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

PRELIMINARY DECISION

Proposed Land Offering in the Matanuska-Susitna Borough
Monument Creek Remote Recreational Cabin Sites Project Area - ADL 229343
AS 38.05.045, and AS 38.05.600

RELATED ACTION(S):
Proposed Mineral Order (Closing)
AS 38.05.185 and AS 38.05.300

COMMENT PERIOD ENDS 4PM NOVEMBER 14, 2014

I. Proposed Actions

Primary Proposed Action(s): The primary proposed action of this Preliminary Decision of the State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water is to offer for disposal State-owned land for sale within the defined project area. This document and the following attachments describe the details of the project area and this proposal, with supporting documentation retained in the case file.

Attachment A: Vicinity Map
Attachment B: Area Data Summary Table
Attachment C: Public Notice
Attachment D: Draft Mineral Order (closing) – MO 1164

Located within the Department's Southcentral Region along the south side of the Matanuska River, approximately 35 miles east of Palmer and 16 miles east of Chickaloon, the project area is within the Matanuska-Susitna Borough. The project area encompasses approximately 8.4 square miles (~5,305 acres) in two areas bisected by Gravel Creek and Tatondan Lake, within portions of Township 19 North, Ranges 8 and 9 East and Township 20 North, Range 8 East, Seward Meridian.

Pursuant to the management intent contained within the Susitna Matanuska Area Plan (SMAP), adopted August 2011 and the related land Classification Order No. SC-09-002, which classifies the area as Settlement, the Division proposes to offer up to 30 authorizations to stake parcels ranging from 10 to 20 acres as described in **Section II: Method of Sale** of this document. While the area plan indicates that the entire project area is appropriate for disposal during the life of the plan, at this time, the Division would dispose of no more than 600 acres under this proposal, if approved. In fact, the Division may reduce the actual staking area prior to offering to make adjustments as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with staking instructions. The adjusted project area will be described in the brochure or staking packet.

Although the total disposal authorized under this proposal will not exceed the stated maximums, the offerings and development may be conducted over time. Further, additional offerings that could increase the density of privately-owned parcels within or near the project area may be authorized through separate future proposals, authorized and conducted as required under statute and regulation. As such, the Division makes no guarantees that the project area will remain remote or that settlement will be dispersed indefinitely and purchasing a parcel created through this offering does not provide any rights to the buyers to deny future disposals and developments.

Proposed Related Action(s): There is one related action with this proposal.

> Mineral Order (Closing): Although we are aware of some mining claims filed northeast of the project area, no mineral activity has been identified within the project area.
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> To minimize potential conflicts between land estate and mineral estate users, the Division proposes a mineral order to close the project area to new mineral entry. Closing the entire area to mineral entry is consistent with the management intent of the SMAP. As such, this Related Action would close the entirety (approximately 5,305 acres) of the project area to new mineral entry in accordance with *AS 38.05.185 Generally [Mining Rights]* and *AS 38.05.300 Classification of Land*.
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> Related Actions, if any, are developed separately from the proposed primary action of this Preliminary Decision. However, approval and succession of the primary proposed action detailed in this Preliminary Decision are contingent on the completion of Related Actions, as described throughout this document. Refer to the Mineral Order subsection of this document for more information on this proposed Related Action.

Notice of the public comment period will be posted in accordance with *AS 38.05.945 Notice* for at least 30 consecutive days. The public is invited to comment on the proposed actions and the comment periods for all actions will be conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. See **Section VIII: Submittal of Public Comments** at the end of this document and Attachment C: Public Notice for details on how to submit a comment for consideration. If after consideration of public input the proposed actions are approved, the Department will issue a Final Finding and Decision, which will be sent to those parties that submitted timely, written comments.

II. Method of Sale

AS 38.05.600 Remote Recreational Cabin Sites authorizes the Department to conduct leasing and sale of land for Remote Recreational Cabin Sites. *11 AAC 67.800 - 11 AAC 67.845 Remote Recreational Cabin Sites* and other related regulations describe how the Division offers authorizations to select and stake Remote Recreational Cabin Sites in designated areas during the specified offering period. The Division offered this program annually between 2001 through 2010 and then offered biennially beginning in 2012.

