January 20, 2009
Final Finding

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

FINAL FINDING AND DECISION

ADL 415636, ADL 415639, ADL 415797, ADL 415800 through ADL 415805, ADL 415808 through 415812, 417601, 417602 and ADL 417991

CONVEYANCE OF LAND UNDER 29.65.030 DENALI BOROUGH MUNICIPAL SELECTIONS

This final finding and decision complements and updates the preliminary decision for this action dated May 30, 2008.

Action: This final finding and decision finds that it is in the best interest of the State to approve the conveyance of approximately 21,411.859 acres of state land to the Denali Borough (DB) as part of the borough's municipal entitlement. This final finding and decision also finds that it is in the best interest of the State to reject approximately 21,939.52 acres from conveyance and retain the land in state ownership as outlined in the legal descriptions found below. Additionally, no action will be taken on approximately 30.47 acres because a portion of the Browns Court selection is being used as an illegal dump site and the Suntrana selection may contain PCB contamination. Until these two issues are resolved no action will be taken on their possible conveyance.

In order to convey portions of the borough's selections, the Tanana Basin Area Plan (TBAP) is being amended to change certain plan designations into conveyable classifications for those selections found appropriate for conveyance to the borough.

Authority: This proposed conveyance is authorized pursuant to Alaska Statute 29.65. This final find and decision is prepared in accordance with AS 38.05.035(e). Authority to execute this final finding and decision has been delegated to the Chief, Resource Assessment and Development Section.

Administrative Record: Department of Natural Resources case files ADL 415636, ADL 415639, ADL 415797, ADL 415800 through ADL 415805, ADL 415808 through ADL 415812, ADL 417601, ADL 417602 and ADL 417991 comprise the administrative record used for the basis of this decision.

Planning , Classification and Related Actions: In a separate decision concurrent with this decision DNR will amend the Tanana Basin Area Plan to designate certain selections recommended for conveyance to the borough into conveyable classifications. A Land Classification Order will accompany the plan amendment implementing the classifications for the selections found appropriate for conveyance under the municipal entitlement act, AS 29.65.

Public Notice and Discussion: Public notice announcing the preliminary decision and soliciting comments was published in the Anchorage Daily News and the Fairbanks Daily News Miner; posted on the State's web page under *Online Public Notice;* and posted in the U.S. Post Office in the communities of Anderson, Cantwell, Healy and Denali National Park. Notice was sent to the Denali Borough. Courtesy notice was sent to AHTNA, Inc. Regional Corporation and Doyon, Limited Regional Corporation. A copy of the preliminary decision was posted on the Division of Mining, Land and Water's web page under *Municipal Entitlements.*

The public notice process generated many comments that primarily focused on the selections between Slate Creek and Nenana Canyon. Comments were also received that fall outside of the scope of this decision that cannot be addressed by DNR. The following comments were received:

General Comment

Concern was raised as to how the borough will manage and develop the land approved to them in the future. Prior to approving land for conveyance to the borough the state needs to ensure the borough provides for planning, platting and land use regulation as required by law. To otherwise do so would allow for unregulated and haphazard development in the borough. The borough is a prime tourist destination and the scenic beauty, recreational opportunities and wildlife protection is essential.

DNR Response: How the borough intends to use or develop the parcels they have selected is unknown and is outside of the scope of this decision. The borough is entitled to receive lands that are important both for recreation in order to have a land base for public areas and facilities as well as for settlement in order to have lands for community expansion. Future use and development concerns need to be addressed by the borough through their planning process. DNR does not have the authority to direct the borough on how to manage land they receive or to determine if the borough is in compliance with local government requirements as provided for under a different section of Title 29. DNR's responsibility is limited to ensuring the boroughs entitlement is fulfilled per the requirements of AS 29.65 and will only address comments relevant to the conveyance of land under the municipal entitlement act (AS 29.65).

Anderson – ADL 415639

Comment received on this selection pertained to a parcel not under consideration in this decision.

Browns Court – ADL 415797

Comment: The PD incorrectly refers to this selection as ADL 415979 on pages 26 & 38 under the legal description section and should read ADL 415797.

DNR Response: Noted. This decision correctly identifies the ADL number for this selection.

Rex Bridge – ADL 417991

Comment: Requests that the department allow for an exception to the "4:1 Rule" so the entire Rex Bridge selection may be conveyed to the borough. The selection was requested based on a proposed vision for a Vocational-Technical educational facility and adjoining campus town. To reduce the selection and allow for necessary easements, buffers and natural areas would put too much constraint on the envisioned growth and necessity of this selection.

DNR Response: To consider and allow for an exception to the 4 to1 rule would require an official request be made by the borough that justifies the need for the land and that the proposed project cited has been conceptually approved by the assembly. If the borough provides this information along with a new application the area of rejection can be revisited in the future for conveyance consideration.

Comment: Asked that DNR review and reconsider the width of the buffer to be reserved along the Nenana River. The 100-foot wide easement proposed in the PD is not adequate to protect wildlife and public use of the waterway, nor is it enough to insure erosion control. The easement should be a 200-foot wide buffer beyond the 100 year flood level and should remain in a state of natural vegetation with no encroachments from developments.

DNR Response: DNR does not concur that imposition of a 200 foot wide buffer beyond the 100 year flood level along this stretch of the Nenana River is necessary. The TBAP states a standard minimum buffer width of 200 feet ***should*** generally be established but may be reduced to a minimum of 100 feet provided said buffer is adequate to maintain public access to riparian areas and protect water quality. A 100 foot buffer will meet that requirement and does not preclude the borough from imposing larger buffers and land use restrictions as they deem necessary through their own planning process.

Comment: Imposition of a 100 foot wide buffer along the Nenana is not consistent with the management objectives for the Nenana River corridor. Additionally, the TBAP recommends that the buffer for the Nenana River be retained in state ownership. A 200 foot or 0.25 mile wide buffer should be retained in state ownership for consistency with other reaches of the river where the state is retaining a 0.25 mile buffer.

DNR Response: See above response. In addition, because this segment of the river is not recommended for legislative designation as a State Recreation River it is considered appropriate to convey this buffer to the borough. To retain buffers in state ownership is not practical, nor is it desirable. To do so would substantially increase survey costs to the borough and complicate future management of the land. Additionally, the TBAP recognizes (p. 4-2) that boundaries may have to be adjusted to accommodate the needs of local communities and future municipal governments.

West – ADL 417601

Comment: This selection should be rejected from conveyance to the borough as the area receives substantial use from caribou and wolves, which implies a range of wildlife and habitat values.

