

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

### DIVISION OF MINING, LAND AND WATER

#### RESOURCE ASSESSMENT & DEVELOPMENT SECTION

SEAN PARNELL, GOVERNOR

550 WEST 7<sup>TH</sup> AVENUE, SUITE 1050  
ANCHORAGE, ALASKA 99501-3579  
PHONE: (907) 269-8534  
FAX: (907) 269-8915

December 10, 2009

The Honorable Donald McConachie  
Mayor of City and Borough of Wrangell  
P.O. Box 531  
Wrangell, AK 99929

Re: Certificate of Entitlement

Dear Mayor McConachie,

In response to your letter dated October 19, 2009 requesting an expedited entitlement certification for the City and Borough of Wrangell pursuant to AS 29.65.030, please find enclosed the Department decision, included with a map and table. The municipal entitlement to the newly certified City and Borough of Wrangell has been reduced by the previous land conveyed to the City of Wrangell.

The city may appeal this decision in accordance with 11 AAC 02. Any appeal must be received by December 29, 2009, and may be mailed or delivered to Tom Irwin, Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to [dnr\\_appeals@alaska.gov](mailto:dnr_appeals@alaska.gov). If no appeal is filed by that date, this decision then goes into effect on January 11, 2010. 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.

If you have any questions concerning this action, you may contact Sandra Swanger-Jensen, Municipal Entitlement Manager at (907) 269-8526.

Sincerely,



Bruce Phelps, Section Chief  
Resource, Assessment & Development Section

Enclosure: Dept. decision, map & table

Cc: Tim Rooney, Borough Manager  
Carol Rushmore, Zoning Administrator/Planning  
David Kelley, Southeast Region Office/Juneau  
Mike Curran, Regional Office/Ketchikan  
John "Chris" Maisch, Div. of Forestry/Fairbanks

*"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."*

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

**DIRECTOR'S DECISION  
LAND ENTITLEMENT CERTIFICATION UNDER AS 29.65.030  
CITY AND BOROUGH OF WRANGELL**

**Action:** On May 30, 2008, the Alaska Department of Commerce, Community, and Economic Development (DCCED) certified the incorporation of the City and Borough of Wrangell, as a unified home rule borough, concurrently dissolving the City of Wrangell. All rights, powers, duties, assets, and liabilities of the former city were immediately succeeded to the City and Borough of Wrangell under the provisions of AS 29.06.450(c) and 29.06.520.

In accordance with AS 29.65.030 the borough is entitled to 10 percent of the maximum total acreage of vacant, unappropriated, unreserved (VUU) state general grant land within the boundaries between the date of incorporation and two years thereafter unless requested on an expedited basis by resolution.

On October 22, 2009, a certified copy of a resolution was received from the City and Borough of Wrangell requesting an expedited certification of their land entitlement. The Director of Mining, Land and Water is required to certify the borough's entitlement within six months of this action. This decision is in response to the request and constitutes the Determination of Municipal Entitlement Acreage for the City and Borough of Wrangell.

**Authority:** This certification is authorized pursuant to AS 29.65.030. Authority to execute this certification has been delegated to the Chief of Resource Assessment and Development Section within the Division of Mining, Land, and Water.

**Area of Application:** The area of application is coterminous with the Certificate of Incorporation certified on May 30, 2008.

**Administrative Record:** Department of Natural Resources certification case file ADL 104904 for the City and Borough of Wrangell comprises the administrative record used for the basis of this certification.

**Requirements of AS 29.65.030:** AS 29.65.030 provides that municipalities incorporated after July 1, 1978, are entitled to a "general grant land" entitlement that is no less than 10 percent of the maximum total acreage of VUU lands within the municipal boundaries that existed between the date of its incorporation and two years thereafter. The definition of "general grant land" and "VUU land" is defined under AS 29.65.130 as follows:

*"General Grant Land"* is land that has been patented or tentatively approved to the state from the United States under Section 6(a) or (b) of the Alaska Statehood Act.