After approval of a Remote Recreational Cabin Sites disposal through a Best Interest Finding process such as this, the Division plans a future announcement of an offering of staking authorizations and the availability of land sales brochures pursuant to *AS 38.05.945 Notice*. The brochures generally describe simultaneous offerings of multiple areas; the relevant application period; and the related procedures, conditions, and eligibility requirements.

Participants submit applications and the Division conducts a drawing, a method of sale that offers all eligible parties an equal chance at acquiring a staking authorization for an area. Authorizations to stake a parcel of State-owned land within a designated project area during a specified period are awarded to applicants drawn first. Authorized stakers are then issued a staking packet that includes instructions for properly staking a parcel and other information pertaining to the program and specific staking area. Authorized stakers then enter onto the land, stake a parcel of their choice in compliance with the staking instructions, and file a lease application. If approved, a short-term lease is issued and the lessee makes quarterly, prorated payments to cover associated development costs and an annual lease fee of $100. While under lease, the parcel is then surveyed, platted, and appraised, typically over a three- to four-year period. Upon successful completion of the lease terms and upon completion of the survey, platting, and appraisal, the lessee is given the option to convert from lease to sale at a purchase price based on the appraised value, plus associated fees, with credits given for the survey and platting deposits collected while the parcel is under lease. The lessee's other option is to renew the lease for a second term at a cost of $1,000 per year, which does not contribute to paying down the purchase price. A lessee in good standing can opt to purchase the parcel at any time during this optional renewal term, but if the lessee does not purchase the parcel by the time the renewed lease term expires, the lessee's interest is subject to termination.

After the staking period closes and lease applications have been received from authorized stakers, the Division may identify and survey additional Administrative Parcels in a project area. Additionally, the Division may opt to complete the survey on staked parcels relinquished, terminated, or expired before converting to sale. Such Administrative Parcels would generally be surveyed for future offering under *AS 38.05.045 Generally [Sale of Land]*. Although Administrative Parcels are not restricted to the size requirements stated for staked parcels, the total number of acres and authorizations (surveyed parcels) will not exceed the maximum number specified for disposal under this proposal.

Offering administrative parcels under *AS 38.05.045 Generally [Sale of Land]* allows the Division to offer its surveyed parcels under a uniform set of statutes, administrative regulations, and policies; usually in a statewide offering of varied parcels to increase administrative efficiencies and improve the effectiveness of marketing efforts. Successful buyers may purchase the properties by highest sealed bid or by application at prices based on their appraised value. Appraised values account for the benefits of the surveying and platting. Without the inclusion of this additional method of sale in this proposal, sales of parcels initially developed under *AS 38.05.600 Remote Recreational Cabin Sites* and *11 AAC 67.815 (b) Offering Remote Recreational Cabin Sites* would require purchasers to reimburse the Division for the cost of surveying, platting, and appraising the site within 30 days of being notified of a successful purchase, in addition to the usual minimum down payment. That is to say, that the State would not finance the reimbursable survey, platting, and appraisal costs. To maintain this requirement without allowing for the differing method of sale of subdivided parcels under *AS 38.05.045* would create an unrealistic burden upon purchasers and hinder the marketability of the property.

III. Authority

The State of Alaska, Department of Natural Resources has the authority under *AS 38.05.045 Generally [Sale of Land]* and *AS 38.05.600 Remote Recreational Cabin Sites* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by *AS 38.05.035(e) Powers and Duties of the Director*.

In order to facilitate these sales, of State-owned land, the Division is also authorized to close land to mineral location under *AS 38.05.185 Generally (Mining Rights)* and *AS 38.05.300 Classification of Land*.

IV. Administrative Record

The project file for the Monument Creek project area, ADL 229343, constitutes the administrative record for this action. Also incorporated by reference are:

- Susitna Matanuska Area Plan for State Lands (SMAP), adopted August 2011, and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan*, 2010;
- *2013 Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*; and
- *1979 Exploratory Soil Survey of Alaska*.