DNR Response: ADF&G provided a reanalysis of this selection during Agency Review (November 7, 2007) after the borough scaled back it selection in response to the area being identified as the winter range for the McKinley caribou herd. They responded that the McKinley caribou herd may use the area but it does not appear to be a prime use area and that it may only be used during harsh winters when other habitats are unavailable. Based on this information, DNR finds that it is acceptable to reclassify and convey this selection to the borough as recommended in the PD.

East – ADL 415805

No comments were received for this selection.

Slate Creek – ADL 415800

Comment: A corridor should be retained for wildlife to travel along both Little Panguingue and Panguingue Creek. Panguingue Creek is a major fish and wildlife highway between the stampede/wolf townships area, the Nenana River, and beyond. Both of these creeks have been identified as being anadromous fish waters. Additionally, this uncluttered stretch of the Parks Highway should be preserved for its scenic value. Land on the east side of the highway is unsettled and mostly unstable lowland.

DNR Response: DNR concurs in part. The borough's selection will be modified to reject the SE4 of Section 34 that contains Panguingue Creek as the TBAP amendment determined that the current classification of Public Recreation/Wildlife Habitat is appropriate which precludes its conveyance under the municipal entitlement program. However, the remainder of the selection is considered appropriate for conveyance because the lands on the west side of the highway are primarily borough owned or part of a previously offered settlement area. Conveyance of the small area on the east side of the highway provides for a nearby land base that could be used for public areas and facilities adjacent to the settlement area.

Additionally, the portion of the selection containing Little Panguingue Creek will not be altered since a significant portion of the creek is already in borough ownership and is within an area classified for settlement. It should be noted that the portion of Little Panguingue Creek that lies within the conveyance area to the borough has not been catalogued by ADF&G as anadromous. Any future development of this area including whether Little Panguingue Creek warrants a corridor for wildlife movement can be addressed by the borough through their planning process.

Comment: This selection violates the 4-1 rule and should comply with AS 29.65.070(c).

DNR Response: DNR disagrees that this selection violates the 4-1 rule. Conveyance of this selection makes the borough's holdings more compact, removes a long narrow strip of land from state management that provides for a more logical land ownership pattern. In addition it provides access to previously approved borough land.

Panguingue A – ADL 415809/415810

Comment: Numerous comments were received objecting to the reclassification and conveyance of this selection to the borough due to its importance for wildlife habitat.

DNR Response: The Panguingue A selection will be rejected from conveyance to the borough in its entirety as the TBAP amendment determined that the current classification of Public Recreation/Wildlife Habitat is appropriate which precludes its conveyance under the municipal entitlement program.

Panguingue B – ADL 415809

Comment: If this conveyance and others along the George Parks Highway and Stampede Road are all approved there will be an uninterrupted block of land open to development by the borough. A break is needed to provide for wildlife movement and to keep the open tundra along Stampede Road undeveloped. Additionally, this area has a range of wildlife and habitat values that should be protected.

DNR Response: DNR concurs that it is important to allow for a wildlife movement corridor which has been accommodated for by the TBAP amendment not reclassifying land around Panguingue Creek and by the rejection of the Panguingue A selection area. However, we do not concur that rejection of the selection as stated in the PD is warranted as the area is already a node of private development so it is consistent with the existing use and suitable for borough ownership. If new development should occur in the future the borough can address the issues raised through their planning process.

Healy ADL – 417602

Comment: Concerns were raised to the appropriateness of reclassification and the need to exclude an archeological site. This area is important for wildlife movement, is adjacent to a scenic byway and should provide a break between selections to avoid strip development.

DNR Response: The TBAP amendment determined that it is appropriate to reclassify this selection to public recreation which is a conveyable classification for municipal entitlements. The Dry Creek Archeological Site was not selected nor is it being reclassified. It will remain in state ownership. Conveyance of this selection does not affect the Scenic Byways designation. It remains in place regardless of whether the selection is approved or not. In reference to providing

a break along the highway to avoid strip development a break occurs to the north at Panguingue Creek. How the borough plans to develop this area in the future is unknown and can be addressed by the borough through their planning process.

Comment: The bed of Dry Creek is over 100 feet wide at its narrowest places in this selection and should be designated as navigable water and retained in state ownership.

DNR Response: DNR does not concur that Dry Creek should be considered navigable. Dry Creek is primarily dry with little to no water in it. Conversations with the Public Access, Assertion & Defense Unit (PAAD) confirm this and that the creek should be considered public water and not navigable. Therefore, no change on the water designation will be made.

Otto Lake – ADL 415801

Comment: This selection should be state retained including the areas that are already in a conveyable classification due to habitat concerns. This area is particularly important to the population of wolves and is a travel corridor for wildlife. If conveyed the areas on the steep hillside of Sections 26, 27 and 35 should be rejected along with a corridor on each side of Dry Creek for habitat travel and migration.

DNR Response: The department concurs that a portion of this selection should be rejected from conveyance to the borough because the area was determined to be important for wildlife movement. This affects areas classified settlement as well as areas being considered for reclassification in the TBAP amendment. The areas to be rejected include Dry Creek, the land north of Dry Creek and the southern half of Section 35. The remainder of the selection is considered appropriate for conveyance to the borough.

The areas presently classified settlement and being rejected (Secs. 26 and 27 north of Dry Creek and the SW4 of Section 35) will be considered for reclassification to wildlife habitat or public recreation/wildlife habitat as part of the overall TBAP amendment process that will commence later this year.

Comment: Dry Creek should be considered navigable.

DNR Response: See response above in the Healy selection regarding this same issue.

Comment: Several offshoot trails extend off of the Healy Diamond Coal Mine Dirt Road (RST 709) that should have public access easements established to provide access to state land to the south.

DNR Response: It is not necessary as a part of this decision to reserve public access easements on the trails that extend off of RST 709 as that portion of the selection is being rejected and state retained.

Nenana Canyon – ADL 415636

Comment: Numerous comments stressed the need for the state to reject and retain in state ownership the entire selection. The importance of these lands as a habitat and wildlife corridor, their statewide recreational importance, their incredible view shed values, and their potential need for highway expansion or realignment for safety between Bison Gulch (mile 243.7) and Iceworm Gulch (mile 239.5), all argue for state retention of the selection. In addition, the state should continue its efforts to designate the Nenana River as a State Recreation River and retain a ¼ mile buffer as recommended in the TBAP. This selection also violates the 4 to1 rule that could lead to more strip development and disrupt the scenic, recreation and wildlife habitat values.

