent land uses.

The sale of the subject parcel supports the management goals of the PWSAP by providing an opportunity for private ownership of state land for the purpose of economic and community development in the Cordova area.

2. *Land Classification Order:* The subject parcel is unclassified in the PWSAP (adopted in 1988 and amended in 2007) and in the associated Land Classification Order (CL SC-88-004).

Land Classification Order: If approved by the Commissioner, the current land classification order will be amended to classify the subject parcel as Settlement Land. This action affects the entirety of Subunit 27G. If DMLW approves the noncompetitive sale, the land classification order will accompany the Final Finding and Decision. The approval of the land classification order is a separate action, occurring concurrently with the Final Finding and Decision.

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3. *Mineral Order:* There is no current mineral activity located within the subject parcel. DNR proposes to close the parcel to new mineral entry in accordance with AS 38.05.185 Generally and AS 38.05.300 Classification of Land for land disposals. The proposed mineral order, if approved, will close the subject parcel to new mineral entry. Mining is incompatible with current and proposed continued use of the land, and the subject parcel will be closed to mineral entry pursuant to AS 38.05.300 Classification of Land. If DNR approves the preference right sale, the mineral order will accompany the FFD. The approval of the mineral order is a separate action, occurring concurrently with the FFD.

Mineral orders which close an area to mineral entry, close the area to new exploration and development of locatable minerals (such as: gold, copper, platinum, etc.). Such mineral orders do not apply to leasable minerals (such as: oil, gas, coal, etc.), or exploration licenses for such, nor do they preclude reasonable surface access to these resources. However, AS 38.05.130 Damages and Posting of Bond stipulates that the land estate owner will be compensated for damages resulting from mineral exploration and development.

Mining activity for locatable minerals would be incompatible with current and proposed land estate uses for land disposal. Allowing new mineral location within the boundary of the parcel encompassed by the decision could create conflict between land estate and mineral estate users. PWSAP subsurface management policy states that, in general, areas or parcels scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between land estate and mineral estate users.

4. *Local Planning:* The project area is within the City of Cordova and is zoned "Unrestricted District." It is in the Unorganized Borough.
5. *Flood Risk:* Pursuant to the Federal Emergency Management Agency (FEMA) map 0200370043C, effective December 16, 2015, the area is at low risk of a flood hazard. The base flood elevation zone is "AE."

f. Traditional Use Findings:

The subject parcel is located within the Unorganized Borough and a traditional use finding is required under AS 38.05.830 Land Disposal in the Unorganized Borough. Information obtained from the PWSAP, adjudicatory research, and agency review indicates that the surrounding area is currently used for settlement, public recreation, commercial fishing, and wild resource harvesting.

The subject parcel is located near Cordova along Prince William Marina Road. LCS assumes that significant wild resource harvests take place in the broader surrounding area versus near the subject parcel. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action.

According to the Alaska Department of Fish & Game (ADF&G) Division of Subsistence, residents of Cordova report using areas in the vicinity of the subject parcel for the subsistence harvest of wild resources (ADF&G Technical Paper Number 412). Cordova residents reported contemporary subsistence search and harvest for salmon and non-

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salmon fish, large land mammals, and plants and berries near the city. Subsistence harvests were negatively impacted by the 1964 earthquake and the *Exxon Valdez* oil spill in 1989, though subsistence harvests continue today. Commercial fishing for salmon, marine fish, and marine invertebrates is considered by many, interviewed by ADF&G in the community, to be very important to the local economy.

Additional information on traditional use is welcome during the public comment period. If this proposal is approved, LCS will address the information received in a subsequent FFD, if one is issued. See **Section VII. Submittal of Public Comments** of this document and *Attachment B: Public Notice* for details on how to submit comment.

g. Access, including Access To and Along Public or Navigable Water:

Public Access: Access to ADL 68214 is along Prince William Marina Road. via Grant of Access Easement, dated 8/31/2009, from Prince William Marina, Inc., to Alaska Tideland Survey No. 786, recorded on Doc. No. 2009-000335-0.

Access To and Along Public or Navigable Waters: In accordance with AS 38.05.127 Access To Navigable or Public Water, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include: 11 AAC 51.035 Determination of Navigable and Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water, and 11 AAC 53.450, Buffer Strips, Reserved Areas, and Public Easements.

DNR has not identified any public, navigable, or anadromous water bodies within the subject parcel. If any such water bodies are discovered, the parcel will be subject to access reservations in accordance with AS 38.05.127 Access to Navigable or Public Water.