V. Scope of the Decision

The scope of this proposal, under the statutes and regulations described in **Section III. Authority** of this document, is limited to the Division's proposal to offer State-owned land within the project area for sale through a future, public Remote Recreational Cabin Sites offering or other method of sale. The Division proposes to open the area for the described number of authorizations to stake parcels under *AS 38.05.600 Remote Recreational Cabin Sites* and *11 AAC 67.800 - 11 AAC 67.845 Remote Recreational Cabin Sites.* The Division may also identify and survey additional parcels in a project area to be sold under *AS 38.05.045 Generally [Sale of Land]*. The Division does not intend to impose deed restrictions to control post-patent land use.

There is a Related Action with this proposal as described in **Section I. Proposed Actions** of this document. Related Actions, if any, are developed separately from the proposed primary action of this Preliminary Decision. However, approval and succession of the primary proposed action detailed in this Preliminary Decision are contingent on the completion of Related Actions, as described throughout this document.

VI. Description

Location: Located within the Department's Southcentral Region along the south side of the Matanuska River, approximately 35 miles east of Palmer and 16 miles east of Chickaloon, the project area is within the Matanuska-Susitna Borough. The project area encompasses approximately 8.4 square miles (~5,305 acres) in two areas bisected by Gravel Creek and Tatondan Lake, within portions of Township 19 North, Ranges 8 and 9 East and Township 20 North, Range 8 East, Seward Meridian. See Attachment A: Vicinity Map for a graphic depiction of the approximate location of the project area. See Attachment B: Area Data Summary Table for additional information.

Borough/Municipality: The project area is within the Matanuska-Susitna Borough and subject to the borough's platting and zoning authority.

Native Regional and Village Corporations: Cook Inlet Regional, Inc. (CIRI) is the regional corporation for the project area. The Chickaloon Native Village Corporation, Chickaloon-

Moose Creek Native Association, and the Chickaloon Community Council, Incorporated are the nearest village corporations that own land within 25 miles of the project area. Notification will be distributed to these entities.

Legal Description: The project area, depicted in Attachment A: Vicinity Map, encompasses approximately 5,305 gross acres within the Palmer Recording District, Third Judicial District, State of Alaska, described as:

- Township 19 North, Range 8 East, Seward Meridian,
  - Section 1: all;
  - Section 2: E1/2, NW1/4, N1/2SW1/4 and SE1/4SW1/4, lying 200 feet east of the OHW of Gravel Creek;
  - Section 3: SW1/4NW1/4, W1/2SW1/4, and W1/2E1/2SW1/4, lying 200 feet west of the OHW of Gravel Creek and 100 feet south of the logging road;
  - Section 4: S1/2NE1/4, NW1/4NE1/4, W1/2, lying 300 feet south of the OHW of the Matanuska River and 100 feet south of the logging road, and SE1/4;
  - Section 5: all, lying 300 feet south of the OHW of the Matanuska River;
  - Section 6: all, lying 300 feet south of the OHW of the Matanuska River;
  - Section 11: NE1/4NE1/4 and NE1/4NW1/4NE1/4, lying 200 feet east of the OHW of Gravel Creek; and
  - Section 12: E1/2, NW1/4, and NE1/4SW1/4, lying 200 feet east of the OHW of Gravel Creek;
- Township 19 North, Range 9 East, Seward Meridian,
  - Section 6: all; and
  - Section 7: all;
- Township 20 North, Range 8 East, Seward Meridian,
  - Section 33: S1/2, lying 300 feet south of the OHW of the Matanuska River and 100 feet south of the logging road; and
  - Section 35: all, lying 300 feet south of the ridgeline.

Title: Information from Title Report 4654 (A-C), current as of September 19, 2013, indicates the State of Alaska holds either fee title or tentative approval to the land and mineral estate within the project area. The State holds patent to all lands within Township 19 North, Range 8 East, Seward Meridian and Section 33, Township 20 North, Range 8 East that are within the project area. The State has received tentative approval for land within the project area within Township 19 North, Range 9 East, Seward Meridian and Section 35 of Township 20 North, Range 8 East. When patented to the State, the patent will contain a reservation for canals and ditches under the act of August 30, 1890 (26 Stat. 391), and a reservation to the United States of a right-of-way for the construction of railroad, telegraph, and telephone lines under the act of March 12, 1914 (38 Stat. 305).