DNR Response: The TBAP amendment determined that the current classification of Public Recreation/Wildlife Habitat is appropriate for a large portion of the selection which precludes its conveyance under the municipal entitlement program. This affects the borough's selection between Bison Gulch and Iceworm Gulch which will be rejected and retained in state ownership. Rejection of this area also resolves the 4 to 1 issue and brings the selection into compliance with that rule. It should be pointed out that the purpose of the 4 to1 rule is not to prohibit development but rather to provide consideration for access.

The TBAP amendment determined that the borough's selection north of Bison Gulch is appropriate to reclassify for conveyance to the borough. This area is outside of the canyon and is not considered a prime habitat area like the canyon area to the south and has not been identified as being important for future road alignment or development needs. Conveyance of this area would not interfere with the recreational activities afforded by the Nenana River as the river sits down in the valley and is separated from the selection by the ARR. Additionally, the TBAP in chapter 4 (4-2) states the boundaries of the legislative proposal may require adjustment from boundaries in the plan to accommodate the needs of local communities and future municipal governments. DNR finds that adjustment of the river corridor within Sections 5, 6, 7 and 8 is justified and the borough's selection north of Bison Gulch is recommended for approval.

Montana Creek – ADL 415802/415804

Comment: The boroughs selection of Sections 34 and 35 should be rejected. Borough ownership of this area is not needed to provide access to their present holdings. Development of the area is not appropriate as it will affect the viewshed and the habitat in the area.

DNR Response: The TBAP amendment determined that it is appropriate to reclassify the selection within Sections 34 and 35 to public recreation which is a conveyable classification for municipal entitlements. This selection is adjacent to borough approved land which would increase their land base in the area. It is not known if the selection was made for access purposes or how it may be developed in the future by the borough. How the borough plans to use or develop this area in the future needs to be addressed by the borough through their planning process.

Comment: It was recommended that the state retained buffer be increased to ½ mile along the Nenana River in Section 11, 12, 13 and 18 as proposed in Sections 3 and 10. And that a ¼ mile buffer be state retained on each bank of Montana Creek.

DNR Response: It has been determined that the state retained setbacks along the Nenana River and Montana Creek as proposed in the PD are appropriate. The TBAP does recommend a ¼ mile setback be retained for the Nenana River; however, it allows for deviation based on the needs of local communities and future municipal governments. The setback width along the Nenana River is varied in this selection based on the topography and to not unreasonably impact the selection.

In reference to the setback along Montana Creek, the TBAP does not require a ¼ mile setback. A setback of this width is considered excessive and not necessary. The TBAP calls for setbacks between 100 to 200 feet to maintain public access to riparian areas and protect water quality. Typically only streams of statewide importance are subject to larger setbacks of 200 feet. Montana Creek is not considered to be a stream of statewide importance; therefore, it does not warrant a setback of that size. The department contends that a 100 foot wide setback is appropriate for Montana Creek.

Yanert – ADL 415803/415811

Comment: This selection should be rejected due to its wildlife values. The valley provides natural corridors for wildlife movement to and from the park which should be protected from development.

DNR Response: The TBAP amendment determined that it is appropriate to reclassify this selection to public recreation which is a conveyable classification for municipal entitlements. Consideration was given to the fact that wildlife travel through the Yanert valley which resulted in the boroughs selection being rejected along the Yanert Fork. The remaining portion is considered suitable for borough ownership.

Comment: Revine Creek within this selection should be deemed navigable and its bed retained because it is between 55 feet wide at the southern end of the section and up to 115 feet wide or more in the northern part of the section.

DNR Response: Revine Creek was re-examined and a request was made of the PAAD unit to provide a navigability determination. A preliminary determination was provided that recommended Revine Creek be considered navigable and its bed state retained. The conveyance of this parcel will exclude Revine Creek and the legal description of the parcel has been changed accordingly.

Yanert B – ADL 415803

Comment: There is an old material site (state gravel pit) which is proposed to be classified as settlement land. The gravel pit would be a perfect, centrally located, place for ball fields.

DNR Response: This material site (Tract D of ASLS 83-194) is already classified as settlement and is currently under authorization to DOTPF. It is ***not*** part of the borough's selection and was rejected from conveyance to the borough in a decision issued in June of 2000.

Comment: The Nenana River is recommended for legislative designation as a State Recreation River. A ¼ mile buffer should be state retained within this conveyance within the proposed new unit 4R8. Also, there is a public river access point that is used by the boating community northeast of the Parks Highway that should be retained.

DNR Response: Lot 3 of USS 5566 will be rejected from conveyance to the borough because the TBAP amendment did not find it appropriate for reclassification. The remainder of the selection within proposed unit 4R8 is considered appropriate for conveyance because it is adequately setback from the river or it is separated by private property or roads. In reference to the public access site to the river, the site is not on state land.

Nenana River I – ADL 415812

Comment: In order to provide an adequate state land buffer along this stretch of the river, the proposed rejection should include a corridor of state land one-half mile from each bank.

DNR Response: The area to be conveyed to the borough is more than one-half mile away from the Nenana River which is considered to be an adequate buffer.

Navigable and Public Waters

A comment was raised during the public comment period stating Revine Creek located within the Yanert selection should be designated as *navigable water* verses public water based on its width. Due to this request the Public Access, Assertion & Defense Unit (PAAD) within DNR was asked to provide a navigability determination for Revine Creek located within Section 35, Township 14 South, Range 6 West, Fairbanks Meridian. By memorandum dated August 8, 2008, the PAAD recommended that Revine Creek be considered navigable under AS 38.05.965 (13) for public recreational purposes, and it be withheld from any proposed land transfers.

Based on this recommendation the *Navigable and Public Waters* section of the Preliminary Decision is modified to designate Revine Creek as navigable water. All other water designations remain ***unchanged*** as identified in the Preliminary Decision.

Legal Descriptions

Land considered by this decision for transfer to the DB has been approved, rejected or postponed. As a result of agency/public comments some legal descriptions have been modified from the preliminary decision. To avoid confusion ***all*** legal descriptions and conveyance stipulations ("subject to's") have been restated in this decision. This decision prevails as the official record for land that has been approved, rejected or postponed for conveyance to the borough.

In addition, all land use applications that have not been adjudicated and issued as of the effective date of this decision have no standing and will be closed by DNR, DMLW, Northern Region Office. These authorizations will not be issued and the applicant will need to apply to the borough to obtain authorization to occupy borough land.

The following stipulations apply to all land approved for conveyance:

- Valid existing rights, including reservations, easements, and exception in the U.S. Patent or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.

- Reservation of a 50-foot wide easement on each side of all surveyed and protracted section lines in accordance with AS 19.10.010 and 11 AAC 51.025.

- All RST rights-of-way (RS 2477) shall be subject to a 100-foot wide easement.