Easements and Setbacks:

- Utility easements; and
- Additional reservations and/or restrictions required through the local platting authority.

Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

h. Reservation of Mineral Estate: In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125 Reservation, the State, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 Damages and Posting of Bond and other applicable statutes and regulations.

i. Hazardous Materials and Potential Contaminants:

There is no known contamination of, or hazardous materials on, the subject parcel. The applicant is expected to inspect the subject parcel to ascertain the quality and condition of the land. The State makes no representations and no warranties, expressed or implied, concerning the existence or absence of any hazardous substances, hazardous

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wastes, contaminants, or pollutants on the land proposed for conveyance to the applicant. The State does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

The applicant will be required to submit an affidavit acknowledging the condition and history of the site prior to purchase. This affidavit releases the State from liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants and for the remediation of the site should such substances ever be identified. Brandy Griffith recognizes that the subject parcel is conveyed on an “as is” basis and in the condition of the conveyance.

- j. Survey: Preliminary Survey Determination #20225185, dated October 12, 2022, determined the leased land to be surveyed. The subject parcel is surveyed as Alaska Tidelands Survey No. 786, containing 0.374 acres, more or less, according to the survey plat recorded in the Cordova Recording District on December 9, 1994, as plat No. 94-5.
- k. Compensation/Appraisal: If the purchase is approved, the parcel will be sold at fair market value as required by AS 38.05.840(a) Appraisal. At the appropriate time, LCS will notify the applicant to begin the appraisal process and will provide a list of approved appraisers. The DMLW Appraisal Section will provide appraisal instructions to an approved appraiser. The applicant bears the cost of appraisal. The date fixed for sale under AS 38.05.840(a) Appraisal and the valuation date of the appraisal will be set as the date of inspection by the appraiser.

VI. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this PD. Agency review was conducted between September 22, 2023, through October 12, 2023. Comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

DNR DMLW LCS received brief comments of non-objection from the following agencies:
Alaska Department of Transportation & Public Facilities, DNR Division of Parks & Outdoor Recreation, DNR Division of Oil and Gas, Alaska Department of Fish & Game, Alaska Department of Environmental Conservation, DMLW Public Access Assertion and Defense, and DMLW Statewide Abatement of Impaired Land.

DNR DMLW LCS Response: LCS appreciates your review of the proposal.

DNR DMLW Resource Assessment & Development Section (RADS): RADS thanked DMLW for the opportunity to review and comment on the project. RADS stated that the subject parcel is currently unclassified in the Prince William Sound Area Plan (PWSAP); a parcel disposal will require an amendment to the PWSAP classifying the area as Settlement. RADS also stated that a mineral closing order will also need to be issued to close the parcel to new mineral entry. RADS has no objection to the proposed conveyance once the parcel is classified and the mineral closing order is issued.

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DNR DMLW LCS Response: LCS appreciates the review of this proposed noncompetitive sale. Included in this decision are a draft Amendment to the PWSAP, a draft Land Classification Order, and a draft Mineral Order (Closing).

The following agencies or groups were included in the agency review, but no comment was received:

- DNR Division of Agriculture, DNR Division of Forestry & Fire Protection, DNR Division of Geological & Geophysical Surveys, DNR State Historic Preservation Office, and U.S. Fish & Wildlife Service.

VII. Submittal of Public Comments

See *Attachment B: Public Notice for specific dates and conditions.*

Pursuant to AS 38.05.945 Notice, LCS is issuing public notice inviting comment on this Preliminary Decision, draft area plan amendment, draft land classification order, and draft mineral order.

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Notice may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the PD, draft area plan amendment, draft land classification order, or draft mineral order, additional public notice for the affected lands will be given.

Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the PD, draft area plan amendment, draft land classification order, or draft mineral order, including any deletions, minor changes, and a summary of comments and LCS responses will be issued as a subsequent FFD, PWSAP Amendment No. SC-88-004A06, Land Classification Order CL SC-88-004A06, and Mineral Order 1284 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom LCS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the FFD, PWSAP Amendment No SC-88-004A06, Land Classification Order CL SC-88-004A06, and Mineral Order 1284. Upon approval and issuance of a FFD, a copy of the decision will be made available online at <https://dnr.alaska.gov/mlw/landsales/> and sent with an explanation of the appeal process to any party who provides timely written comment.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact DNR's Public Information Center. For more information refer to *Attachment B: Public Notice*.