These lands were acquired under Statehood entitlement, General Purpose Grant, under the Act of July 7, 1958, 72 Stat. 339 as amended. The State received title under Patent No. 1234812 dated January 22, 1963, Patent No. 50-86-0196 dated May 8, 1986, Patent No. 50-66-0186 dated October 19, 1965, and Tentative Approval Decisions dated December 5, 1963 and

September 19, 1984. The lands are subject to standard federal reservations. The associated state case files are GS 1801 and GS 323.

Retention of and Access to Mineral Estate: In accordance with *Section 6 (i)* of the *Alaska Statehood Act* and *AS 38.05.125 Reservation [of Rights to the State]*, the State retains ownership of the mineral estate that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper, and silver) and non-locatable minerals (such as oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils).

The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all surface uses. The State may also lease these retained interests to mineral developers or allow mining locations to be staked. However, *AS 38.05.130 Damages and Posting of Bond* also provides that the owner of the land estate will be compensated for damages resulting from mineral exploration and development.

Navigable Waters: Per *AS 38.05.126 (b) Navigable and Public Waters*, "the State has full power and control of all of the navigable or public water of the State, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the State." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in *Article VIII, Section 14* of the *Alaska Constitution* and also protected in *the United States Constitution*. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made and access will be reserved per *AS 38.05.127 Access To and Along Public and Navigable Water*. For more information, refer to the <u>Access To, Within, and Beyond Project Area</u> subsection of this document.

A July 12, 1990 BLM memorandum recommends that the Matanuska River in the area adjacent to the proposed project area should be considered navigable in conjunction with a Supreme Court decision of April 13, 1990 ruling on the Gulkana River, which had similar historical uses. Gravel Creek, Lake Creek, Bench Lake, and Tatondan Lake (both lakes are located outside the project area) still appear to meet the definition of a public water body and thus may be used for public access points or public use of the related resources.

Where they are known, private parcels and third-party interests on State-owned land will be depicted on staking maps in land sales brochures and enclosed in staking packets distributed to authorized stakers.

<u>Physical Characteristics and Hazards</u>: The following paragraphs describe the area's physical characteristics and hazards. In addition to file research and agency review, a field inspection was conducted on June 3, 2014. Furthermore, investigations were conducted from the Glenn Highway in July and December 2013 regarding access to the project area and visibility of the project area from the highway. See Attachment B: Area Data Summary Table for additional information.

Geologic Hazards: There is potential for seasonal flooding, erosion, and accretion adjacent to the Matanuska River, Gravel Creek, and other streams throughout the project area. Some accretion has occurred near the confluence of the Matanuska River and west bank of Gravel Creek, outside the project area. As a glacier-fed river subject to rapid, seasonal, water-level changes and heavy silting, the Matanuska can often be fast flowing in the summer and partially frozen in the winter. In addition, the waters can be near freezing even in the summer and potentially dangerous to cross. This stretch of the Matanuska River is classified as a class II+ section and Gravel Creek is classified as a class IV+ section by American Whitewater, a non-profit organization.

Most of the soils within the project area are underlain by permafrost. Such deposits could cause problems with the stability of structures and other improvements built nearby or thereupon. The project area is in a seismically active area and according to the Alaska Earthquake Information Center, about a dozen earthquakes with a magnitude of 3.0 or greater near the project area since 1968, with the highest magnitude reported being 4.8.

Fire Hazards: Historically, the project area has not been susceptible to large fires. Per the Alaska Interagency Coordination Center Fire information Map, only two small fires have occurred south of the Matanuska River near the project area since 1939: a 1.5-acre fire near Glacier Creek in 1958 and a 0.3-acre fire at Tatondan Lake in 2007. Both fires occurred on land adjacent to but outside the project area.

Potential for wildland fire is high in some areas of Alaska. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. The Department provides all entrants with information regarding wildland fire prevention and encourages them to locate parcels in defensible areas such as hardwood stands with access to water or those areas along the creeks and ponds and isolated patches remaining after prior wildland fire activity.