- Reservation of a continuous public access easement 50 feet wide, upland of and adjoining the ordinary high water mark (OHWM) of water bodies and waterways identified as public or navigable water pursuant to AS 38.05.127 and 11 AAC 51.035.

- Reservation of a continuous 100-foot wide easement of land and vegetation, to be undisturbed except as necessary to fulfill the purposes stated herein, which easement shall be located upland of and adjoining the ordinary high water mark of all banks of anadromous waters that shall be maintained and preserved for the purposes of public access and recreation as well as the protection of riparian habitat and water quality.

- Reservation of the mineral estate pursuant to section 6(i) of the Alaska Statehood Act and AS 38.05.125, and reasonably necessary access to the mineral estate in accordance with AS 38.05.130.

Anderson - ADL 415639

Selection Approved

T07S, R08W, FM
Sec. 12: That portion of the SE4NE4 lying east of the Parks Highway right-of-way (ROW), and
That portion of the N2SE4 lying east of the Parks Highway ROW.

Containing approximately 80 acres.

Subject to:

- Reservation of a continuous public access easement 50-feet wide, upland of and adjoining the ordinary high water mark of the unnamed stream in accordance with AS 38.05.127 and 11 AAC 51.045.

Brown's Court - ADL 415797

Selection Approved

T08S, R08W, FM
Sec. 7: All excluding Tract A-3 of ASLS 85-257, Tracts B1 and B4 of State Cadastral Supplemental Plat of Sections 7 and 18, and the Parks Highway ROW.

Containing approximately 511 acres.

Subject to:

- ADL 20529, Utility Easement, 30 feet wide, issued to Golden Valley Electric Assoc., Inc.
- ADL 30788, Utility Easement, 100 feet wide, issued to Golden Valley Electric Assoc., Inc.
- ADL 412566, Public Easement, 100 feet wide, issued to DNR, DMLW.
- ADL 418268, Utility Easement Early Entry Authorization, 30 feet wide, issued to GCI Communications Co., Inc. for fiber optic cable, expires 9/17/2010.
- RST 119, Kobi-Bonnifield Trail to Tatlanika Creek (RS2477).

Selection Postponed

The area being postponed from conveyance to the borough has been modified based on a recent site inspection that confirmed the extent of an illegal garbage dump (Trespass ADL 414908). The following portion of the selection will be postponed and adjudicated at a later date after the dump site is remediated.

T08S, R08W, FM
Sec. 7: Tract B-1 of State Cadastral Supplemental Plat of Sections 7 and 18.

Containing 10.47 acres, more or less.

Rex Bridge - ADL 417991

Selection Approved

T08S, R09W, FM
Sec. 26: Lots 2, 3, 6 and 7.
Sec. 35: Lots 2, 3, 4, 5, W2W2, SE4SW4, SW4SE4 excluding the Parks Highway ROW.

Containing approximately 559 acres.

Subject to:

- ADL 30788, Utility Easement, 100 feet wide, issued to Golden Valley Electric Assoc., Inc.
- ADL 415388, Public Easement, issued to DOTPF for an embankment at the Birch Creek highway crossing.
- ADL 417021, Utility Easement, 30 feet wide, issued to Golden Valley Electric Assoc., Inc., expires 11/30/2008.
- ADL 418268, Utility Easement Early Entry Authorization, 30 feet wide, issued to GCI Communications Co., Inc. for fiber optic cable, expires 9/17/2010.
- Reservation of a continuous public easement 50-feet wide, upland of and adjoining the ordinary high water mark of the Nenana River and Birch Creek in accordance with AS 38.05.127 and 11 AAC 51.045.
- Reservation of a continuous 100-foot wide easement of land and vegetation, to be undisturbed except as necessary to fulfill the purposes stated herein, which easement shall be located upland of and adjoining the ordinary high water mark of the Nenana River that shall be maintained and preserved for the purpose of public access and recreation as well as the protection of riparian habitat and water quality.

Selection Rejected

The following lot in the Rex Bridge selection is being rejected and state retained to conform to the form and width requirement specified in AS 29.65.070(c). In addition, this portion of the selection is not appropriately classified for conveyance to the borough.

T08S, R09W, FM
Sec 23: Lot 7.

Containing 295.02 acres, more or less.

West - ADL 417601

Selection Approved

T10S, R10W, FM
Secs. 14-16, 21-23, 26-28: All.

Containing approximately 5,760 acres.

Subject to:

- Reservation of a continuous public access easement 50-feet wide, upland of and adjoining the ordinary high water mark of the unnamed public waters identified in the *Navigable and Public Waters* section in the Preliminary Decision in accordance with AS 38.05.127 and 11 AAC 51.045.

Selection Rejected

The TBAP plan amendment determined that it is not appropriate to reclassify the following portion of the West selection; therefore, it will be rejected from conveyance to the borough and retained in state ownership.

T10S, R10W, FM
Sec. 1, 2, 8-13, 17, 20, 24, 25 and 29: All.

Containing approximately 8,320 acres.

East - ADL 415805

Selection Approved

T08S, R04W, FM
Secs. 13, 14, 23 and 24: All.

Containing approximately 2,560 acres.

Subject to:

- LAS 24686, Permit, issued to Alaska Department of Fish and Game for prescribed burn, expires 6/29/2010.
- RST 119, Kobe-Bonnifield Trail to Tatlanika Creek (RS2477).
- Reservation of a continuous public access easement 50-feet wide, upland of and adjoining the ordinary high water mark of Fish Creek and the unnamed public waters identified in the *Navigable and Public Waters* section in the Preliminary Decision in accordance with AS 38.05.127 and 11 AAC 51.045.

T09S, R01W, FM
Secs. 2-5: All.

Containing approximately 2,560 acres.

Subject to:

- Reservation of a continuous public access easement 50-feet wide, upland and adjoining the ordinary high water mark of the unnamed public waters identified in the *Navigable and Public Waters* section in the Preliminary Decision in accordance with AS 38.05.127 and 11 AAC 51.045.

T10S, R04W, FM
Sec. 24: All.

Containing approximately 640 acres.

Subject to:

- Reservation of a continuous public access easement 50-feet wide, upland of and adjoining the ordinary high water mark of the unnamed public waters identified in the *Navigable and Public Waters* section in the Preliminary Decision in accordance with AS 38.05.127 and 11 AAC 51.045.

Total East Selection area contains approximately 5,760 acres.

