STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

Division of Mining, Land and Water

Land Conveyance Section	Northern Region	Southcentral Region	Southeast Region
550 W. 7th Ave, Suite 640	3700 Airport Way	550 W. 7th Ave, Suite 900C	P. O. Box 111020
Anchorage, AK 99501-3576	Fairbanks, AK 99709-4699	Anchorage, AK 99501-3577	Juneau, AK 99811-1020
(907) 269-8594	(907) 451-2740	(907) 269-8503	(907) 465-3400
	nro.lands@alaska.gov	dnr.pic@alaska.gov	sero@alaska.gov

Statewide TTY – 771 for Alaska Relay or 1-800-770-8973

APPLICATION FOR PURCHASE OR LEASE OF STATE LAND

_____
ADL # (assigned by ADNR)

Date: 4.12.22

Applicant's Name Mark Detter (CM), Paul Nylund (Planner) Doing business as City Of Valdez

Mailing Address PO Box 307

City/State/Zip Valdez, AK 99686 Email [redacted]

Message Phone [redacted] Work Phone [redacted] Date of Birth _____

Is applicant a corporation qualified to do business in Alaska ☐ Yes ☒ No. Is the corporation in good standing with the State of Alaska Department of Commerce and Economic Development? ☐ Yes ☐ No.

Is applicant 18 years or older? ☒ Yes ☐ No. Are you applying for a ☒ lease or ☒ sale?

What kind of lease or sale are you applying for? ☐ Tideland; ☒ Public/Charitable Use; ☐ Grazing; ☐ Millsite;

☐ Negotiated; ☐ Competitive; ☐ Non-Competitive; ☐ Preference Right

If a lease, how many years are you applying for? 55 years. (55 years Max.)

Legal Description: Lot(s) _____ Block/Tract # _____ Survey/Subdivision _____

Other: SW 1/4 OF THE SE 1/4

Meridian COPPER RIVER Township 8S, Range 6W, Section(s) 30 Acres ~80

Municipality VALDEZ LORAN Reading (optional) _____

Geographic Location: 146° 22' 2.56"W 61° 8' 44"N

What is the proposed use of and activity on the state land?
Hiking/Skiing/Biking trails

Are there any improvements on the land now? ☒ Yes ☐ No. If yes, who owns the improvements, and what is the estimated value? City of Valdez - ~$10,000

If yes, describe any improvements on the land. 3 Steel Gates and associated sinage

Are there any improvements or construction planned? ☐ Yes ☒ No. If yes, describe them and their estimated value.

_____

State the proposed construction date: _____; estimated completion date*: _____

Name and address of adjacent land owners and, if you are applying for tidelands, the name and address of the adjacent upland owners: See attached list

Are you currently in default on, or in violation of, any purchase contract, lease, permit or other authorization issued by the department under 11 AAC? ☐ Yes ☒ No. Within the past three years, has the department foreclosed or terminated any purchase contract, lease, permit or other authorization issued to you? ☐ Yes ☒ No.

Non-refundable application fee: See current Director's Order for applicable fees.

(Fee may be waived under 11 AAC 05.020.)

Is the land applied for subject to any existing leases or permits? ☒ Yes ☐ No. If yes, ☐ lease or ☐ permit?

Name lease/permit is issued under: City of Valdez ADL # 224602

Do you think you qualify for a non-competitive lease or sale? ☒ Yes ☐ No. If yes, under what provision of AS 38.05?

- ☐ AS 38.05.035(b)(2) (to correct an error or omission);
- ☐ AS 38.05.035(b)(3) (owner of bona fide improvements;
- ☐ AS 38.05.035 (b)(5) (occupied, or are the heir of someone who occupied the land before statehood);
- ☐ AS 38.05.035 (b)(7) (adjacent owner of remnant of state land, not adjoining other state land;
- ☐ AS 38.05.068 and .087 (U.S. Forest Service Permittee);
- ☐ AS 38.05.075(c) (upland owner or lessee);
- ☐ AS 38.05.035(f) (previous federal and state authorization, erected a building and used the land for business purposes);
- ☐ AS 38.05.102 (current long-term lessee or current shore fishery lessee);
- ☐ AS 38.05.255 (millsite lease for mine-related facilities;
- ☒ AS 38.05.810(a)* (government agency; tax-exempt, non-profit organization organized to operate a cemetery, solid waste facility, or other public facility; or a subdivision's nonprofit, tax-exempt homeowner's association);
- ☐ AS 38.05.810(b)-(d) (non-profit corporation, association, club, or society operated for charitable , religious, scientific, or educational purposes, or for the promotion of social welfare, or a youth encampment);
- ☐ AS 38.05.810(e) (licensed public utility or licensed common carrier);
- ☐ AS 38.05.810(f) (non-profit cooperative organized under AS 10.25, or licensed public utility);
- ☐ AS 38.05.810(h) (Alaska Aerospace Development Corporation);
- ☐ AS 38.05.810(i) (port authority);
- ☐ AS 38.05.825 (municipality applying for eligible tidelands, or tidelands required for private development);
- ☒ Other (please explain): We are seeking a Cooperative Resorce Management Agreement