*"Vacant, Unappropriated, Unreserved Land"* is general grant land as defined above excluding minerals as required by Section 6(i) of the Alaska Statehood Act that has not been set aside by statute for one or more particular uses or purposes such as legislatively designated areas for refuges. In addition, the land must be unclassified or, if classified under AS 38.05.300, is classified for agricultural, grazing, material, public recreation, settlement or was classified no earlier than September 1, 1983 as resource management that is still classified as resource management under AS 38.05.300.

State land within the following townships or portions of townships have been identified as meeting the criteria established above and have been used in determining the borough's entitlement as illustrated on MAP 1 (VUU Land within the City & Borough of Wrangell) and TABLE 1 (State Land Determined to be VUU-City & Borough of Wrangell). Land use classifications have been derived from the Central-Southern Southeast Area Plan.

<u>MTR</u>	<u>Acres</u>
T062, S080E, CRM	1,100.26
T063, S080E, CRM	578.96
T068, S084E, CRM	752.00
T065, S089E, CRM	830.83
T065, S090E, CRM	3,259.13
T068, S086E, CRM	253.65
T068, S087E, CRM	2,271.46
T063, S085E, CRM	78.78
T064, S085E, CRM	3,485.76
T062, S085E, CRM	148.57
T062, S084E, CRM	4,183.31
T063, S084E, CRM	3,711.35
T064, S084E, CRM	1,294.77
T065, S085E, CRM	1,935.18
T066, S085E, CRM	193.43
T065, S086E, CRM	552.52
T066, S086E, CRM	405.35


Total VUU Area = 25,035 acres, more or less.  
10% of the Total VUU Area = 2,503.5 acres.

**Inclusion of Former City of Wrangell Acreage.** Under AS 29.06.459(c), "a municipality succeeding to a dissolved municipality succeeds to all rights, powers, duties, assets, and liabilities." Acreage provided to the former municipality is counted against the acreage provided to the new municipality. DNR certified the City's entitlement as 551 acres (DNR appeal response dated December 15, 1988).

**Determination of Entitlement Acreage.** The amount of acreage that the borough is entitled to under AS 29.65.030 is determined to be 1,952.5 (2,503.5 - 551).

**Finding and Decision:** Pursuant to 29.65.030 and AS 29.65.130, there are 25,035 acres of state land that exist within the corporate limits of the municipality of which 10% may be conveyed to a municipality, equivalent to 2503.5 acres, which must be reduced by the amount of land conveyed (551 acres) previously conveyed to the City of Wrangell. The City and Borough of Wrangell's municipal entitlement is, therefore, 1,952.5 acres.

The finding presented above has been reviewed and been found to be complete and accurate. The casefile has been found to be complete and the requirements of all applicable statutes have been satisfied. It is my finding that the municipal entitlement of the City and Borough of Wrangell is 1,952.5 acres.

  
\_\_\_\_\_  
Bruce Phelps, Chief  
Resource Assessment and Development Section








12/10/09  
\_\_\_\_\_  
Date

**Appeal Provision:** A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by December 29, 2009 and may be mailed or delivered to Tom Irwin, Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). If no appeal is filed by that date, this decision then goes into effect on January 11, 2010. 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.