Slate Creek - ADL 415800

Selection Approved

T11S, R08W, FM
Sec. 9: That portion of the N2 lying west of the Parks Highway ROW excluding ADL 49350, USS 5866 and Tract B of ASLS 85-122; and
That portion of the SE4 lying west of the Parks Highway ROW excluding ADL 49350 and USS 5866.
Sec. 16: That portion of the E2 lying west of the Parks Highway ROW excluding ADL 49350 and Tracts A and B of ASLS 85-121.
Sec. 21: That portion of the E2 lying west of the Parks Highway ROW excluding ADL 49350, ASLS 86-56, ASLS 85-120, ASLS 88-164, ASLS 87-367, ASLS 89-130, ADL 408740 and ADL 408741.
Sec. 27: All excluding the Parks Highway ROW, ADL 49350, ASLS 91-97, ASLS 87-327, ASLS 90-135, ADL 408739 and ADL 408740.
Sec. 28: That portion of the NE4 lying west of the Parks Highway ROW excluding ASLS 89-130, ASLS 85-118, ASLS 87-327, ASLS 91-97 and ADL 408740.

Sec. 34: NE4 excluding the Parks Highway ROW, ADL 49350, Tract A of ASLS 83-168 and ASLS 92-69.
Containing approximately 1,260 acres.

Subject to:

- ADL 30788, Utility Easement, 100 feet wide issued to Golden Valley Electric Assoc., Inc.
- ADL 410653, Public Easement, 100 feet wide, issued to John L. Elmore for access road.
- ADL 412368, Public Easement, 60 feet wide, issued to David B. Dalton for access road.
- ADL 413763, Public Easement, 25 feet wide, issued to Scott S. Stowell for access road.
- ADL 417021, Utility Easement, 30 feet wide issued to Golden Valley Electric Assoc., Inc., expires 11/30/2008.
- ADL 417702, Utility Easement, 20 feet wide, issued to Matanuska Telephone Assoc., Inc. for telecommunication line, expires 11/30/2008.
- ADL 418268, Utility Easement Early Entry Authorization, 30 feet wide, issued to GCI Communications Co., Inc. for fiber optic cable, expires 9/17/2010.
- Reservation of a continuous public access easement 50-feet wide, upland of and adjoining the ordinary high water mark of Slate Creek, Little Panguingue Creek and the unnamed tributary stream to Slate Creek within the N2 of Sec. 9 in accordance with AS 38.05.127 and 11 AAC 51.045.

Selection Rejected

The TBAP plan amendment determined that it is not appropriate to reclassify a portion of the Slate Creek selection; therefore, it will be rejected from conveyance to the borough and retained in state ownership.

T12S, R09W, FM
Sec. 34: SE4 excluding the Parks Highway ROW, Tracts A, B and C of ASLS 83-168.

Containing approximately 104 acres.

Panguingue A – ADL's 415809 & 415810

Selection Rejected

The TBAP plan amendment determined that it is not appropriate to reclassify this selection in its entirety; therefore, it will be rejected from conveyance to the borough and retained in state ownership.

T12S, R09W, FM
Sec. 11: All excluding Tracts A and B of ASLS 78-159, Tracts A and B of ASLS 76-190, ASLS 80-66, Tracts A and B of ASLS 78-76, ASLS 73-19, ASLS 73-90, and the bed of Eightmile Lake.
Sec. 13: N2.
Sec. 14: NW4, E2 excluding ASLS 77-152.

Containing approximately 1,274 acres.

T12S, R08W, FM
Sec. 18: Tracts A and B, E2NW4, NE4.

Containing approximately 316 acres.

Total Panguingue A selection area contains approximately 1,590 acres.

Panguingue B - ADL 415809

Selection Approved

T12S, R08W, FM
Sec. 1: Lots 3 and 4, S2NW4, S2 excluding the Parks Highway ROW.
Sec. 2: Tracts A, B, C and D excluding the Parks Highway ROW.
Sec. 10: All.
Sec. 11: Tracts A, B and C excluding the Parks Highway ROW.
Sec. 12: N2 excluding the Parks Highway ROW.

Containing approximately 2,465 acres.

Subject to:

- ADL 30788, Utility Easement, 100 feet wide, issued to Golden Valley Electric Assoc., Inc.
- ADL 50661, Utility Easement, 20 feet wide, issued to Golden Valley Electric Association, Inc.
- ADL 56969, Utility Easement, 30 feet wide, issued to Berle E Mercer for utility lines.
- ADL 59603, Public Easement, 22 feet wide, issued to DOTPF for access.
- ADL 400070, Public Easement, (known as Stampede Road), 100 feet wide, issued to DOTPF.
- ADL 401881, Public Easement, 60 feet wide, issued to DNR, DMLW for public access.
- ADL 408885, Material Sale, issued to DOTPF for gravel, expires 12/31/2010.
- ADL 410763, Utility Easement, 15 feet wide, issued to Golden Valley Electric Assoc., Inc.

- ADL 414712, Public Easement, 30 feet wide, issued to Golden Valley Electric Assoc., Inc.
- ADL 416618, Material Sale, (Mi. 1.7 Stampede Road), issued to DOTPF for gravel, expires 5/20/2011.
- ADL 417021, Public Easement, 30 feet wide, issued to Golden Valley Electric Assoc., Inc., expires 11/30/2008.
- ADL 417023, Land Sale Application, for purchase of state land from Baxter E. Mercer. *Application will be closed by NRO.*
- ADL 418268, Utility Easement Early Entry Authorization, 30 feet wide, issued to GCI Communications Co., Inc. for fiber optic cable, expires 9/17/2010.
- LAS 20704, Permit, issued to Berle E. Mercer for grazing and harvesting Hay. Expires 09/29/2010. *(Lease application ADL 415964 covers same area that will be closed by NRO.)*
- LAS 24549, Permit, issued to Coke W. Wallace for grazing, expires 10/11/2011.
- RST 340, Lignite-Stampede-Kantishna via Clearwater Trail (RS 2477).
- RST 344, Lignite-Kantishna Trail (RS 2477).

Healy - ADL 417602

Selection Approved

T12S, R08W, FM
Sec. 11: Tract D.
Sec. 12: S2 excluding the Parks Highway ROW, ADL 65667, ASLS 86-135, and Tracts F3 and F4 of EPF 22-21.
Sec. 13: NW4NW4NW4 and that portion of the S2SW4NW4 and NW4SW4 lying west of the right bank of Dry Creek.
Sec. 14: Tracts B and D excluding ASLS 91-138 and Tracts A and B of ASLS 86-225.

Containing approximately 731 acres.