~~If you have checked one of the above statutes, attach a statement detailing your qualifications~~ under each requirement of that statute.

Do you think you qualify to lease the land for less than fair market value? ☒ Yes ☐ No. If yes, under what provision of AS 37.05?

- ☒ AS 38.05.097 (youth encampment or similar recreational purpose);
- ☐ AS 38.05.098 (senior citizen discount for a residential lease);
- ☐ Other (please explain).

This property is being used for public,non-motorized, recreation as skiing/hiking/biking trails.

Signature

Date 5/11/22

CITY OF VALDEZ

If applying on behalf of an agency, municipality, or organization, state which one

CITY MANAGER

Title

For Department Use Only
Application received date stamp

Receipt Types:
☐ **13 – Application for Lease of State Land**
☐ **5K – Application for Lease to Authorize Unauthorized Use**

NOTICE TO APPLICANT:

*** For applications filed by a municipality under AS 38.05.810, if there is a remaining entitlement of the municipality under AS 29.65, land transferred under AS 38.05.810 shall be credited toward fulfillment of the entitlement.**

*** Construction may not commence until approval is granted by lessor.**

*** This application will not be considered unless it is accompanied by the appropriate filing fee and completed in full. THE FILING FEE WILL NOT BE REFUNDED NOR IS IT TRANSFERABLE. All checks are to be made payable to the Department of Natural Resources.**

*** Include a 1:63,360 USGS map showing location of proposed activities in relation to survey monumentation or fixed geographical features which fully illustrates your intended use, including the location of buildings and improvements and access points, labeled with all dimensions, and a development plan providing a complete list of proposed activities.**

*** The applicant may be required to deposit a sum of money sufficient to cover the estimated cost of survey, appraisal, and advertising. If the land is sold or leased to another party, the deposit will be returned to the applicant.**

*** The filing of this application and payment of the filing fee vests the applicant with no right or priority in the lands applied for. It is merely an expression of the desire to purchase or lease a parcel of land when and if it becomes available. Filing an application serves the purpose of notifying the state that an individual is interested in purchasing or leasing land. It is not a claim, nor does it in any way obligate the state to sell or lease land.**

*** If the application is for use in conjunction with a guide/outfitter operation, include proof of a guide/outfitter certification for the use area.**

*** If the application is for a commercial fish camp, include a copy of your limited entry permit or an interim-use salmon set net permit.**

*** If applying for a senior citizen discount, include form 102-1042.**

*** AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(8) and confidentiality is requested, AS 43.05.230, or AS 45.48). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.**

STATE OF ALASKA

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Statewide TTY – 771 for Alaska Relay or 1-800-770-8973

APPLICANT ENVIRONMENTAL RISK QUESTIONNAIRE

The purpose of this questionnaire is to help clarify the types of activities you propose to undertake. The questions are meant to help identify the level of environmental risk that may be associated with the proposed activity. The Division of Mining, Land and Water's evaluation of environmental risk for the proposed activity does not imply that the parcel or the proposed activity is an environmental risk from the presence or use of hazardous substances.

Through this analysis, you may become aware of environmental risks that you did not know about. If so, you may want to consult with an environmental engineer or an attorney.

Mark Detter (CM), Paul Nylund (Planner)	City Of Valdez		
Applicant's Name	Doing Business As		
Po Box 307	Valdez	AK	99686
Address	City	State	Zip
[redacted]	[redacted]	[redacted]	Paul Nylund
Message Phone	Work Phone	Email	Contact Person

Describe the proposed activity:

Operation and maintainence of trails. The trails will be managed as is consistant with Valdez Municipal Code 12.08

In the course of your proposed activity will you generate, use, store, transport, dispose of, or otherwise come in contact with toxic and/or hazardous materials, and/or hydrocarbons? ☐ Yes ☒ No. If yes, please list the substances and the associated quantities. Use a separate sheet of paper, if necessary.