Fire management options and policies for the area are identified in the Alaska Interagency Wildfire Management Plan available from DNR Division of Forestry. The current fire management option for the project area is “Modified”. The policy on areas within the “Modified” management option reads, “the "Modified" option provides a management level between "Full" and "Limited" options. Unlike “Full” management areas, the intent is not to minimize burned acres, but to balance acres burned with suppression costs and, similar to “Limited”, to accomplish land and resource management objectives when conditions are favorable.” A more detailed description of the “Modified” management option may be found in the Alaska Interagency Wildland Fire Management Plan, 2010, available online at http://fire.ak.blm.gov/administration/asma.php. It is important to note, however, that the DNR Division of Forestry warns that there is no guarantee property will be spared from harm from a wildland fire, even if the area is designated “Full” fire management option.

Flood Hazard: There is potential for seasonal flooding and erosion of parcels adjacent to water bodies, especially in low-lying areas. Flood insurance rate maps are not available from the Federal Emergency Management Agency for this area, but the Matanuska-Susitna Borough is working on using recent LIDAR (Light Detection and Ranging) contours to assess flood danger throughout the borough. While this area has been imaged, it has not yet been assessed for flood danger. Topographic maps and aerial imagery indicate that

accretion of the north bank and erosion of the south bank have occurred in this area over time. DNR encourages settlement away from potentially unstable banks where erosion, flooding, and accretion may be occurring. Interested parties are encouraged to research this issue and inspect the project area, when offered, prior to applying to lease or purchase. We will continue to investigate and consider reserving areas prone to excessive flooding from staking.

Background: The proposed Monument Creek project area has not been previously offered for private ownership. Under the previous Susitna Area Plan (SAP), adopted 1985, forty-five parcels (approximately 250 acres) were offered beginning in 1981 as the Bench Lake Subdivision adjacent to the project area. As of the date of this document, two lots remain in State ownership and may be sold in a future offering. No other offerings have been made within this area and the updated Susitna-Matanuska Area Plan (SMAP), adopted August 2011, continues to designate this area for settlement. We are not aware of any authorized, third-party interests within the project area. Personal firewood cutting permits have been issued for land within the project area in the past. Feedback has also been received from the public that trapping lines exist within the project area, without state permits. State permits may not be required for trapping on state land; see the Alaska Department of Fish and Game's website at www.adfg.alaska.gov for more information on the situations where a trapping permit may be required.

A request for conceptual approval was submitted to the Matanuska-Susitna Borough Platting Board in September 2013. On November 7, 2013 the State's request for conceptual approval was denied. The Platting Board later granted the State's Request for Reconsideration on December 19, 2013, before the State withdrew its application on January 14, 2014. See **Section VII. Agency Comments** for additional information. The previously proposed project area has been amended as a result of this process. See Attachment A: Vicinity Map for changes made to the project area boundary. As a result of these changes, DNR will be treating this as a new proposal at such time that it is submitted to the MSB Platting Board. A field inspection of the project area was conducted on June 3, 2014, during which LSCAS staff landed on Bench Lake and walked the proposed access to the project area. Aerial photographs were taken of the entire project area at this time.

Planning and Classification: The general management intent of the area plan unit and subunit were reviewed for consistency with the proposed offering. The project area is within the Susitna Matanuska Area Plan for State Lands (SMAP), adopted August 2011, Glenn Highway Management Region Unit G-18. Lands within this unit are classified Settlement under Land Classification Order No. SC-09-002. SMAP directly mentions that this Remote Land Sale Project, ADL 229343, has been established in this area.

The management intent states that this subunit is appropriate for land disposal during the planning period. It indicates that subdivision design should take significant moose concentration areas into account and that greenspace or migration corridors should be provided as necessary. It also states that trails, easements and RS2477 routes should be protected. A riparian buffer of 300 feet from the OHW of the Matanuska River is to be maintained in State ownership. The management intent also indicates that impacts to recreation and habitat values and uses adjacent to the Matanuska River should be mitigated or avoided. Chapter Two requirements under the Shorelands and Stream Corridors section require the following easements, setbacks and buffers along water bodies:

1. Public access easement of 50 feet from the OHW of all waters determined to be public or navigable;
2. Riparian buffers of 100 to 150 feet adjacent to anadromous and high-value fish streams;
3. Building setback of 75-150 feet adjacent to all waters that are not anadromous or high-value; and
4. Building setback of 150-200 feet adjacent to anadromous and high-value fish streams.

