



TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council
FROM: Delilah A. Walsh, City Manager
DATE: May 20, 2024
RE: **Public Notice Preliminary Decision of ADL 109354 – Tideland Lease to Elma Barbara May**

Initials:

File #: MGR24-341

Attached for the City Council's information is the Public Notice of the Department of Natural Resources Preliminary Decision regarding a 55-year lease (ADL 109354) of approximately 3,700 square feet of State-owned tideland located adjacent to residential property, 4468 South Tongass Highway, Ketchikan, AK. The applicant intends to leave 1,500 cubic yards of tideland fill, rip rap material, and portions of a private retaining wall.

The deadline for comments is June 18, 2024.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TTY: 711 or 800-770-8973
Fax: 907.500.9011

May 15, 2024

Ketchikan Gateway Borough
334 Front St.
Ketchikan, AK 99901

Letter sent by mail

Re: Public Notice, ADL 109354, Elma Barbara May

Greetings,

You are invited to review and provide comments on the Preliminary Decision (PD) on an application for a lease of state land as explained below. To ensure consideration, written comments must be received by the Division of Mining, Land and Water at 400 Willoughby Avenue/PO Box 111020, Juneau, AK 99811-1020 on or before 5:00 p.m. on June 18, 2024. Questions should be directed to Laurel Smith, at laurel.smith@alaska.gov.

The Southeast Regional Land Office has received a lease application, subject to AS 38.05.035:

APPLICANT: Elma Barbara May

PROJECT NAME: ADL 109354

GEOGRAPHIC LOCATION: The parcel is located in Ketchikan, Alaska, on a navigable body of water within the Tongass Narrows. The site is on state tide and submerged land seaward and adjacent to residential property located at 4468 South Tongass Highway in Ketchikan, Alaska.

LEGAL DESCRIPTION: The proposed lease and associated special exception areas are located within Section 3, Township 76 South, Range 91 East, Copper River Meridian and more particularly located seaward and adjacent to Lot A of Nichols View Subdivision as recorded on U.S. Survey 1769, filed as Plat No. 76-5, Ketchikan Recording District. The proposed lease boundary contains approximately 3,700 square feet (0.08 acres), more or less.

REQUESTED ACTIVITY: The Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW) intends to issue a 55-year lease to Elma Barbara May (the Applicant) to allow 1,500 cubic yards of tideland fill, rip rap material, and portions of a private retaining wall placed in 1981 to remain on state-owned tidelands.

PROPOSED TERM: 55-years from issuance

DEADLINE FOR COMMENTS: June 18, 2024

A copy of this Preliminary Decision can be found on the Online Public Notice Website at the following link: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>

The Alaska Department of Natural Resources complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services or special modifications to comment should contact TTY at 800-770-8973. The DNR/DMLW, reserves the right to waive technical defects in this notice.

Thank you,

Laurel Smith
Natural Resource Specialist



ALASKA DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PRELIMINARY DECISION FOR LEASE
Elma Barbara May - ADL 109354

**NOTICE OF DRAFT SPECIAL EXCEPTION TO THE CENTRAL/SOUTHERN
SOUTHEAST AREA PLAN**

Primary Proposed Action:

In accordance with AS 38.05.035, the Division of Mining, Land and Water (DMLW) has issued a preliminary decision to authorize a 55-year lease to Elma Barbara May ("Applicant") for approximately 3,700 square feet (0.08 acres) of state-owned tide and submerged land in Ketchikan, Alaska. The Applicant intends to leave 1,500 cubic yards of tideland fill, rip rap material, and portions of a private retaining wall placed in 1981 on state tidelands as structural support of her private residence.

Related Proposed Action:

In accordance with AS 38.04.065, DMLW proposes a draft special exception to the Central/Southern Southeast Area Plan (CSSEAP) as a related but separate action. The CSSEAP prohibits filling state tidelands for residential purposes.¹ DMLW proposes a draft special exception from this prohibition in order to authorize the fill that was placed in state tidelands in 1981, which supports the structure of the adjacent residence.

Public notice of this preliminary written decision and related action will be posted on the Alaska Public Notice System website for 30 calendar days. The public may provide written comments to DMLW during that time. Additionally, notice of this preliminary decision and related action will be given to adjacent landowners. The Ketchikan post office will also be requested to post the notice of this preliminary decision and related action.

The public is invited to comment on this preliminary decision and related action. Written comments must be received by DNR no later than 5:00 p.m. on June 18, 2024. All comments must be submitted to: DNR, Division of Mining, Land and Water, Southeast Regional Office by mail at 400 Willoughby Avenue, P.O. Box 111020, Juneau, AK 99811-1020, or by electronic mail to laurel.smith@alaska.gov in order to ensure consideration. Please include your mailing address and telephone contact. In order to establish appeal rights regarding this decision, you are required by law to meaningfully participate in the decision process by commenting on the decision, in writing, prior to the comment deadline. Following the deadline, all timely written comments will be considered, and DNR may modify this decision based on public comments received.

The names of commenters and comments received will be part of the public record.

¹ *Central/Southern Southeast Area Plan*, 2-49 (Nov. 2000), available at <https://dnr.alaska.gov/mlw/planning/areaplans/cs-southeast/pdf/csseap-2000-adopt-complete.pdf>.

If DNR determines that public comments in response to this notice indicate the need for significant changes to the preliminary decision or related action, additional public notice will be given. If no significant changes are required, the preliminary decision and related action, after any necessary minor changes, will address all public comments and be issued as a final decision. A copy of the final decision, along with instructions on filing an appeal, will be sent to all persons who comment on the preliminary decision. Persons who do not submit written comments during the comment period will have no legal right to appeal the final decision.

The Division of Mining, Land and Water reserves the right to waive technical defects in this publication.

Post through: June 19, 2024