ADL # _____

If the proposed activities involve any storage tanks, either above or below ground, address the following questions for each tank. Please use a separate sheet of paper, if necessary, and, where appropriate, include maps or plats:

a. Where will the tank be located?

b. What will be stored in the tank?

c. What will be the tank's size in gallons? _____

d. What will the tank be used for? (Commercial or residential purposes?)

e. Will the tank be tested for leaks? _____

f. Will the tank be equipped with leak detection devices? ☐ Yes ☐ No. If yes, describe:

Do you know or have any reason to suspect that the site may have been previously contaminated? ☐ Yes ■ No.
If yes, please explain:

I certify that due diligence has been exercised and proper inquiries made in completing this questionnaire, and that the foregoing is true and correct to the best of my knowledge.

Applicant Signature: _____ Date: 5/11/22

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210. In submitting this form, the applicant certifies that he or she has not changed the original text of the form or any attached documents provided by the Division. In submitting this form, the applicant agrees with the Department to use "electronic" means to conduct "transactions" (as those terms are used in the Uniform Electronic Transactions Act, AS 09.80.010 – AS 09.80.195) that relate to this form and that the Department need not retain the original paper form of this record: the department may retain this record as an electronic record and destroy the original.

City of Valdez
ALASKA
Planning Department

April 21, 2022

AK DNR-DMLW
Southcentral Regional Land Office
550 W 7th Ave., Suite 900C
Anchorage, AK 99501-3577

Hello,

This written narrative, along with the attached aerial map, are intended to constitute the development plan that is required for our application for a Cooperative Resource Management Agreement (CRMA) between the AK DNR and the City of Valdez, for the recreational trails that exist on DNR land, within the City of Valdez Boundaries in the lower Mineral Creek area. While some of these trails are on City of Valdez property, or secured through easements on private land, a significant portion are on AK DNR land (see attached map). The granting of a CRMA would ensure that the City of Valdez will be able to continue to manage and maintain these trails as we have been since 2002, which includes restricting use to non-motorized on approximately 80 acres of land in the Mineral Creek Canyon area. This will help to ensure that residents and guests of Valdez will be able to safely enjoy the benefits of these popular trails for generations to come.

The City of Valdez currently monitors and maintains approximately 11.6 miles of recreational trails in the Mineral Creek area. These trails are used for a variety of activities from hiking and biking in the summer, to skiing and snowmobiling in the winter. These trails grew organically since the establishment of the new Valdez townsite, and were increasingly utilized for recreational purposes throughout the seventies and eighties. In 1988 the City of Valdez began the process to secure a land interest for the trails that are located on AK DNR land, and although this progress went forward with fits and starts as documented in ADL #224602, it was never seen to fruition.

In 2002 the City of Valdez contacted the DNR and received a letter of non-objection from the South Central Regional Office which was assumed to have given the city permission to restrict access to these trails to non-motorized. Following the receipt of the letter of non-objection, the City of Valdez worked to pass Ordinance NO. 02-21, which codified the usage classifications for the Mineral Creek Trail system (see attachment). Recently it was decided that the process by which the DNR authorized the City of Valdez to restrict motorized access across state land was not subject to public notice, serialized as a standalone administrative decision, or noted in publicly available DMLW resources as is standard practice. The City of Valdez is now applying for this CRMA in order to rectify this situation so we can continue to manage these trails as we currently are.

These trails are located within the city limits of Valdez, in Section 30 of T8S R6W, Copper River Meridian. The majority of the city trails that are located on the DNR land is designated either as cross-country ski trails, or multi-use/non-motorized (yellow on the attached map). It is our intention to enter into this CRMA in order for the City of Valdez to be able to continue to manage these trails as illustrated in Ordinance NO. 02-21, which includes restricting use to non-motorized on approximately 80 acres of land in the Mineral Creek Canyon. This ordinance was adopted by the City of Valdez in order to accommodate the expanded year-round use of the trails, and to allow for safe access for all users. This area of undeveloped land (except for these trails), is just north of the main Valdez townsite, mainly on the western side of Mineral Creek at the Southern terminus of the Mineral Creek

canyon. The landscape is rolling hills covered by mixed Alder/Willow/Cottonwood forest, with the 16' wide trails already cleared and established.