These are the minimum setbacks and buffers suggested by SMAP. In some instances, DNR implements wider buffers or setbacks at the request of the Department of Fish & Game or when special circumstances make this a prudent decision. See the Setbacks, Reserved Areas, and Easements subsection for more information on the setbacks, easements and buffers proposed for this project area.

Guidelines in Chapter Two of the area plan regarding Settlement; Shorelands and Stream Corridors; Cultural Resources; Fish and Wildlife Habitat; Recreation and Scenic Resources; Public Access; and other land and resource uses have been reviewed and the indications therein will be incorporated in the development of this project. Because of the geographic barrier the Matanuska River presents between the Glenn Highway and the project area, this parcel is appropriate for the dispersed, low-density settlement pattern created through a Remote Recreational Cabin Sites offering.

The proposed offering is consistent with area-wide land management policies and general management intent of the SMAP and specific management unit. The unit is designated Settlement and State-owned and tentatively-approved lands within the unit are appropriate for disposal, including sale, during the planning period. If this proposal is approved and the lands are offered, lands available for continued public use, conditions, and reservations will be described, where appropriate, in the land sale brochure and area-specific staking instructions and maps.

The Glenn Highway is designated a scenic highway in this area. The Glenn Highway National Scenic Byway begins in Anchorage and ends approximately 135 miles later at Eureka Summit. A corridor partnership plan, which outlines goals for the future of the scenic highway, was created for the highway in 2001. The plan makes no statements of management intent for State lands nor does it make any recommendations against the sale of State land. The “Future View” subsection of the Executive Summary states: “This Partnership Plan recognizes and interprets the spirit of the people of the Glenn Highway and finds common ground to work with business interests, tourists and resident alike. The Partners believe strongly and the plan demonstrates this vision that less can be more, that scenic qualities can be enhanced and conserved while embracing thoughtful economic development activities, ensuring that visitors and residents can enjoy the scenic marvels within this special place for generations to come.” An Interpretive Plan was also created in 2006, with plans for interpretive signage and projects along the highway.

Mineral Order: Although we are aware of some mining claims filed northeast of the project area, no mineral activity has been identified within the project area.

Mineral orders that close an area to mineral entry, where they have been established, close that area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. Such mineral orders do not apply to non-locatable minerals, including oil and gas leasing,

coal leasing, shallow gas leasing, or exploration licensing for such, nor do they preclude reasonable land estate access to these resources. However, *AS 38.05.130 Damages and Posting of Bond* stipulates that the land estate owner will be compensated for damages resulting from exploration and development.

Mining activity would be incompatible with the proposed land disposal. To allow new mineral location within the boundaries of the parcels encompassed by this decision, even under a Leasehold Location Order (LLO), could create serious conflicts between land estate and mineral estate users. Area plan mineral estate management policy states that, in general, areas scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between land and mineral estate users. When appropriate, land sales brochures generally note mineral activity identified in the vicinity of an offering.

To minimize potential conflicts between land estate and mineral estate users, the Division proposes a mineral order to close the project area to new mineral entry. Closing the entire area to mineral entry is consistent with the management intent of the SMAP. As such, this Related Action would close the entire project area (approximately 5,305 acres) to new mineral entry in accordance with *AS 38.05.185 Generally [Mining Rights]* and *AS 38.05.300 Classification of Land*.

> *Reservation of Mineral Estate*: In accordance with *Section 6(i) of the Alaska Statehood Act* and *AS 38.05.125 Reservation [of Rights to Alaska],* the State, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing, and producing the reserved mineral resources. Exploration and development, that could occur, would be consistent with *AS 38.05.130 Damages and Posting of Bond* and any other applicable statutes and regulations, which provide that the land estate owner be compensated for damages resulting from mineral exploration and development.

