

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

Memorandum of Decision

Tideland Permit
City of Nondalton
LAS 28347

Proposed Action

The City of Nondalton has applied to install a public boat launch and recovery system consisting of (1) 8' x 200' floating wood dock with floats, (57) 16'x2'x8" concrete ramp planks, armor rocks, and (5) steel guide piles. Dredging and excavating of 900 cubic yards of material will be conducted below MHW to create a deeper channel for the concrete ramps with 150 yards of material being placed at and below MHW.

Authority

This land use permit is being adjudicated pursuant to AS 38.05.850 (Permits), 11 AAC 96 (Miscellaneous Land Use), applicable regulations, and is consistent with the management intent of the Bristol Bay Area Plan.

Administrative Record

The administrative record for this action consists of LAS 28347.

Location

Geographic: Nondalton is located on the west shore of Six Mile Lake, between Lake Clark and Iliamna Lake, 190 miles southwest of Anchorage.

USGS Map Coverage: Cordova (C-5)

Legal Description: An area not to exceed 1.0 acres located within the NW ¼ SE ¼ of Section 30, Township 2 South, Range 32 West of the Seward Meridian.

Coordinates: 59° 58 27.213' N, 154° 50 36.569' W NAD27AK

Borough/Municipality: The subject lands are located within Lake and Peninsula Borough.

Regional/Village Corporation: Bristol Bay Native Corporation.

Title

The acquisition authority for tide and submerged lands is found under the Submerged Lands Act of 1953 and the Equal Footing Doctrine.

Agency Review

An agency review was conducted and notified the following agencies: ADEC, ADNR/SHPO, ADNR/Water, ADNR/OHMP, ADOT, ADF&G, EPA, City of Nondalton, Bristol Bay Native Corporation, Lake & Peninsula Borough. Public Notice was also posted at the Nondalton and Iliamna Post Office.

No comments opposing the project were received.

Environmental Risk

Permit stipulations will require that spill prevention techniques approved by the State Department of Environmental Conservation be employed to prevent hazardous fuel spills.

Permit Term

Effective use date: March 1, 2012 through February 28, 2017

Permit Fee

Annual Use Fee: 11 AAC 05.010 (c) fee is waived for Nondalton since they are listed as a 2nd Class City.

Performance Guaranty and Insurance

The Southcentral Region Land Office will not require a performance guaranty (11 AAC 96.060) or insurance (11 AAC 96.065). General Permit stipulations will reserve the Southcentral Region Land Office's ability to require a performance guaranty or insurance at any time if determined to be in the best interest of the state.

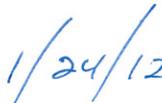
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Decision

Based on the information provided by the applicant and an examination of documents and case file record, it is the decision of the Southcentral Region Land Office to issue the Tideland Permit to City of Nondalton. The permit will encourage the development of the state's resources, provide direct and indirect economic benefits to the state, and is not prohibited by the Bristol Bay Area Plan. The land use permit will have standard stipulations, as well as an approved operations plan.



Christy Colles / File Adjudicator
Natural Resource Specialist

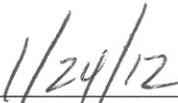


Date

_____ I concur
 _____ I do not concur
 _____ I concur with modifications



Cliff Larson
Natural Resource Manager



Date

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal 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 Daniel Sullivan, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail 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 the 31st day after issuance. 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.