

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

AMENDED FINAL FINDING AND DECISION
MUNICIPAL ENTITLEMENT UNDER AS 29.65

CITY OF VALDEZ - ADL 201084

This Amended Final Finding and Decision (Amended FFD) complements and updates the Preliminary Decision (PD) (April 26, 1982) and revises the previous FFD issued on May 25, 1982.

I. RECOMMENDED ACTION

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) received a request from the City of Valdez (City) requesting that the stipulated *AS 38.05.127 Access to Navigable or Public Water* public access easement not be imposed on one island that was approved for conveyance to the City by the May 25, 1982 FFD. Ammunition Island is located within Valdez Bay and within Section 33, Township 8 South, Range 6 West, Copper River Meridian. This decision covers the north shore of Ammunition Island and the subject parcel is depicted on the attached map.

II. AUTHORITY

DNR has authority to authorize this action pursuant to *AS 38.05.035(e) Powers and Duties of the Director*, *AS 29.65 General Grant Land*, and *AS 38.05.127(a)(2)*.

III. ADMINISTRATIVE RECORD

Department of Natural Resources case file ADL 201084 (City of Valdez) comprises the administrative record used for this decision.

IV. MODIFICATION TO DECISION

The May 25, 1982 FFD for ADL 201084 approved the conveyance of municipal entitlement selections made by the City of Valdez. The lands approved for conveyance by the FFD are subject to the reservation of perpetual public easements, as required by *AS 38.05.127*. Management authority over such access easements was transferred to the City at the time of issuance of the FFD, but no such easement may be vacated, abandoned, or otherwise extinguished or rendered incapable of reasonable use by the public for the purposes for which it was reserved without the approval of the State, and unless an alternative means for reasonable public access was provided.

The City of Valdez requested that the *AS 38.05.127* public access easement not be imposed on Ammunition Island. The island is used for storing and loading ammunition and due to security and safety concerns, the City does not want the public to have access to the island. Per *AS 38.05.127(a)(2)* the commissioner may regulate or limit access if it is necessary for other beneficial uses or public purposes, such as public safety.

Ammunition Island sits within Valdez Bay and is the furthest east of the Mineral Creek Islands. Fill was placed along the south shore of the island and is used as a container terminal and storage.

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Current access to the island is via Port Road which runs from the mainland to the filled area south of the island proper. There is a major dock on the south border of the filled area.

This Amended FFD finds that it is in the best interest of the State to amend the Final Finding and Decision of May 25, 1982 to remove the stipulation of a public access easement (AS 38.05.127) that would be imposed on the north shore of Ammunition Island, Valdez. All other terms and conditions of the original decision issued on May 25, 1982, will remain unchanged.

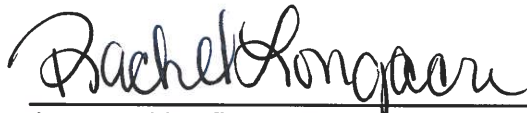
V. FINAL FINDING AND DECISION

The amended finding presented above has been reviewed and considered. The case files have been found to be complete and the requirements of all applicable statutes have been met. I find that it is in the best interest of the State to amend the Final Finding and Decision dated May 25, 1982, to remove the stipulation that conveyance of land to the City of Valdez be subject to a public access easement (AS 38.05.127) for the subject parcel and said decision is hereby so amended.



Recommended by: Mary Hermon
Natural Resource Specialist II
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

3/16/2021
Date



Approved by: Rachel Longacre
Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

3/16/2021
Date

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APPEAL PROVISION

A person affected by this decision may appeal it, in accordance with *11 AAC 02*. Any appeal must be received in writing within 20 calendar days after the date of the 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 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. Under *11 AAC 02.030*, appeals 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 no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the department on the 31st day after issuance. An eligible person must first appeal this decision in accordance with *11 AAC 02* before appealing this decision to the Superior Court (*11 AAC 02.020(a)* and *(b)*). A copy of *11 AAC 02* may be obtained from any regional office of the Department of Natural Resources or at: <http://www.akleg.gov/basis/aac.asp>.





City of Valdez ME - ADL 201084 Ammunition Island

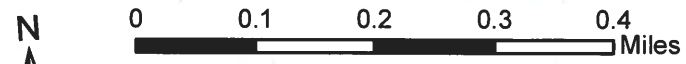
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Legend

-  Municipal Entitlement - ADL 201084
-  Section Lines



**Section 33, Township 8 South,
Range 6 West, Copper River Meridian**

HUK 3/15/2021

USGS QUAD 1:63.360
Valdez A-7, AK
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