The only improvements on this state land, other than the trails, are 3 steel gates that are across the trails near where they intersect with the DOT right of way of Mineral Creek Road, and informational signs. The estimated value of the gates and associated signage is approximately $10,000. There is no further development planned in conjunction with this agreement, nor are there any plans for expansion of these trails at this time. There are no facilities located on the DNR land in this area so there are no power needs, water/wastewater needs, nor hazardous materials used or stored. Access to these trails are via the DOT right-of-way established around Mineral Creek Road, or via trails across City of Valdez owned land.

The population of Valdez was 3,903 in 2018 and these trails are utilized by many of them. The location of these trails immediately adjacent to the main population area of Valdez makes them easily accessible to Valdez residents as well as visitors who want to get outside and recreate. The City of Valdez provides parking areas on City land and streets for users of these trails, and there are no parking areas existing nor needed on DNR land. The City of Valdez Parks and Recreation Department currently clears brush on the trail by hand or with a hydro axe, and occasionally levels the trail surface with a D-8 bulldozer.

I hope this narrative meets the standards for a development plan as required for our application for a CRMA between the City of Valdez and the DNR for Mineral Creek Trails in Valdez, that are on DNR land. Please let me know if there are any questions that I can help answer, or any additional information I can provide.

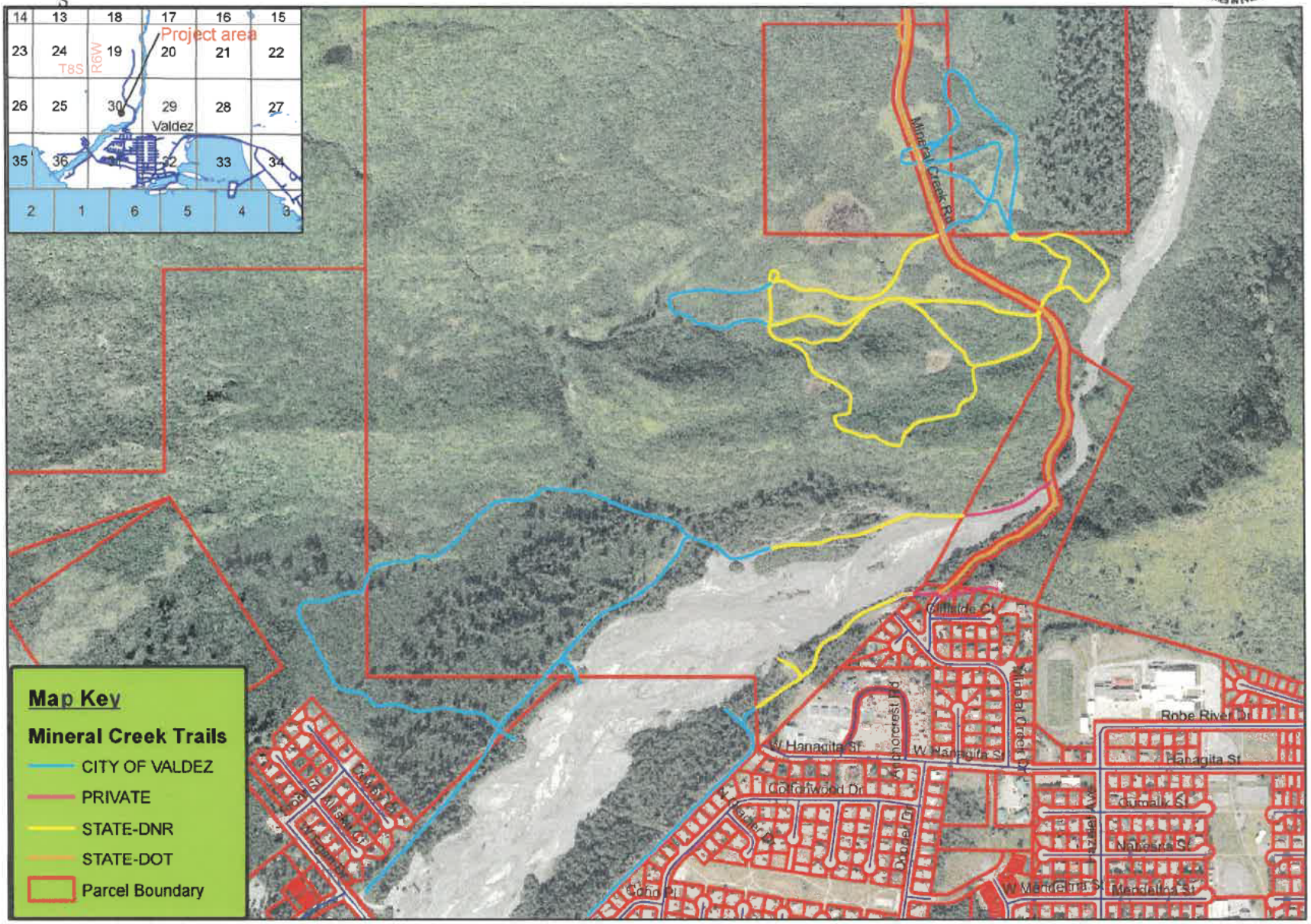
Thank you for your time and for your attention to this matter,

