

CITY OF UNALASKA  
UNALASKA, ALASKA

RESOLUTION 2021-81

A RESOLUTION OF THE UNALASKA CITY COUNCIL SUPPORTING THE CITY'S APPLICATION TO ACQUIRE TIDE AND SUBMERGED LAND FROM THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES FOR THE EXPANSION AND REMODEL OF THE ROBERT STORRS SMALL BOAT HARBOR

WHEREAS, the City of Unalaska constructed the Robert Storrs Small Boat Harbor as a public facility intended to provide for small commercial and recreational craft moorage; and

WHEREAS, the Robert Storrs Small Boat Harbor currently extends from the shoreline on Pacesetter Way into ATS's 808 and 1360; and

WHEREAS, the City desires to re-design and expand the A & B Floats to provide more slips; and

WHEREAS, in order to extend the A & B Floats, the City will need to acquire an interest in certain lands and tidelands, which includes unsurveyed submerged lands currently owned by the State of Alaska; and

WHEREAS, the City of Unalaska will apply to the Commissioner of the Department of Natural Resources for conveyance of submerged lands adjacent to ATS 1360, which is owned by the City; and

WHEREAS, Alaska Statute 38.05.825 provides for the conveyance of state tidelands to municipalities; and

WHEREAS, the requested land is within and contiguous to the boundaries of the municipality; and

WHEREAS, the use of the land would not unreasonably interfere with navigation or public access; and

WHEREAS, the waterfront development is consistent and compatible with the 2015 Land Use Plan adopted by the City of Unalaska; and

WHEREAS, the land is required for the accomplishment of a public development previously approved by the Unalaska City Council in the Capital and Major Maintenance Program, namely the Robert Storrs Small Boat Harbor Improvements (A & B Floats) Project; and

WHEREAS, the City's Robert Storrs Small Boat Harbor Improvements Project meets the criteria set out in AS 38.05.825 for the conveyance of state tideland to the City of Unalaska, with the conveyance subject only to those restrictions required by law; and

WHEREAS, if the application is approved, the City will conduct a survey of the area to provide legal boundaries; and

WHEREAS, the Alaska Department of Natural Resources requires a supporting resolution from a community's governing body accompany an application for conveyance of tidelands;

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council requests that the State of Alaska Department of Natural Resources approve the City's application to acquire the tidelands depicted in Exhibit A pursuant to AS 38.05.825.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on December 28, 2021.

  
\_\_\_\_\_  
Vincent M. Tutiakoff, Sr  
Mayor

ATTEST:

  
\_\_\_\_\_  
Marjie Veeder, CMC  
City Clerk



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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Peggy McLaughlin, Port Director  
Through: Erin Reinders, City Manager  
Date: December 28, 2021  
Re: Resolution 2021-81: Supporting the City's application to acquire tide and submerged land from the State of Alaska Department of Natural Resources for the expansion and remodel of the Robert Storrs Small Boat Harbor

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**SUMMARY:** Resolution 2021-81 is a resolution of support for the City of Unalaska to acquire additional tidelands from the State of Alaska. These tidelands are necessary for the City of Unalaska to replace the Robert Storrs Harbor A and B floats with the desired layout and additional slips. Staff recommends approval.

**PREVIOUS COUNCIL ACTION:** There have been no previous Council actions found in regard to the desired tidelands.

**BACKGROUND:** This resolution of support is needed as a part of the application process for additional tidelands from the State of Alaska for the Robert Storrs Harbor.

**DISCUSSION:** The Robert Storrs Harbor A and B Float Replacement Project has been a priority for several years. Council went through various discussions in 2012-2013 reviewing concept layouts for replacing the existing floats and expanding the number of slips.

In order to expand the harbor and reconfigure the floats, additional tidelands are required. The tidelands needed belong to the State of Alaska under the stewardship of the Department of Natural Resources. This resolution of support will be submitted with the City's application for the tidelands.

Before we proceed with additional design and permitting for A and B floats, the City needs to acquire the tidelands from the State of Alaska.

**ALTERNATIVES:**

- 1) Council could fully support Resolution 2021-81; or
- 2) Council could choose to not support Resolution 2021-81 as written; or
- 3) Council could postpone decision for further discussion.

**FINANCIAL IMPLICATIONS:** This Resolution implies no financial obligation to the City of Unalaska.

**LEGAL:** Not applicable.

**STAFF RECOMMENDATION:** Staff recommends approving this Resolution.



**PROPOSED MOTION:** I move to adopt Resolution 2021-81.

**CITY MANAGER'S COMMENTS:** I support Staff's recommendation. These tidelands are necessary for the Robert Storrs Harbor A and B Float Replacement Project.

**ATTACHMENTS:**

- Robert Storrs Harbor Tidelands Area Map
- Draft Application for Tideland Acquisition

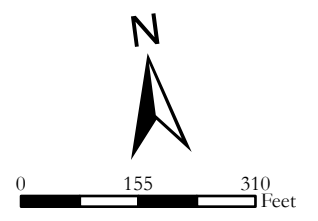


-  Proposed New Tidelands
-  Parcel Boundaries

# Robert Storrs Small Boat Harbor



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# STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES

## DIVISION OF MINING, LAND AND WATER

- Land Sales and Contract Administration  
550 W 7th Ave., Suite 640  
Anchorage, AK 99501-3576  
(907) 269-8594
- Northern Region  
3700 Airport Way  
Fairbanks, AK 99709  
(907) 451-2740
- Southcentral Region  
550 W 7th Ave., Suite 900C  
Anchorage, AK 99501-3577  
(907) 269-8552
- Southeast Region  
400 Willoughby, #400  
P.O. Box 111020  
Juneau, AK 99811-1020  
(907) 465-3400

### APPLICATION FOR PURCHASE OR LEASE OF STATE LAND

Date \_\_\_\_\_ ADL # (assigned by DNR) \_\_\_\_\_  
 Applicant's Name William Homka Doing business as City of Unalaska Planning Department  
 Mailing Address P.O. Box 610 43 Raven Way  
 City/State/Zip Unalaska, AK 99685 E-Mail planning@ci.unalaska.ak.us  
 Message Phone (907) 581 - 3100 Work Phone (907) 581-3100 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, Dept. 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? \_\_\_\_\_ years. (55 years Max.)

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

Other: a combined 50,350 square-foot portion of Sections 3 & 10, seaward side of ATS 1360, as attached in Attachment X.

Meridian Seward Township 73S, Range 118W, Section(s) 3 & 10 Acres 1.156

Municipality Unalaska LORAN Reading (optional) \_\_\_\_\_

Geographic Location: Amaknak Island, 166°33'13"W 53°52'41"N

What is the proposed use of and activity on the state land? Floating dock for recreational vessels

Are there any improvements on the land now?  **yes**  **no**. If yes, who owns the improvements, and what is the estimated value? \_\_\_\_\_

If yes, describe any existing improvements on the land. \_\_\_\_\_

Are there any improvements or construction planned?  **yes**  **no**. If yes, describe them and their estimated value.

The southernmost ends of piers of a floating dock system, total project cost estimated at \$ 7 Million. See Attachment X

State the proposed construction date: 7/1/2022; estimated completion date\*: 7/1/2023

Name and address of adjacent land owners and, if you are applying for tidelands, the name and address of the adjacent upland owners: No Adjacent Uplands.

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.)

Date Stamp:



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: \_\_\_\_\_ ADL # \_\_\_\_\_

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 homeowners' 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): \_\_\_\_\_

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 38.05?

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

City of Unalaska

Planning Director

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

Title

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.