

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

FINAL FINDING AND DECISION

of a
Land Offering in the City of Delta Junction
Windy City Subdivision – ADL 421190
AS 38.05.035(e), AS 38.05.045

and its
RELATED ACTION:
Mineral Order 1245 (Closing)
AS 38.05.185 and AS 38.05.300

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated July 27, 2020. The PD (attached) and related action have had the required public review.

I. Recommended Action(s)

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends offering for sale State-owned land for private ownership within the Windy City project area (ADL 421190), as described in the PD. Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally*.

For the purposes of providing land for settlement in the Windy City project area, LCS may develop a subdivision of no more than seven parcels varying in size no smaller than one acre. This project area is located within the City of Delta Junction and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards. The project may be subdivided and offered in multiple stages.

There is a related action with this proposal:

Mineral Order: DNR proposes to close the project area to new mineral entry through Mineral Order (MO) 1245.

Public notice for this related action was conducted concurrently with the notice for the primary action's PD.

II. Authority

DNR has the authority under *AS 38.05.045 Generally* 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 provides: "It is the policy of the State to encourage the settlement of its land and development of its resources by making them available for maximum use consistent with the public interest."

For the related action, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally allow for mineral orders*.

III. Public Participation and Input

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment on the PD for the proposed primary action and a draft of the related action was published and distributed in the following manner:

- Posted under State of Alaska Online Public Notice from July 27, 2020 to September 3, 2020.
- Posted on DNR Land Sales website from July 27, 2020 to September 3, 2020.
- Notices mailed to the City of Delta Junction per *AS 38.05.945(c)(1)*.
- Mailed to postmasters in Delta Junction with a request to post for 30 days, per *AS 38.05.945(c)(4)*.
- Mailed to the library in Delta Junction with a request to post for 30 days.
- Mailed to the Doyon, Limited regional corporation per *AS 38.05.945(c)(2)-(3)*.
- Mailed to landowners in the vicinity of the offering and the Healy Lake Traditional Office.
- Sent notification to area state legislators and to multiple state agencies.
- Notified parties via the DNR Land Sales subscribers lists by email.

The public notice stated that written comments were to be received by 5:00PM, Thursday, September 3, 2020 in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

Should this project move forward, final subdivision design and survey will be completed by an Alaska licensed surveyor. The surveyor will submit a platting application including a preliminary plat to the local platting authority prior to survey. This process will be subject to the City of Delta Junction's ordinances and codes. During the process the public will have opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

Subdivision design will be submitted to the City of Delta Junction for review in accordance with Title IV- Land Use of their ordinance.

Section 4.65.090(A) Notification- Preliminary and Final Plat Hearings. "Notification of hearings on preliminary and final plats will be mailed to adjacent property owners and published once a week for two consecutive weeks in a newspaper of general circulation in the area or, if none, posted in at least two public places in the area."

Section 4.70.020(C) Preliminary Plat- Action. "The Planning Commission shall approve, approve with conditions or disapprove the preliminary plat within sixty (60) days of its submittal by the subdivider. The Planning Commission shall state its decision in the minutes and will return a written copy of its decision and comments and one copy of the preliminary plat to the subdivider. If the Planning Commission takes no action within sixty (60) days, the preliminary plat is considered approved and a certificate of approval shall be issued on demand. The subdivider may consent to the extension of the period for action by the Planning Commission."

Final Finding and Decision

Windy City Subdivision – ADL 421190

Page 3 of 4

IV. Summary of Comments

DNR DMLW LCS received one comment during the public comment period, from the Salcha-Delta Soil & Water Conservation District, which is summarized below.

Salcha-Delta Soil & Water Conservation District Comment: Our Board expressed a concern that removing trees from the subdivision would potentially create some wind problems for nearby residents and businesses. It is common to have high winds through the Delta River corridor and removal of trees in this area will leave a much narrower windbreak on the south end of town.

DNR DMLW LCS Response: Thank you for your comment. We are working with the City of Delta Junction to address this concern and examining the feasibility of a reservation within the project area.

V. Traditional Use Findings

In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a Traditional Use Finding is required for project areas within the Unorganized Borough. This project area is within the Unorganized Borough. As discussed in the PD, information obtained from the Eastern Tanana Area Plan, research, and agency review did not identify traditional uses of the project area. Public review brought forth no new information indicating traditional use conflicts that were not apparent at the PD stage.

VI. Modifications to Decision and/or Additional Information

The recommended action has not been modified from the original proposed action(s) described in the PD.

Recommendation and Approval of the Final Finding and Decision follow.