Paul Nylund

Paul Nylund

[redacted]

Mineral Creek Trails

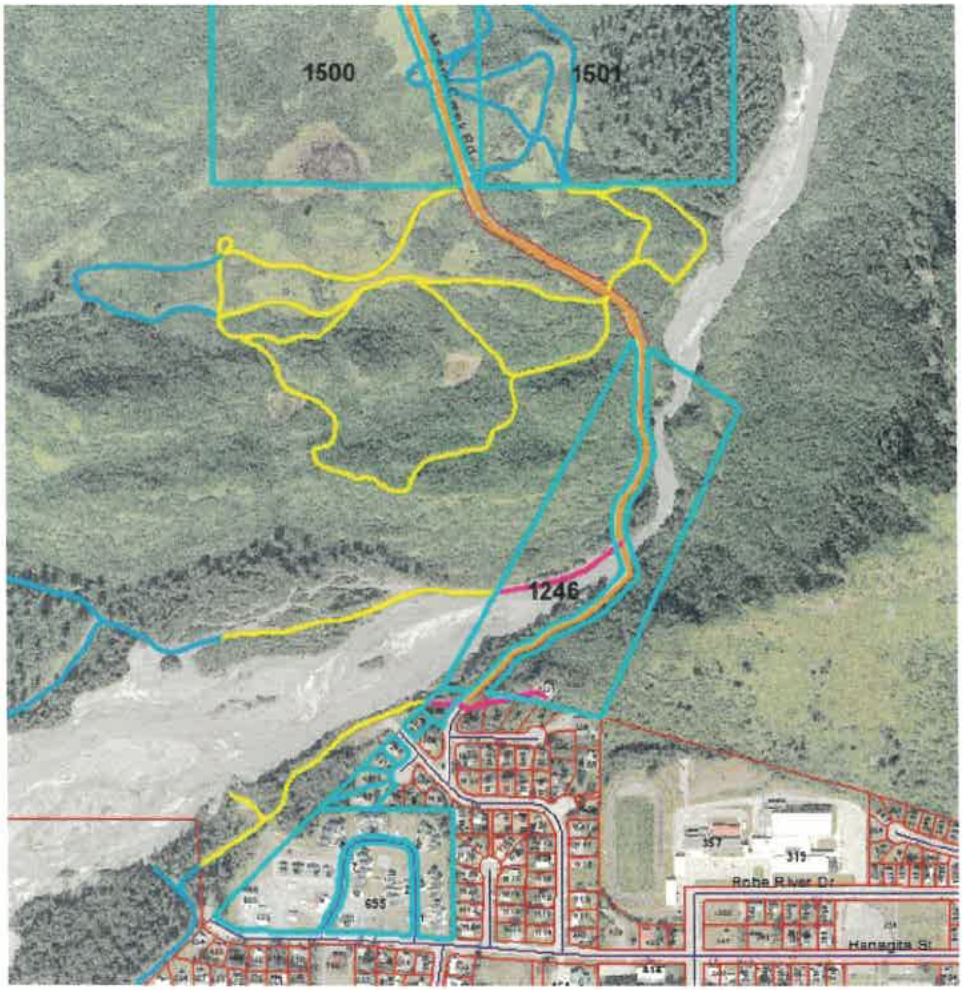


0 500 1,000 2,000 Feet

THE DATA CONTAINED HEREIN IS COMPILED FROM SEVERAL SOURCES, SOME UNRELATED TO THE CITY OF VALDEZ, WITH DIFFERENT LEVELS OF PRECISION. PLEASE NOTE, WHILE THE INFORMATION IN OUR GIS IS BELIEVED TO BE RELIABLE, IT IS NOT GUARANTEED TO BE ACCURATE.