Subject to:

- ADL 30788, Utility Easement, 100 feet wide, issued to Golden Valley Electric Assoc., Inc.
- ADL 50661, Utility Easement, 20 feet wide, issued to Golden Valley Electric Assoc., Inc.
- ADL 414756, Private Easement, 50 feet wide, issued to Montine C. Evans, expires 12/31/2099.
- ADL 417021, Utility Easement, 30 feet wide, issued to Golden Valley Electric Assoc., Inc., expires 11/30/2008.
- ADL 418268, Utility Easement Early Entry Authorization, 30 feet wide, issued to GCI Communications Co., Inc. for fiber optic cable, expires 9/17/2010.

- Reservation of a continuous public access easement 50-feet wide, upland of and adjoining the ordinary high water mark of Dry Creek in accordance with AS 38.05.127 and 11 AAC 51.045.

Suntrana - ADL 415808

Selection Postponed

The decision to convey land in the Suntrana selection is postponed as the lands have been identified as containing possible PCB contamination. This selection will be adjudicated at a later date when a determination of the exact level of contamination is tested and the site remediated if necessary.

T12S, R07W, FM
Sec. 24: SW4NE4SW4SW4, N2SE4SW4SW4, SE4SE4SW4SW4, SW4NW4SE4SW4 and W2SW4SE4SW4 excluding USS 9053 (ARR)
Sec. 25: NE4NE4NW4NW4 and NW4NW4NE4NW4.

Containing approximately 20 acres.

Otto Lake – ADL 415801

Selection Approved

T12S, R08W, FM

Sec. 26: That portion of the W2 lying south of Dry Creek excluding ASLS 72-79.
Sec. 27: That portion of Tracts B and D lying east of Dry Creek excluding ASLS 72-79.
Sec. 35: N2 excluding NE4NE4.

Containing approximately 644 acres.

Subject to:

- ADL 417390, Lease Application, from Frank H. Talerico for expansion of golf course. *Application will be closed by NRO.*
- ADL 417430, Easement Application, from Frank H. Talerco for access road. *Application will be closed by NRO.*
- RST 709, Healy-Diamond Coal Mine Road (RS2477).
- Reservation of a continuous public access easement 50-foot wide, upland of and adjoining the ordinary high water mark of Dry Creek and its tributary in accordance with AS 38.05.127 and 11 AAC 51.045.

Selection Rejected

Portions of the Otto Lake selection are being rejected because the TBAP plan amendment determined that it is not appropriate to reclassify them. In addition, a portion of the selection that is in a conveyable classification (Settlement) is being rejected because documentation submitted reveals the area supports high concentrations of wolves and their migration patterns overlap into the area which is not supported by the current classification. Therefore, the following portion of the selection will be rejected from conveyance to the borough and retained in state ownership.

T12S, R08W, FM
Sec. 26: Dry Creek and that portion lying north of Dry Creek excluding ASLS 81-158 and ASLS 86-134.
Sec. 27: Dry Creek, Tract A and that portion of Tracts B, C and D lying west of Dry Creek excluding ASLS 74-23, ASLS 85-193 and ASLS 91-167.
Sec. 35: S2.

Containing approximately 857 acres.

Nenana Canyon - ADL 415636

Selection Approved

T13S, R07W, FM
Sec. 5: That portion of Lot 4, S2NW4 and the S2 lying west of ARR (USS 9052) excluding the Parks Highway ROW.
Sec. 6: That portion of Lot 1 lying west of ARR (USS 9052),
Lots 3, 4, and 7 lying west of the Parks Highway ROW excluding USS 5605,
Lots 5, 6, 8, and 9,
NW4SE4NW4, S2SE4NW4 excluding the Parks Highway ROW,
SE4SE4 excluding the Parks Highway ROW and the SW4NE4 lying west of the Parks Highway ROW,
E2SW4 and SE4 excluding the Parks Highway ROW.
Sec. 7: NE4NE4.
Sec. 8: That portion of the N2N2 lying west of ARR (USS 9052) excluding the Parks Highway ROW.

Containing approximately 848 acres.

Subject to:

- ADL 57381, Utility Easement, 40 feet wide, issued to Golden Valley Electric Assoc., Inc.
- ADL 414919, Lease, issued to CBK Inc. for RV Park, ASLS 94-97, expires 7/31/2030.
- ADL 416740, Utility Easement Application, from Matanuska Telephone Assoc., Inc. *Application will be closed by NRO.*

- ADL 417514, Utility Easement Application, from Golden Valley Electric Assoc. *Application will be closed by NRO.*
- Reservation of a continuous public easement 50-feet wide, upland of and adjoining the ordinary high water mark of Antler Creek and Bison Gulch in accordance with AS 38.05.127 and 11 AAC 51.045.

Selection Rejected

The TBAP plan amendment determined that it is not opriate to reclassify a portion of the Nenana Canyon selection; therefore, it will be rejected from conveyance to the borough and retained in state ownership.

T13S, R07W, FM

Sec. 5: That portion of Lot 4 lying east of ARR (USS 9052),
S2NW4, S2 lying between the ARR (USS 9052) and the Nenana River.
Sec. 6: That portion of Lot 1 lying east of the ARR (USS 9052),
That portion of Lots 2, 3 and the SW4NE4 lying east of the Parks Highway ROW.
Sec. 8: Lots 2, 3, 4, 5, 6, 7,
That portion of the S2N2 lying west of ARR (USS 9052), and
That portion of the N2 lying between of ARR (USS 9052) and the Nenana River.
Sec. 9: Lots 1, 2, 3, 4, E2SW4, W2SE4, and
That portion of the NW4 lying west of ARR (USS 9052)
Sec. 16: All lying east of the Nenana River excluding the Parks Highway ROW, ADL 46509 and ADL 57079.
Sec. 21: All lying east of the Nenana River excluding the Parks Highway ROW, ADL 46509 and ADL 57079.
Sec. 22: W2W2.
Sec. 27: NW4NW4.
Sec. 28: That portion of the NE4NE4 lying east of the Parks Highway ROW.

Containing approximately 1,118 acres.

Montana Creek – ADL's 415802 & 415804

The Montana Creek selection is comprised of three separate actions: 1) approval of land for conveyance to the borough, 2) rejection of land from conveyance to the borough, and 3) clarification of what land was approved for conveyance to the borough in the Final Finding and Decision (FFD) dated June 26, 2000. The June 2000 decision did not properly describe the area of approval with a detailed legal description but instead referred to a map in the TBAP creating ambiguity to what was approved for conveyance. This decision clarifies and provides a detailed legal description for the land approved in the June 2000 decision.

Selection Approved
ADL 415804

T13S, R07W, FM
Sec. 34: S2 east of USS 5545.
Sec. 35: S2.