Final Finding and Decision

Windy City Subdivision – ADL 421190

Page 4 of 4

VII. Final Finding and Decision

The Land Conveyance Section recommends proceeding with the actions as described in the Preliminary Decision. These actions are undertaken under relevant authorities. Offering these parcels for sale will help meet the State’s goal to provide land for settlement for sale to the public and raise revenue for the State.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with *AS 38.05.945 Notice* and comments received were considered. The project file has been found to be complete and the requirements of all applicable statutes have been satisfied. The actions are consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.

(signature on file)

Recommended by: Timothy Shilling
Competitive Land Sales Manager
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

10/27/2020

Date

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended action(s) as described and referenced herein.

(signature on file)

Approved by: Martin W. Parsons
Director
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

01/06/2021

Date

(signature on file)

Approved by: Corri A. Feige
Commissioner
Department of Natural Resources
State of Alaska

01/12/2021

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, in accordance with *11 AAC 02*. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in *11 AAC 02.040(c) and (d)* and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Under *11 AAC 02.030*, appeals and requests for reconsideration filed under *11 AAC 02* 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) and (b)*.

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 in accordance with *11 AAC 02* before appealing this decision to Superior Court. A copy of *11 AAC 02* may be obtained from any regional information office of the Department of Natural Resources.

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

**ADMINISTRATIVE FINDING
MINERAL ORDER NO. 1245
Closing Lands to Mineral Entry**

WINDY CITY SUBDIVISION

Pursuant to AS 38.05.035, the State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water proposes to issue a Final Finding and Decision to convey State-owned land into private ownership within the Windy City project area (ADL 421190). As noted in the Preliminary Decision – Proposed Land Offering Windy City Subdivision – ADL 421190, issued July 27, 2020, the project area is within Unit D-36 of the Eastern Tanana Area Plan. DMLW proposes to close the entire project area to mineral entry. The attached mineral order includes the legal description of area to be closed to mineral entry.

The Division of Mining, Land, and Water requests the mineral estate of approximately 7.5 acres, identified in the attached mineral order, be closed to mineral entry and location, in accordance with AS 38.05.300 for a land disposal. Mining activity on the project area would be incompatible with the current and proposed land estate uses. The land does not contain any known mineral deposits and was not selected for mineral values. There are no mining claims on the land.

Public notice of the comment period for the proposed mineral order was conducted in accordance with AS 38.05.945. The Department did not receive objections or comments regarding the proposed mineral order from the public or agencies during the comment period.

In accordance with AS 38.05.185 (a) and AS 38.05.300, I find that the best interests of the State of Alaska and its residents are served by closure of the land to entry under the mineral location and mining laws of the State of Alaska as described by Mineral Order (Closing) No. 1245.

Concur: (signature on file) 01/06/2021
Martin W. Parsons, Director Date
Division of Mining, Land and Water
Department of Natural Resources

Approved: (signature on file) 01/12/2021
Corri A. Feige, Commissioner Date
Department of Natural Resources

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

MINERAL ORDER No. 1245

 X Closing Lands to Mineral Entry _____ Opening Lands to Mineral Entry

I. Name of Mineral Order: Windy City Subdivision – ADL 421190

II. Reason for Mineral Order: This Mineral Order is based upon the attached *Commissioner's Administrative Finding*, applicable statutes, and the written justification contained in the following:

Preliminary Decision, Windy City Subdivision – ADL 421190, July 27, 2020 and the subsequent Final Finding and Decision for same

III. Authority: AS 38.05.185 and AS 38.05.300.

IV. Location and Legal Description: That portion of Block 3, of the West Addition, of the North and West Additions to Delta Junction Townsite Subdivision, according to Plat No. 63-7859, filed on November 13, 1963, in the Fairbanks Recording District, lying westerly of the westerly boundary of a 30' wide private utility easement, ADL No. 420813, according to the Record of Survey recorded as Plat No. 2020-12 on January 29, 2020, in the Fairbanks Recording District, 4th Judicial District, containing 7.5 acres, more or less.

V. Mineral Order: This order is subject to valid existing rights and is issued under the authority granted by AS 38.05.185 – AS 38.05.275 and AS 38.05.300 to the Alaska Department of Natural Resources. In accordance with AS 38.05.185(a), I find that the best interests of the State of Alaska and its residents are served by closure of the land described in this mineral order to entry under mineral location and mining laws of the State of Alaska. The above described lands are hereby **closed** to entry under the locatable mineral and mining laws of the State of Alaska.

Concur: (signature on file)
 Martin W. Parsons, Director
 Division of Mining, Land and Water
 Department of Natural Resources

01/06/2021
Date

Approved: (signature on file)
 Corri A. Feige, Commissioner
 Department of Natural Resources

01/12/2021
Date