LAND OWNERS ADJACENT TO DNR LAND - CITY OF VALDEZ - CRMA APPLICATION 2022

NAME	ADDRESS	ADDRESS_1	CITY	STATE	ZIP
CULLEN, JOHN & MICHELLE	1219 MINERAL CREEK DR	PO BOX 2504	VALDEZ	AK	99686-2504
THE JAMES & DONNA GIFFORD LIVING TRUST	1212 MINERAL CREEK PL	PO BOX 1253	VALDEZ	AK	99686-1253
LEE, MARK & SUSAN M	1210 MINERAL CREEK PL	PO BOX 472	VALDEZ	AK	99686-0472
CITY OF VALDEZ	1226 MINERAL CREEK RD	PO BOX 307	VALDEZ	AK	99686-0307
	- AND 1500, 1501 MINERAL CREEK ROAD				
STEWART, BRETT R	1214 MINERAL CREEK PL	PO BOX 1525	VALDEZ	AK	99686-1525
SMELCER, MATTHEW C	1216 MINERAL CREEK PL	PO BOX 3207	VALDEZ	AK	99686
RICHARD AND RYDER RADCLIFFE	1246 MINERAL CREEK RD	PO BOX 1128	VALDEZ	AK	99686-1128
COAST GUARD HOUSING	825 W HANAGITA ST	PO BOX 486	VALDEZ	AK	99686



TRAILS ON DNR LAND IN YELLOW

ADJACENT PARCELS IN TEAL

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 02-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, REPEALING AND REENACTING CHAPTER 12.08 OF THE VALDEZ MUNICIPAL CODE AS IT RELATES TO PARK AND RECREATION AREA USE REGULATIONS

WHEREAS, the Mineral Creek Trails are used for both motorized and non-motorized recreational sports; and

WHEREAS, expanded year-round use of this area has made it necessary to more clearly separate the users; and

WHEREAS, the rules of use for this area need to be clearly defined to allow for safe access for all users to ensure practical enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that:

Section 1: Chapter 12.08 of the Valdez Municipal Code is repealed and reenacted to read as follows:

Chapter 12. 08

PARK AND RECREATION AREA USE REGULATIONS

12.08.010 Mineral Creek Trail usage.

A. Winter Usage
1. Usage shall be regulated as identified on the map on Exhibit A.
2. The speed limit for all multi-use trails is 20 MPH.
3. Skiers have the right of way in all situations.
B. Summer Usage
1. Usage shall be regulated as identified on the map on Exhibit B.
2. Motorized vehicles shall be allowed only on Mineral Creek Road.
C. Additional Rules
1. The Parks and Recreation Department is authorized to adopt additional rules and regulations to be posted at entrances to the trails.

D. Violations

1. No person shall violate or fail to comply with any of the rules for usage of the trails. A violation of this section is punishable by a fine not to exceed three hundred dollars, which may result in the impoundment of the vehicle/equipment used in the violation and may result in a loss of privilege to use the trail system.

2. Any person violating Chapter 12.08 may be required to pay a fine of not less than $25 nor more than $300 for the first offense, and not less than $50 nor more than $300 for the second or subsequent conviction. In addition, the court may order that the vehicle/equipment operated in violation of said section be impounded for a period of not less than 15 nor more than 60 days, beginning at a date specified by the court. Impoundment may be effected by taking physical possession of the vehicle/equipment by the City.

3. Individuals who fail to abide by imposed restrictions may be subject to charges of trespass.

4. The City Manager or his/her designee shall have the power and authority to issue citations for municipal code violations occurring under Chapter 12.08 of the Valdez Municipal Code.

5. The Valdez Police Department and individuals authorized under Section D (2) of this ordinance may issue citations based on the affidavit of a private citizen that establishes probable cause as specified in AS 12.25.030

Section 2: This ordinance takes effect immediately upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA this 18th day of November, 2002.