Containing approximately 460 acres

Subject to:

- ADL 416400, Private Easement, of variable width, issued to Denali Properties, LLC-Aramark Grande Denali Lodge for road, parking area and discharge pipe, expires 3/08/2036.
- ADL 415618, Private Easement, 5 feet wide, issued to Michael Crofoot for water line, expires 8/31/2024.
- Reservation of a continuous public easement 50-feet wide, upland of and adjoining the ordinary high water mark of Kingfisher Creek and Lynx Creek in accordance with AS 38.05.127 and 11 AAC 51.045.

Selection Rejected
ADL's 415802 & 415804

The TBAP plan amendment determined that it is not appropriate to reclassify a portion of the Montana Creek selection; therefore, it will be rejected from conveyance to the borough and retained in state ownership.

T14S, R06W, FM
Sec. 6: The bed of Montana Creek and a 100-foot wide setback upland of and along the ordinary high water mark of both banks of Montana Creek.
Sec. 18: S2SW4 lying north of the Nenana River.

Containing approximately 76 acres.

T14S, R07W, FM
Sec. 1: The bed of Montana Creek and a 100-foot wide setback upland of and along the ordinary high water mark of both banks of Montana Creek.
Sec. 2: W2W2, the bed of Montana Creek and a 100-foot wide setback upland of and along the ordinary high water mark of both banks of Montana Creek within the E2W2 and E2.
Sec. 3: All east of the Nenana River.
Sec. 10: All east of the Nenana River.
Sec. 11: W2W2 east of the Nenana River.
Sec. 13: All east of the Nenana River excluding E2NE4.
Sec. 14: All north of the Nenana River.

Sec. 15: All east of the Nenana River.

Containing approximately 1,024 acres.

Total rejected acreage in Montana Creek Selection area contains approximately 1,100 acres.

Clarification of Selection Approved in Final Finding and Decision Dated June 26, 2000 - ADL's 415802 & 415804

June 26, 2000 Final Finding and Decision Legal Description

T14S, R06W, FM
Sec. 6: All state land classified settlement.
Sec. 7: All.
Sec. 18: All state land classified settlement.

Containing approximately 1,554 acres

T14S, R07W, FM
Secs. 1, 2, and 10-13: All state land classified settlement.

Containing 2,065 acres, more or less.

Total Montana Creek Selection area according to the June 2000 decision contains approximately 3,619 acres.

Clarified Legal Description for Selection Approved in June 2000 Decision

T14S, R06W, FM
Sec. 6: All, excluding the bed of Montana Creek and a 100-foot wide setback upland of and along the ordinary high water mark of both banks Montana Creek.
Sec. 7: All.
Sec. 18: N2, SE4, N2SW4.

Containing approximately 1,748 acres.

Subject to:

- ADL 213063, Public Easement, 400 feet wide, issued to DCCED Alaska Energy Authority for Electric Power Transmission Line, Willow-Healy Intertie.
- Reservation of a continuous public access easement 50-foot wide, upland of and adjoining the ordinary high water mark of the unnamed public waters as listed in the *Navigable and Public Waters* section of the Preliminary Decision in accordance with AS 38.05.127 and 11 AAC 51.045.

T14S, R7W, FM
Sec. 1: All, excluding the bed of Montana Creek and a 100-foot wide setback upland of and along the ordinary high water mark of both banks of Montana Creek.
Sec. 2: E2W2, E2 excluding the bed of Montana Creek and a 100-foot wide setback upland of and along the ordinary high water mark of both banks of Montana Creek.
Sec. 11: E2W2, E2 excluding the bed of Montana Creek and a 100-foot wide setback upland of and along the ordinary high water mark of both banks of Montana Creek.
Sec. 12: All excluding the bed of Montana Creek and a 100-foot wide setback upland of and along the ordinary high water mark of both banks of Montana Creek.
Sec. 13: E2NE4.

Containing approximately 2,274 acres.

Subject to:

- ADL 213063, Public Easement, 400 feet wide, issued to DCCED Alaska Energy Authority for Electric Power Transmission Line, Willow-Healy Intertie.
- Reservation of a continuous public access easement 50-foot wide, upland of and adjoining the ordinary high water mark of the unnamed public waters as listed in the *Navigable and Public Waters* section of the Preliminary Decision in accordance with AS 38.05.127 and 11 AAC 51.045.

Total Montana Selection area as clarified contains approximately 4,022 acres.

Yanert - ADL 415811

Selection Approved

T14S, R06W, FM
Sec. 31: USS 12132 and NE4.
Sec. 32: N2N2.
Sec. 33: All.
Sec. 34: All.
Sec. 35: S2N2, S2 excluding the bed of Revine Creek.

Containing approximately 2,235.50 acres.

Subject to:

- ADL 213063, Public Easement, 400 feet wide, issued to DCCED Alaska Energy Authority for Electric Power Transmission Line, Willow-Healy Intertie.
- Reservation of a continuous public easement 50-feet wide, upland of and adjoining the ordinary high water mark of Revine Creek and the unnamed public water within the W2 of Sec. 35 in accordance with AS 38.05.127 and 11 AAC 51.045.

Selection Rejected

The TBAP plan amendment determined that it is not appropriate to reclassify a portion of the Yanert selection; therefore, it will be rejected from conveyance to the borough and retained in state ownership. In addition, it was determined that Revine Creek is navigable and the bed of the creek must be state retained.

T14S, R06W, FM
Sec. 19: All lying east of the Nenana River.
Secs. 20-22: All.
Sec. 25: S2.
Sec. 26: S2.
Sec. 27-29: All.
Sec. 30: All lying east of the Nenana River.
Sec. 35: N2N2 and the bed of Revine Creek.

Containing approximately 4,964.50 acres.

Yanert B - ADL 415803

The Yanert B selection is comprised of three separate actions: 1) approval of land for conveyance to the borough, 2) rejection of land from conveyance to the borough, and 3) clarification of land approved for conveyance to the borough in the Final Finding and Decision (FFD) dated June 26, 2000. The June 2000 decision did not properly describe the area of approval with a detailed legal description but instead referred to a map in the TBAP creating ambiguity to what was approved for conveyance. This decision clarifies and provides a detailed legal description of the land approved in the June 2000 decision and includes two additional selections for approval that adjoin the area of clarification. The new approvals are included in this section to more clearly define what the two decisions approved for conveyance to the borough in this area.

Selection Approved

T14S, R07W, FM
Sec. 36: Tract B of ASLS 83-194

Containing 2.359 acres, more or less.

Selection Rejected

The TBAP plan amendment determined that it is not appropriate to reclassify a portion of the Yanert B selection; therefore, it will be rejected from conveyance to the borough and retained in state ownership.