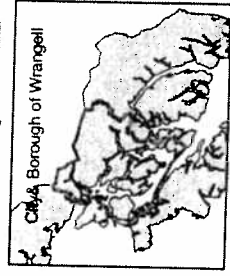
# MAP 1

## VUU Land within the City and Borough of Wrangell

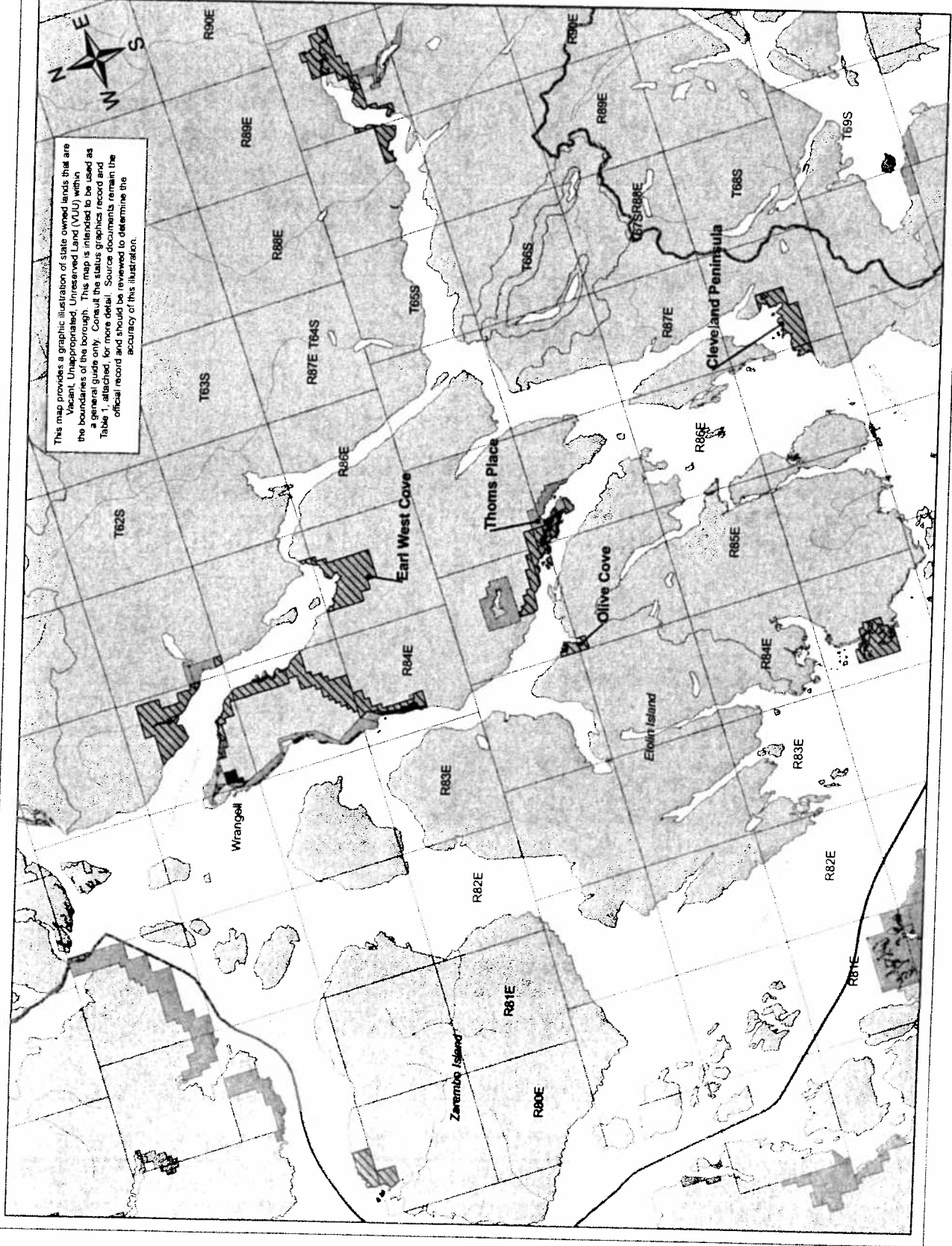
### Legend

-  City & Borough of Wrangell
-  State Land (TA or Patent)
-  State & VUU\* Land (2503 ac.)
-  Previous City Land (551 ac.)
-  Land Disposals
-  Mental Health Land
-  Federal Land

State of Alaska  
Department of Natural Resources  
Division of Mining, Land & Water



This map provides a graphic illustration of state owned lands that are Vacant, Unappropriated, Unreserved Land (VUU) within the boundaries of the borough. This map is intended to be used as a general guide only. Consult the status graphics records in Table 1, attached, for more detail. Source documents remain in the official record and should be reviewed to determine the accuracy of this illustration.