CITY OF VALDEZ, ALASKA

Bert L. Cottle, Mayor

ATTEST:

Sheri L. Pierce

Sheri L. Pierce, CMC/AAC, City Clerk

SEAL OF THE CITY OF VALDEZ, ALASKA INC. 1901

APPROVED AS TO FORM:

Walker, Walker, and Associates

By: William M Walker
William M. Walker

1st Reading 11/4/02
2nd Reading 11/18/02
Adoption: 11/18/02
Ayes: 7
Noes: Ø
Not Voting: Ø
Absent: Ø

Exhibit A
Mineral Creek Winter Trail Map

LEGEND

TOWN STREETS

CROSS COUNTRY SKI TRAILS

MOTORIZED USE ONLY

MULTI-USE TRAILS

MULTI-USE NON-MOTORIZED TRAILS

DESIGNATED SNOWMACHINE CROSSINGS ⊗

DESIGNATED NON-MOTORIZED USE AREA

MINERAL CREEK ROAD WILL BE CLOSED TO MOTORIZED VEHICLES FROM POINT A TO POINT B WHEN THE ALTERNATE ACCESS IS OPENED

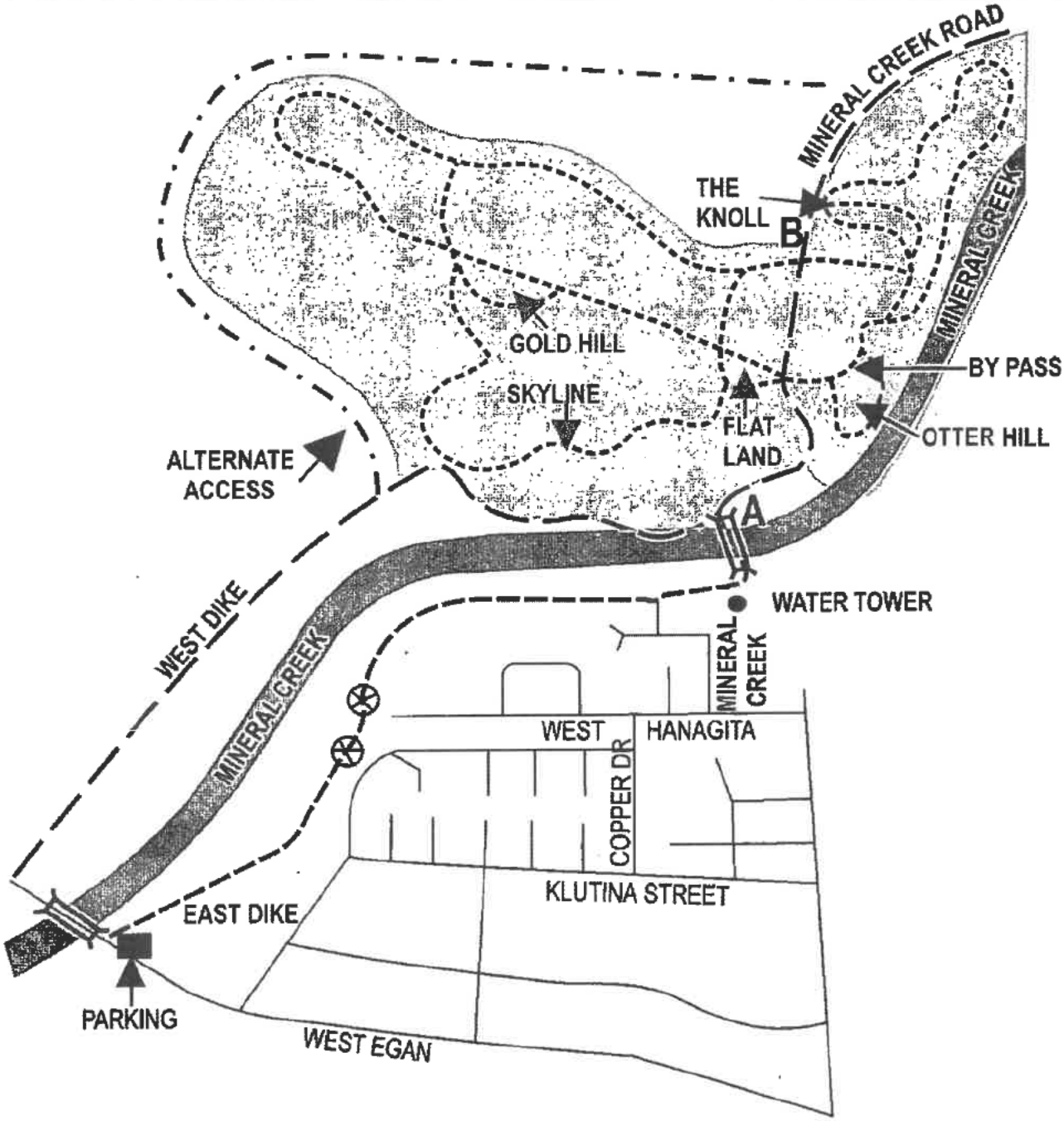
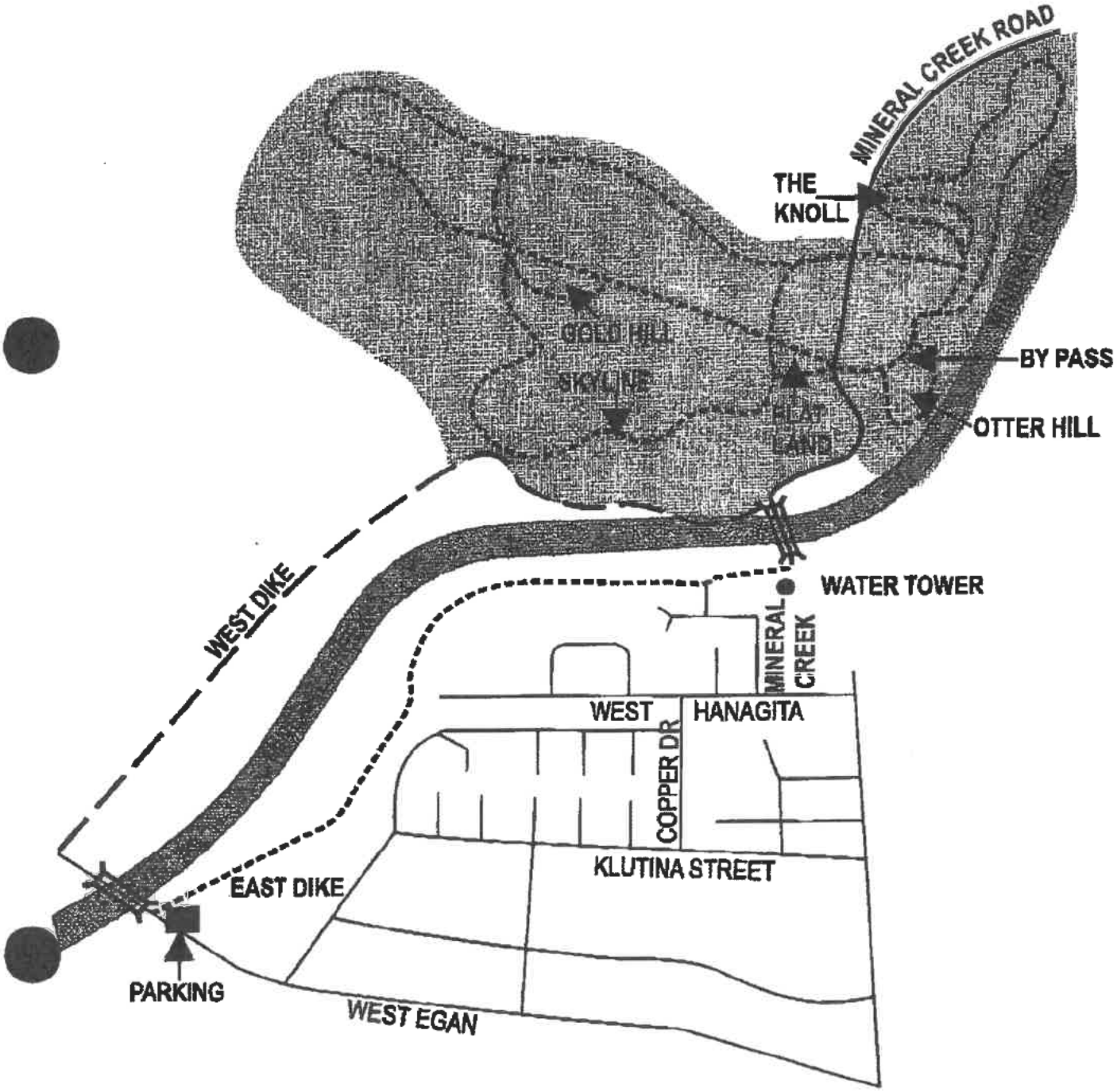


Exhibit B
Mineral Creek Summer Trail Map

LEGEND
MULTI-USE - MOTORIZED
MULTI-USE - NON-MOTORIZED
MULTI-USE - LIMITED MOTORIZED (UNDER 600 lbs)