

May 3, 2021

TO: ASSEMBLY

FR: LIZ CABRERA

RE: PRELIMINARY DECISION – PETERSBURG BOROUGH MUNICIPAL LAND SELECTIONS ADL 108981
(THOMAS BAY)

BACKGROUND: As you know, the Land Conveyance Section (LCS) of the Alaska Department of Natural Resources issued a second preliminary decision regarding lands to be conveyed to Petersburg. The lands covered under this decision are Petersburg's selections made in February of 2018 comprising 701.199 acres in Thomas Bay.

In summary, the LCS is recommending Petersburg be conveyed 616 acres and be rejected for 85 acres.

Deadline to submit comments to the LCS is May 3, 2021.

SUMMARY OF DRAFT COMMENTS:

1. The draft comments below concur with the decision to convey 616.203 acres.
2. The draft comments do not object to the state retaining the following lands:

Tract A. This area is identified as important moose and wildlife habitat at Thomas Bay. The borough can object, but the management intent adopted by the state is to retain these lands in state ownership.

Tract D. – This area is identified as important moose and wildlife habitat at Thomas Bay. The borough can object, but the management intent adopted by the state is to retain these lands in state ownership.

May 3, 2021

Ms. Mary Hermon
Division of Mining, Land and Water
550 West 7th Avenue, Suite 640
Anchorage, Alaska 99501

RE: COMMENTS FROM THE PETERSBURG BOROUGH REGARDING THE LCS PRELIMINARY DECISION –
PETERSBURG BOROUGH MUNICIPAL LAND SELECTIONS ADL 108981

Dear Ms. Hermon,

The Petersburg Borough has completed its preliminary review of ADL 10898.

The Petersburg Borough supports the LCS's decision to convey approximately 616.203 acres of state owned vacant, unappropriated, unreserved (VUU) general grant land at Thomas Bay.

The Petersburg Borough has the following additional comments regarding statements in the Preliminary Decision:

Section V.

A. The City of Petersburg was dissolved in favor of the Petersburg Borough in 2013. Please delete reference to the City of Petersburg in the FFD.

B. Table 1. ADL 106536 (Section 35), Quiet Title. Please confirm in the FFD whether this quiet title action is Tract B-2 and not selected by the municipality.

B. Table 1. ADL 106536. Please confirm whether FDR 6101 was misidentified as 6010 in the PD.

B. Table 1. ADL 106536 (Sections 3,4, and 9), Quiet Title. Please confirm in the FFD that this quiet title action refers to Forest Development Roads 6252, 6256, 6010 (or 6101).

B. Table 1. ADL 106536. Please confirm whether FDR 6103 is located within the lands considered for conveyance.

Section VI.

A. The selections in ADL 108981 were submitted to the DNR in February of 2018, not in 2019 as stated in the Preliminary Decision. Please correct this in the FFD.

B.3. The PD establishes that the mineral estate is reserved to the state. Under Mineral Order 275, all parcels within the Thomas Bay Subdivision are closed to mineral entry. Please confirm in the FFD that there are no existing mineral related leases, permits, licenses, or claims. Please clarify whether MO 275 remains in force following conveyance of parcels within the Thomas Bay Subdivision.

D. The small road system in Thomas Bay developed because of state timber sales and an active material sale in the area. There is no "developing subdivision" in Thomas Bay.

D.1. The borough concurs with the LCS that the section-line easements that run through the Thomas Bay Subdivision (Plat 82-16) were vacated by Plat 82-17.

D.2. The borough concurs with the LCS that there are no RS-2477 rights-of-way with the selected lands.

D.3. The borough requests the following language be amended in *3 Navigable and Public Waters* to read: Unless a state approved survey exists, a survey will determine the Ordinary High Water Mark of the navigable and public waters....

D. 4. The borough concurs with the LCS that there are no navigable waters bordering or within the selected lands.

D. 4. The borough notes that no waters navigable in fact have been identified by the state in this decision.

D. 4. The borough notes that the LCS does not propose any alternative upland access routes to be reserved under 11 AAC 51.045(d)(1).

D.4. The borough concurs with the LCS that the beds of public waters are to be conveyed to the borough with the adjoining approved lands.

D. 4. Table 3 lists two unnamed lakes and one unnamed lake and stream in Thomas Bay as determined to be public waters under 11 AAC 51.035. The ADF&G comments makes no mention of these specific waterbodies nor are these called out on the accompanying DNR map. Additional correspondence with the LCS indicated:

- The unnamed lake in Section 35 is within Tract A on lands rejected for conveyance.
- The unnamed lake in Section 4 is located within Tract A on lands rejected for conveyance.
- The unnamed lake and streams in Section 9 are located within Tract D on lands rejected for conveyance.

Please confirm in the FFD whether these represent the state's public waters' reservation determinations.

H. The borough requests the language in *H. Conditional Leases and Sales* be amended in the FFD to read: "...land approved for conveyance until the land has been surveyed, unless a state-approved survey exists, and ownership transferred to the Borough."

Thank you for the opportunity to comment.

Sincerely,