\*As defined in AS 29.65.030 and .130

**TABLE 1**

*State Land Determined to be VUU: City & Borough of  
Wrangell*

MTRS	Legal	Section Acreage
<b>C062S080E</b>	Sec. 31	11.220
	Sec. 32: lots 1, 2, 3	142.280
	Sec. 33	502.420
	Sec. 34: lot 1	444.340
<b>C063S080E</b>	Sec. 4: lot 1	320.000
	Sec. 5: lots 1, 2, 3	258.960
<b>C068S084E</b>	Sec. 8: SW4SE4, S2SW4	1.000
	Sec. 16: SW4NE4, S2NW4, S2	260.000
	Sec. 17	120.000
	Sec. 20	105.000
	Sec. 21: N2, N2SW4, SW4SW4	266.000
<b>C065S089E</b>	Tract A	830.830
<b>C065S090E</b>	Tract K	136.930
	Tract L	2.480
	Tracts A, B, C, D, E, F, G, I, J	1211.800
	Tract H (portion)	1320.713
	Tract H (portion)	587.210
<b>C068S086E</b>	Tracts A, B, C	253.650
<b>C068S087E</b>	Tracts A, B, C, D, E, F, G, H	2271.460
<b>C063S085E</b>	Sec. 35: lots 1, 2, 3, 4	78.780
<b>C064S085E</b>	Sec. 2: lots 1, 2, NE4NW4, NW4SW4	148.840
	Sec. 3: lots 1, 2, 3, 4, 5, 6, 7, SE4	288.170
	Sec. 4: lots 1, 2, 3, 4, 5, 6, SW4SW4	145.750
	Sec. 5: lots 1, 2, 3, SE4	227.430
	Sec. 8: E2	320.000
	Sec. 9: lot 1, NW4NE4, S2NE4, W2, SE4	634.390
	Sec. 10: lots 1, 2, 3, 4, NE4, SE4NW4, S2	601.180
	Sec. 15	640.000
Sec. 16: N2, SE4	480.000	
<b>C062S085E</b>	Sec. 31: lots 3, 4, E2SE4	148.570

MTRS	Legal	Section Acreage
<b>C062S084E</b>		
	Sec. 9: lots 1, 2, E2SE4	150.150
	Sec. 10: S2	320.000
	Sec. 11: lots 1, 2, 3, 4, N2, W2SW4, E2SE4	627.760
	Sec. 12: W2E2, W2	480.000
	Sec. 13: NW4NE4, NE4NW4, W2W2	240.000
	Sec. 14: lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, E2E2, W2NW4	520.610
	Sec. 15: lots 1, 2, N2, E2SW4, SE4	615.150
	Sec. 16: lots 1, 2	69.510
	Sec. 22: lots 1, 2, 3	40.980
	Sec. 23: lots 1, 2, 3, NE4NE4	85.560
	Sec. 24: lots 1, 2, SW4NE4, W2NW4, SE4NW4, NE4SW4, W2SE4	329.350
	Sec. 25: lots 1, 2, NE4NE4	90.710
	Sec. 25: lot 3 (diff pat than above)	45.870
	Sec. 27: lots 1 (portion), 2 (portion), 3 (portion), 4 (portion), SW4SW4	107.981
	Sec. 27: Tract C of lot 2	0.443
	Sec. 28: tract B of SE4	54.780
	Sec. 28: tract A of lot 3	0.396
	Sec.34: lots 1, 2 (portion), NW4NE4, SE4NE4, NE4SE4	148.860
	Sec. 35: lots 1 (portion), 2, 3, 4, N2SW4, SW4SE4	255.200
<b>C063S084E</b>		
	Sec. 1: lots 1, 2, 3, 4	53.130
	Sec. 2: lot 1, NW4NE4, S2NE4, SE4	319.850
	Sec. 11: E2	320.000
	Sec. 12: lots 1 (portion), 2 (portion), 5 (portion), SW4SW4	59.996
	Sec. 12: tract E of lot 3 and 4, tract F of lot 6	55.910
	Sec. 13: lots 1 (portion), 2 (portion), 3 (portion), 4 (portion), W2SW4 (portion)	127.567
	Sec. 14: NE4 (portion), SE4	316.370
	Sec.23: E2NE4, S2	400.000
	Sec.24: lots 1 (portion), 2, 3, 4, 5, W2NW4 (portion), SW4, SW4SE4	378.530
	Sec. 26: NW4NE4, NW4, N2SW4, SW4SW4	320.000
	Sec. 27: SE4NE4, NE4SW4, S2SW4, SE4	320.000
	Sec. 33: NE4NE4, S2NE4, NE4SW4, S2SW4, SE4	400.000
	Sec. 34	640.000
<b>C064S084E</b>		
	Sec. 4: NE4, NW4, N2SW4	400.000
	Sec. 5: lots 1, 2, 3, NE4NE4, SE4SE4	166.940
	Sec. 5: lots 4, 5	33.600
	Sec. 8: lots 1 (portion), 2 (portion), 3, 5 (portion), 6 (portion), NE4NE4, SW4NE4 (portions), W2SE4	208.870
	Sec. 17: W2NE4, E2NW4 (portion), E2SW4 (portion), W2SE4 (portion), SE4SE4	229.630
	Sec. 20: lots 1 (portion), 2 (portion), E2NW4 (portion), NE4	255.730

