

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

SPECIAL EXCEPTION

to the
Susitna Area Plan

related to the
Proposed Lakes Subdivision - ADL 231196

Name: Lakes – Chapter 2 Fish and Wildlife Habitat

Location: Susitna Lake – Management Unit 1, Subunit 1b

Authority: The authority to revise plans derives from AS 38.04.065 (b) Land Use Planning and Classification; 11 AAC 55.030 (f) Land Use Plan defines when a revision constitutes a special exception. The authority to approve special exceptions has been delegated from the Director of the Division of Mining, Land, and Water (DMLW) to Section Managers and Regional Managers by Department Order DO 03.

Current Plan: Currently, the Susitna Area Plan (SUAP) Chapter 2 - Fish and Wildlife Habitat reads, "On Susitna Lake, up to 25 additional lots may be offered for sale."

Proposed Special Exception: This special exception to the SUAP exempts the area affected by this decision from SUAP Chapter 2 - Fish and Wildlife Habitat requirement, "On Susitna Lake, up to 25 additional lots may be offered for sale."

Explanation: The SUAP was adopted in 1985 and has not been updated since. The parcels affected by this decision are already surveyed and are classified Settlement. There is a demand from the public to obtain Settlement-classified land in the area. As this language falls within Chapter 2 management intent, a special exception is required to exempt this individual proposed action from this intent without changing the management intent for the entirety of the planning area.

Assessment: There is a continuing demand for land in this area, there is a proposed land offering in the area, and the area of the offering is classified settlement. The proposed action only affects Settlement-classified parcels in the vicinity of Susitna Lake and does not change the overall management intent or management guidelines for the planning area. This constitutes a one-time, limited-purpose variance of the plan's provisions. This action is also not inconsistent with the management intent for Settlement-classified land, which is to provide the public with opportunities for private ownership. In order to effectuate the proposed land offering, there is no other alternative other than to process this exception to the area plan.

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Requirements of AS 38.04.065 (b): The factors identified in this section of statute have been considered in the Preliminary Decision for ADL 231196 issued on February 15, 2012 and the proposed action is consistent with statute.

Decision: The standards for a special exception have been reviewed and have been met. The Land Sales and Contract Administration Section of the DMLW Department of Natural Resources finds that the special exception to the Susitna Area Plan, as described above, meets the criteria for special exceptions under 11 AAC 55.030 (f) and is hereby approved.

/s/

Concurrence by: Brent Goodrum,
Director
Division of Mining, Land, and Water
Department of Natural Resources,
State of Alaska

September 11, 2012

Date

/s/

Approved: Daniel S. Sullivan
Commissioner
Department of Natural Resources,
State of Alaska

November 21, 2012

Date

Special Exception

to the Susitna Area Plan (Lakes – Chapter 2 Fish and Wildlife Habitat)
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Reconsideration Provision

A person affected by this decision who provided timely written comment on this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request 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 S. Sullivan, Commissioner, Department of Natural Resources, 550 W. 7th Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 907.269.8918; or sent by electronic mail to dnr.appeals@alaska.gov.

If reconsideration is not requested by that date or if the commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st day after issuance. Failure of the commissioner to act on a request for reconsideration within 30 days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court and to the extent permitted by applicable law. An eligible person must first request reconsideration of 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.

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SPECIAL EXCEPTION

to the
Susitna Area Plan

related to the
Proposed Lakes Subdivision - ADL 231196

Name: Lakes – Chapter 2 Islands

Location: Susitna Lake – Management Unit 1, Subunit 1b

Authority: The authority to revise plans derives from AS 38.04.065 (b) Land Use Planning and Classification; 11 AAC 55.030 (f) Land Use Plan defines when a revision constitutes a special exception. The authority to approve special exceptions has been delegated from the Director of the Division of Mining, Land, and Water (DMLW) to Section Managers and Regional Managers by Department Order DO 03.

Current Plan: Currently, the Susitna Area Plan (SUAP) Chapter 2 – Lakeshore Management provides that all islands will be retained in public ownership.

Proposed Special Exception: The Special Exception exempts the area affected by this decision from the SUAP Chapter 2 – Lakeshore Management provides that all islands will be retained in public ownership..

Explanation: The SUAP was adopted in 1985 and has not been updated since. Private parcels already exist on these islands, the parcels proposed for offering are classified Settlement, and this action is consistent with the current land use in the area. As this language falls within Chapter 2 management intent, a special exception is required to exempt this individual proposed action from this intent without changing the management intent for the entirety of the planning area.