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DEADLINE TO SUBMIT WRITTEN COMMENT IS 3:00 PM, THURSDAY, AUGUST 21, 2025

VIII. Stipulations

If approved for conveyance, the applicant will be required to comply with the following stipulations to complete the land sale:

1. The lessee must remain in good standing with respect to the terms of the lease until the lease is relinquished. If the lessee is not in good standing at any time prior to the relinquishment of the lease, the purchase process will be halted until the lessee regains good standing as determined by DMLW.
2. Once the FFD is signed and the appeal period is over without receiving an appeal, LCS will issue notice to proceed to appraisal. The parcel is already surveyed so the applicant may proceed to appraisal. Within two years from the date of the notice to proceed to appraisal, the applicant must hire an appraiser from DNR's Approved Appraiser list, the appraiser must apply for appraisal instructions issued by DMLW, and then must submit a completed fair market value appraisal in accordance with the appraisal instructions. DMLW must approve the appraisal. Appraisal costs shall be borne by the applicant.
3. Upon approval of the appraisal, a notice to proceed to purchase will be issued to the applicant. Within the time period specified in the notice, the applicant must submit the following to LCS:
 - A signed and notarized affidavit acknowledging the condition of the land and releasing the State from related liability;
 - A completed and signed Declaration of Intent form;
 - A signed and notarized Relinquishment of Land Lease form;
 - A completed Veteran's Land Discount form (if eligible); and
 - Payoff amount plus patent application and recordation fees OR minimum 5% of the purchase price as a deposit plus land sales contract application and recordation fees. Fees are established under 11 AAC 05.100 Land Disposals and 11 AAC 05.200 Recorder's Office and are subject to change. Some fees have been reduced by Director's Order Number 3.
4. Prior to the completion of the purchase and issuance of a state conveyance document, the applicant must remain in good standing with respect to all terms of the Contract for the Sale of Real Property throughout its term, if such a contract is issued. The applicant must also remain in compliance with all applicable state and local ordinances and regulations, including all applicable taxes. Failure to do so may result in termination of the Contract for the Sale of Real Property.

Special Note: The applicant must complete steps 1-4 above by *May 5, 2030*, in order to ensure the applicant has a signed land sales contract before the lease expires on *November 5, 2030*. Failure to do this will result in the loss of the applicant's right to purchase this parcel of land or may require the applicant to enter into a new lease agreement and incur associated costs.

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If extenuating circumstances delay any of the stipulations listed above, the applicant is responsible for notifying LCS and receiving approval from LCS for the delay with new timeframes for completion to be given. Failure to do this could result in the closure of the purchase application. The purchase cannot be completed until all the above stipulations have been satisfied.

IX. Discussion and Alternatives

The original lease was issued in 1975 for a 55-year term under the authority of AS 38.05 Alaska Land Act as amended, as stated on the lease agreement. DMLW finds that the issuance authority, in addition to an Uplift Determination issued by the DMLW Survey Section in 2019, qualifies the lease for preference right claim under AS 38.05.102 Lessee Preference.

The preference right applicant and current leaseholder of the parcel is in good standing with the terms of the lease as of the date of this document. Title Report No. 23222 shows no third-party interests or liens that would conflict with a conveyance of the parcel to the applicant. Therefore, the applicant qualifies under AS 38.05.102 Lessee Preference for a preference right claim.

The following alternatives were considered:

Alternative 1: Sell

Approve the proposed conveyance of the approximately 0.374-acre subject parcel to the applicant in accordance with AS 38.05.102 Lessee Preference.

Alternative 2: Lease

Continue with a lease agreement.

Alternative 3: Retain

DNR will take no action and retain the subject parcel.

Alternative 1 will provide settlement land to the private sector, generate revenue for the State, mitigate costs related to the management of leased lands, and is compatible with area plan management intent. The sale of the parcel allows the applicant's improvements to remain *in situ* and provides the applicant assurances required for future planning and passing property to heirs. Therefore, it is in the best interest of the State to sell the parcel as proposed in this decision.

Article VIII, Section 1 of the Alaska Constitution states, "it is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute and supports DNR's goal of providing lands for private settlement and supporting economic growth throughout Alaska. This is the preferred alternative.

Under Alternative 2, DNR will continue managing a lease issued to the applicant. The lessee receives control of the leasehold for a given period. There is a possibility DMLW will incur future management costs related to ensuring performance under the lease agreement and administrative costs related to lease administration. In addition, upon lease expiration or relinquishment, the applicant is required to submit and execute a reclamation plan to rehabilitate the land within the leasehold. Due to the nature of the activities and existing improvements,

Preliminary Decision

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reclamation may be difficult. This is not in the best interest of the State. This alternative is not preferred.