MTRS	Legal	Section Acreage
<b>C065S085E</b>		
	Sec. 21: E2SE4	80.000
	Sec. 22: SW4	160.000
	Sec. 25: S2SW4, SW4SE4	120.000
	Sec. 26: lot 1, N2SW4, SE4SW4, SE4	319.930
	Sec. 27: lots 1, 2, 3, 4, 5, W2NE4, SE4NE4, NW4	369.180
	Sec. 28: lot 1, NE4NE4	74.200
	tract 37	1.710
	Sec. 35: lots 1, 2, 3, 4, 5	26.670
	Sec. 35: lots 6, 7, 8, 9	79.860
	Sec. 36: lots 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19	60.900
	Sec. 36: lots 3, 17, NE4SE4 (pat'd)	120.140
	Sec. 36: lots 2, 20, 21, NE4, NE4NW4 (TA'd)	262.620
	Sec. 31: lots 2, 3, 4 (portion), 5 (portion), 6, 7, 8, SE4NW4 (portion), NE4SW4	259.974
<b>C066S085E</b>		
	Sec. 1: lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17	11.660
	Sec. 6: lots 1, 2, 3, 4, 5	181.770
<b>C065S086E</b>		
	Sec. 31: lots 4, 5, NE4, E2NW4	306.570
	Sec. 31: lots 1 (portion), 2 (portion), 3 (portion), NE4SW4 (portion), SE4 (portion)	236.360
	Sec. 31: Tracts A, B, D of lots 1, 2, 3	9.591
<b>C066S086E</b>		
	Sec. 5: portions of lots 7 (tract A), 19 (tract A), 20 (tract A)	10.564
	Sec. 6: lots 3, 4, 7, 8, 9, 10, 11, 12 (portion), 13, 14, 15, 16, 18, NW4SE4 (tract A), 27 (tract A), 30 (tract A), 31 (tract A)	11.853
	Sec. 6: lots 1, 2 (portion), 17 (portion), 19 (portion), 20, 21, 22, 23, 24, 25, 26, 27 (portion), 28 (portion), 29, 31 (portion)	198.610
	Sec. 7: lots 1 (portion), 2, 3	3.830
	Sec. 8: lots 3 (portion), 4, 5, 6, 7 (portion), 8, 9, 10, 11, 12, 13, NW4SE4	171.980
	Sec. 9: lot 6 (portion)	8.510
		25035.318