Assessment: The proposed action only affects Settlement-classified parcels in the vicinity of Susitna Lake and does not change the overall management intent or management guidelines for the planning area. Private parcels already exist on these islands, the parcels proposed for offering are classified Settlement, and this action is consistent with the current land use in the area. This constitutes a one-time, limited-purpose variance of the plan's provisions. This action is also not inconsistent with the management intent for Settlement-classified land, which is to provide the public with opportunities for private ownership. Processing this special exception is the preferred alternative.

The other alternative would be to not process this special exception and subsequently disallow the offering of parcels on islands in Susitna Lake. Not offering parcels for sale

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on these islands would disallow the public a unique opportunity for land ownership of settlement classified parcels in an area classified for settlement, adjacent to other private property. These parcels have been identified as appropriate for offering.

Requirements of AS 38.04.065 (b): The factors identified in this section of statute have been considered in the Preliminary Decision for ADL 231196 issued on February 15, 2012 and the proposed action is consistent with statute.

Decision: The standards for a special exception have been reviewed and have been met. The Land Sales and Contract Administration Section of the DMLW Department of Natural Resources finds that the special exception to the Susitna Area Plan, as described above, meets the criteria for special exceptions under 11 AAC 55.030 (f) and is hereby approved.

/s/

Concurrence by: Brent Goodrum,
Director
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

September 11, 2012

Date

/s/

Approved: Daniel S. Sullivan
Commissioner
Department of Natural Resources
State of Alaska

November 21, 2012

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SPECIAL EXCEPTION

to the
Susitna Area Plan

related to the
Proposed Lakes Subdivision - ADL 231196

Name: Lakes – Chapter 2 Recreation

Location: Susitna Lake – Management Unit 1, Subunit 1b

Authority: The authority to revise plans derives from AS 38.04.065 (b) Land Use Planning and Classification; 11 AAC 55.030 (f) Land Use Plan defines when a revision constitutes a special exception. The authority to approve special exceptions has been delegated from the Director of the Division of Mining, Land, and Water (DMLW) to Section Managers and Regional Managers by Department Order DO 03.

Current Plan: Currently the Susitna Area Plan (SUAP) Chapter 2 - Recreation requirement provides that remaining public land surrounding large lakes with relatively little development (in this case Susitna Lake), will be retained in public ownership.

Proposed Special Exception: The Special Exception exempts the proposed Lakes Subdivision from the Chapter 2 - Recreation requirement that provides that remaining public land surrounding large lakes with relatively little development (specifically Susitna Lake), will be retained in public ownership.

Explanation: The SUAP was adopted in 1985 and has not been updated since. This Special Exception resolves an apparent internal inconsistency within the SUAP. The SUAP Chapter 2 - Recreation requirement to retain the remaining public land appears to conflict with other sections of the plan both in Chapter 2 Areawide Land Management Policies and Chapter 3 Policies For Each Management Unit. In multiple locations the plan provides for additional offering of parcels on Lake Susitna. As this language falls within Chapter 2 management intent, a special exception is required to exempt this individual proposed action from this intent without changing the management intent for the entirety of the planning area.

Assessment: There is a continuing demand for land in this area, there is a proposed land offering in the area, and the area of the offering is classified settlement. The proposed action only affects Settlement-classified parcels in the vicinity of Susitna Lake and does not change the overall management intent or management guidelines for the planning area. The other large lakes mentioned in Chapter 2 (Recreation), namely, Chelatna Lake, Tyone Lake, Alexander Lake, Strandline Lake, and Old Man Lake, will not be affected by this Special Exception. This constitutes a one-time, limited-purpose

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variance of the plan's provisions. This action is also not inconsistent with the management intent for Settlement-classified land, which is to provide the public with opportunities for private ownership. In order to effectuate the proposed land offering, there is no other alternative other than to process this exception to the area plan.

Requirements of AS 38.04.065 (b): The factors identified in this section of statute have been considered in the Preliminary Decision for ADL 231196 issued on February 15, 2012 and the proposed action is consistent with statute.

Decision: The standards for a special exception have been reviewed and have been met. The Land Sales and Contract Administration Section of the DMLW Department of Natural Resources finds that the special exception to the Susitna Area Plan, as described above, meets the criteria for special exceptions under 11 AAC 55.030 (f) and is hereby approved.

/s/

Concurrence by: Brent Goodrum
Director
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

September 11, 2012

Date

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Approved: Daniel S. Sullivan
Commissioner
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