<u>Local Planning</u>: Where they exist, local zoning and related ordinances govern any land use restrictions, as with other private land. The entirety of the project area is within the Matanuska-Susitna Borough (MSB) and subject to the borough platting and zoning authority. The MSB exercises platting authority and development must meet subdivision requirements in MSB ordinances and regulations. Approval of platting and zoning actions and dedication of right-of-ways may require separate processes. The Division does not intend to impose deed restrictions to control post patent use.

LSCAS reviewed the Glacier View Comprehensive Plan (updated 2008) for consistency with the proposed action and found no conflicts. The plan indicates the desire to maintain the rural character of the area. The plan states that, “There has been some expression of interest for more State lands to be offered for sale – particularly remote lands.” (pg 38). The Remote Recreational Cabin Sites program allows for low density development in remote locations; the proposed action is consistent with the Glacier View Comprehensive Plan.

> *Local Review of Staking Area*: In accordance with *11 AAC 67.810 Local Review of Staking Area*, the Division is working with the Matanuska-Susitna Borough as the local platting authority to obtain conceptual approval for the Monument Creek Remote Recreational Cabin Sites staking area prior to offering. In addition, the Division will continue to work with the

Borough to develop a preliminary plat after staking, working through the survey stage to obtain final plat approval prior to sale to lessees. The minimum parcel size will be limited to nominal 10 acres in order to meet State of Alaska Department of Environmental Conservation (DEC) requirements for on-site disposal systems and in accordance with MSB code.

Coastal Issues: The project area is not within the zone of coastal influence.

Traditional Use Finding: The proposed offering is within the Matanuska-Susitna Borough and a traditional use finding in accordance with *AS 38.05.830 Land Disposals in the Unorganized Borough* is not required. However, the Division welcomes comment on uses of State-owned land in the project area during the public comment period and we will address information received in a subsequent Final Finding and Decision.

Access To, Within, and Beyond Project Area: Primary access to the area is by plane to Bench Lake, then overland to the project area through Bench Lake Subdivision (ASLS 80-147). Both the eastern and western ends of the lake were retained in State ownership by the creation of Tracts A and B of the Bench Lake Subdivision plat. The project area is accessible through these tracts and also by the public right-of-way, Marie Avenue, platted within the same subdivision. Access is also available by plane to the gravel bars of the Matanuska River or by rafting the Matanuska River with one of the local floating/rafting companies. Access may be available from fly-in to Tatondan Lake and then, from the northern end of the lake, across State-owned lands. There also may be access from various helicopter landing points in and around the project area. Potential stakers should refrain from trespassing on privately-owned lands along much of the lakeshore. This information will be included in staking packets issued to authorized stakers. Refer to the Setbacks, Reserved Areas, and Easements subsection of this document for additional information.

Review of the title report and land status records indicates there are no easements issued by the Division within the project area, nor are there any RS 2477 trails (RST) listed under *AS 19.30.400 Identification and Acceptance of Rights-of-Way* within the project area, i.e. rights-of-way listed in Department land records as RST routes. However, logging roads are visible on aerial imagery of the project area, adjacent to the Matanuska River. In addition, there are several trails in the adjacent area, north of the Matanuska River, which may provide alternate access to the project area. These trails may be inaccessible or only provide winter access, as crossing the Matanuska River is required to reach the project area. DNR will continue to research access up to the time of offering.

- RST 1439, Muddy Creek Trail, is located north of the project area. This trail proceeds from the Glenn Highway at approximately Milepost 94.5 to the Matanuska River and across to Tatondan Lake. This trail has washed out several times, and in summer 2013 it was reported to be impassable. The trail status is unknown at this time, but may still provide winter access.

- RST 1441, The Matanuska River Trail, is located northeast of the Matanuska Glacier at approximately Milepost 101 of the Glenn Highway. This trail proceeds southwest from the Matanuska Glacier State Recreational Site. The Division is currently working with the Division of Parks and Outdoor Recreation (DPOR) to determine the available uses and access of this trail. It may have restricted access through the recreational site. This

trail also requires crossing the Matanuska River and therefore may be restricted to winter access.