Under Alternative 3, the State would need to expend resources managing the land while forgoing the income that could have been generated by a sale or lease. If the State chooses to neither sell nor lease the land to the current leaseholder, the lessee will be required to remove existing infrastructure from the land that was approved under a lease approved by the State and restore the land to its original condition. The applicant may lose improvements if they are immobile, causing detriment to the applicant. Retaining the subject parcel in state ownership is not in the best interest of the State. This alternative is not preferred.

For the reasons outlined above, Alternative 1 is the preferred alternative. The sale of the subject parcel is beneficial to both the State, and to the applicant. It provides maximum use for the public benefit by providing land for private settlement, does not disturb or curtail nearby state land uses, and supports the long-term growth and development of the nearby community.

Recommendation follows.

Preliminary Decision

AS 38.05.102 Preference Right – ADL 68214

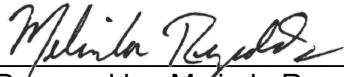
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X. Recommendation and Preliminary Decision

This Preliminary Decision for the proposed disposal of State lands, PWSAP Amendment and associated Land Classification Order CL SC-88-004A06, and Mineral Order 1284 described throughout this document are consistent with the overall management intent for state-owned lands. Alternative 1 is the preferred alternative because it is the maximum best use of state land, addresses a land claim under preference right statutes, and helps meet the mission of the land sales program.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of state lands, PWSAP Amendment and associated Land Classification Order CL SC-88-004A06, and Mineral Order 1284. If the decision is approved, PWSAP Amendment and associated Land Classification Order CL SC-88-004A06, and Mineral Order 1284 will accompany and precede any Final Finding and Decision issued. A Final Finding and Decision will address any significant issues or concerns presented during the public review process. If the applicant is unable to complete the stipulations, DMLW may decide to close this purchase application or require extension or renewal of the lease to allow additional time to complete the purchase process.

The PD described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.



Prepared by: Melinda Reynolds
Natural Resource Specialist
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

7/17/2025

Date of Signature



Approved by: Hannah Uher-Koch
Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

7/17/2025

Date of Signature



Brandy Rose Griffith
ADL 68214

Attachment A: Vicinity Map

Proposed Noncompetitive Sale
Pursuant to AS 38.05.102

This map is for graphic representation only. It is intended to be used only as a guide and may not show the exact location of existing survey parcels or show all easements and reservations. Source documents remain the official record.



Section 32, Township 15 South, Range 3 West, Copper River Meridian

USGS Quad 1:63,360 Cordova C-5

For more information contact:

Melinda Reynolds

Department of Natural Resources

Division of Mining, Land and Water

Land Conveyance Section

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Email: melinda.reynolds@alaska.gov

MJR 7/02/2025



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

Attachment B: PUBLIC NOTICE

**Requesting Input for Proposed Noncompetitive Sale to
Preference Right Applicant - ADL 68214
AS 38.05.102**

COMMENT PERIOD ENDS 3:00 PM, THURSDAY, AUGUST 21, 2025

The Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) is conducting a public notice for a noncompetitive land sale located approximately two miles southwest of Cordova. The legal description for the parcel is Alaska Tidelands Survey No. 786, containing 0.374 acres, more or less, according to the survey plat recorded in the Cordova Recording District on December 9, 1994, as plat No. 94-5.

To obtain the notice, Preliminary Decision (PD), or instructions on submitting comment, go to <https://dnr.alaska.gov/mlw/landsales/> or <https://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 8:30 AM and 4:00 PM in Anchorage at (907) 269-8400 or Fairbanks at (907) 451-2705 or the Southeast Land Office in Juneau at (907) 465-3400 or TTY: 711 for Alaska Relay or 1-800-770-8973 or go to <https://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, Thursday, August 14, 2025.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comments on the Preliminary Decision. **The deadline for public comment is 3:00 PM, THURSDAY, AUGUST 21, 2025.** Only persons from whom DNR DMLW LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision (FFD). Written comment may be received by fax, email, or postal mail. To submit comments or for direct inquiries, contact Melinda Reynolds by mail at 550 West 7th Ave, Suite 640, Anchorage, AK 99501 or by fax at (907) 269-8916 or by email at melinda.reynolds@alaska.gov. If you have questions, call Melinda Reynolds at (907) 269-5664.

If no significant change is required, the PD, including any minor changes and a summary of comments and responses, will be issued as the FFD without further notice. A copy of the FFD will be sent to any persons who commented timely on the PD.

DNR reserves the right to waive technical defects in this notice.