T14S, R07W, FM
Sec. 36: Lot 3 of USS 5566; and

All of the remaining portion of municipal selection ADL 415803 situated in Section 36, Township 14 South, Range 7 West, Fairbanks Meridian, Alaska, lying east of the George Parks Highway Old Alignment excluding a parcel of land more particularly described as follows:

Commencing at the northeast corner of Section 36; Thence south along the east boundary line of Section 36 to a point on said boundary line lying N 90° E of Corner No. 2 of USS 5565 Lot 2, said point being the TRUE POINT OF BEGINNING;
Thence west to a point lying N 0° E of Corner No. 7 of ASLS 90-319;
Thence south to Corner No. 7 of ASLS 90-319;
Thence southeasterly along line C7-C8 to Corner No. 8 of ASLS 90-319, said corner lying on the north boundary line of USS 5565 Lot 3;
Thence in a clockwise direction along the boundary of USS 5565 Lot 3 to Corner No. 4 of USS 5565 Lot 3, said corner being coincident with Corner No. 1 of USS 5565 Lot 4, and lying on the east boundary line of Stezoma Road right-of-way ADL 400671;
Thence southeasterly along the boundary line common to USS 5565 Lot 4 and Stezoma Road right-of-way ADL 400671 to corner No. 4 of USS 5565 Lot 4;
Thence southeasterly along the east boundary line of Stezoma Road right-of-way ADL 400671 to a point lying on the east boundary line of Section 36;
Thence north along the east boundary line of Section 36 to the TRUE POINT OF BEGINNING.

Containing approximately 112 acres.

Clarification of Selection Approved in Final Finding and Decision Dated June 26, 2000 - ADL 415803

June 26, 2000 Final Finding and Decision Legal Description

T14S, R07W, FM
Sec. 36: That portion of the E2NE4 and NE4SE4 which is classified settlement excluding USS 5564, ASLS 90-319 and ASLS 83-194.

Containing approximately 10 acres.

Clarified Legal Description for Selection Approved in June 2000 Decision
(That includes the approval of two additional adjoining areas containing approximately 16 acres as depicted on the Yanert B map.)

T14S, R07W, FM (Sec. 36)
A parcel of land situated in Section 36, Township 14 South, Range 7 West, Fairbanks Meridian, Alaska, more particularly described as follows:

Commencing at the northeast corner of Section 36; Thence south along the east boundary line of Section 36 to a point on said boundary line lying N 90° E of Corner No. 2 of USS 5565 Lot 2, said point being the TRUE POINT OF BEGINNING;
Thence west to a point lying N 0° E of Corner No. 7 of ASLS 90-319;
Thence south to Corner No. 7 of ASLS 90-319;
Thence southeasterly along line C7-C8 to Corner No. 8 of ASLS 90-319, said corner lying on the north boundary line of USS 5565 Lot 3;
Thence in a clockwise direction along the boundary of USS 5565 Lot 3 to Corner No. 4 of USS 5565 Lot 3, said corner being coincident with Corner No. 1 of USS 5565 Lot 4, and lying on the east boundary line of Stezoma Road right-of-way ADL 400671;
Thence southeasterly along the boundary line common to USS 5565 Lot 4 and Stezoma Road right-of-way ADL 400671 to corner No. 4 of USS 5565 Lot 4;
Thence southeasterly along the east boundary line of Stezoma Road right-of-way ADL 400671 to a point lying on the east boundary line of Section 36;
Thence north along the east boundary line of Section 36 to the TRUE POINT OF BEGINNING.

Containing approximately 26 acres.
(Approximately 16 acres are newly approved land.)

Subject to:

- ADL 74265, Utility Easement Application, 10feet wide, from Matanuska Telephone Assoc., Inc. *Application will be closed by NRO.*
- ADL 400671, Public Easement, of variable width, issued to Stephen E Jones.
- ADL 417576, Land Sale Nomination, for possible sale under state land sale program from Nancy and Steve Jones. *Application will be closed by NRO.*

Nenana River 1 - ADL 415812

Selection Approved

T17S, R06W, FM
Sec. 12: S2SE4.

Containing approximately 80 acres.

Subject to:

- Reservation of a continuous public easement 50-feet wide, upland of and adjoining the ordinary high water mark of Bruskasna Creek in accordance with AS 38.05.127 and 11 AAC 51.045.

Selection Rejected

The TBAP plan amendment determined that it is not appropriate to reclassify a portion of the Nenana River 1 selection; therefore, it will be rejected from conveyance to the borough and retained in state ownership.

T17S, R06W, FM
Sec. 13: W2.
Secs. 14-18: All.

Containing approximately 3,479 acres.
Total acreage recommended for approval is approximately 21,411.859 acres.
Total acreage recommended for rejection and state retention is approximately 21,939.52 acres.
Total acreage postponed is approximately 30.47 acres.

Final Finding and Decision: The Denali Borough is entitled to the land approved for conveyance by this decision. The land will add to the borough's land base to support community and economic development. The approved chargeable acreage for this conveyance shall be credited toward fulfillment of the borough's land entitlement under AS 29.65.030.

The compact-in-form, length-to-width requirement of AS 29.65.070(c) is waived for the Yanert selection because the violation was created by rejection of a large portion of the borough's selection along the Yanert River corridor. The area being approved is setback an adequate distance from the river to protect access.

Under a separate concurrent decision to amend the TBAP, certain selections in this decision will be reclassified into a conveyable classification for conveyance under the municipal entitlement act to the borough.

Other selections are being denied due to habitat concerns or the area plan amendment determined the current non-conveyable classification remains valid. In these instances the public interest in retaining the land outweighs the boroughs interest in obtaining the land.

The finding presented above has been reviewed and considered. The case files have been found complete and the requirements of all applicable statutes have been satisfied. It is the finding of the Chief, Resource Assessment and Development Section that it is in the best interest of the State to proceed with this conveyance under the authority of AS 38.05.035(e) and AS 29.65.

Land management authority and administration of *issued permits, easements and leases* will transfer to the borough when this decision goes into effect (see appeal provision below). Lease rental monies will be prorated as of the effective date of the final finding and decision.

Bruce Phelps, Chief
Resource Assessment & Development Section

January 20, 2009
Date

Appeal Provision: A person affected by this decision who provided timely written comment on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by **Febuary 9, 2009** and may be mailed or delivered to Tom Irwin, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by email to dnr.appeals@alaska.gov. If no appeal is filed by that date, this decision goes into effect as a final order and decision on **February 20, 2009**. An eligible person must first appeal 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.

Attachments: Vicinity map and selection maps.