- ADL 32619 is located at approximately Milepost 102 of the Glenn Highway, east of the project area. It proceeds south from the Highway to the Matanuska River. There is bridge access across the Matanuska River at this location, which connects with ADL 46688 and 17(b) easement, EIN 8 D1, D9.

- ADL 46688 is located along the gravel bar on the south side of the Matanuska River. This easement has been authorized as legal access; however the practical usage is unknown at this time. It should be noted that this access will require crossing of Glacier Creek to access the project area, and it is unknown if Glacier Creek is traversable in the spring through fall.

- EIN 8 D1, D9, a 17(b) easement, parallels ADL 46688, but appears to be located on the uplands in the area. It may correspond with Keith's Road. This trail requires crossing Glacier Creek, east of the project area; it is unknown if Glacier Creek is traversable in the spring through fall. Once across Glacier Creek, this trail connects with a section line easement and general state land to access the project area to the west.

Although many of these trails legally cross rivers and creeks near the project area, there is no guarantee, and there should be no assumption that these water bodies are traversable. Conditions may make these trails impassable at any time of the year. Personal safety should be the first priority when researching access to the project area.

Additional legal access to, within, and through the project area is via travel across unreserved State-owned land, along section-line easements, or other easements reserved in conveyances to third parties. Access across unreserved State-owned land without a permit, along with pertinent restrictions, is governed by *11 AAC 96 Provisions for General Land Use Activity*.

As appropriate and at the Division's discretion, the following easements may be reserved:

- an easement centered on existing trails that have not been assigned an ADL or RST number, or are not otherwise serialized, that traverse through or along any staked site (authorized stakers will be instructed not to stake across surveyed section or township lines or across trail easements that have been assigned an ADL or RST number), this reservation of easements for existing trails will also apply to traplines identified while in the field;
- on each side of surveyed or protracted section lines that are within or along staked sites;
- along interior parcel lines in order to ensure access between staked parcels; and
- for survey to control monuments within parcels in order to allow for access to recover monuments of record for the purposes of surveying and establishing property boundaries in the vicinity of a parcel.

The width of these easements will be discussed at the end of the <u>Setbacks, Reserved Areas, and Easements</u> subsection of this document. The Division will continue to research the location and status of access to and through the project area throughout the public comment period and

up through the parcel survey. The reader is referred to the Setbacks, Reserved Areas, and Easements subsection of this document for more detailed information.

Access To and Along Public or Navigable Water: In accordance with *AS 38.05.127 Access to Navigable or Public Water*, the Division will determine if a body of water or waterway is a navigable or public waterway and will establish easements or right-of-ways as necessary to ensure unobstructed access to and along the body of water.

Lakes larger than 10 acres or streams larger than 10 feet in width are public and lakes larger than 50 acres or streams larger than 50 feet in width are navigable for purposes of *AS 38.05.127 Access to Navigable or Public Water*. In addition, waters may be determined public or navigable water consistent with *AS 38.05.965 (18) Definitions [General Provisions]*.

The Matanuska River, Tatondan Lake, and Lake Creek are water bodies determined to be public or navigable near the project area. If, at the time of field survey, a water body not previously identified is determined to be public or navigable and within or adjacent to a parcel, a public access easement will be reserved upland from the ordinary high-water (OHW) mark, in accordance with *AS 38.05.127 Access to Navigable or Public Water* and *11 AAC 51.035 Determination of Navigable and Public Water*. If a water body determined to be public is located entirely within a parcel, a public use access easement from the parcel boundary to and along the water body will be reserved and dedicated at the time of field survey. This is unlikely to occur given that staked parcels can only be up to 20 acres in size. However, as Administrative Parcels may be larger than 20 acres and water bodies smaller than 10 acres may be administratively determined public if they contain important public resources, it is possible that this type of public use access easement may be reserved and may affect some parcels. Reserved areas will be depicted on a staking map provided to authorized entrants, where appropriate.

If at the time of survey, a water body previously identified is determined not to be public or navigable, the public access will be extinguished. However, if preservation of public access is required, a public access easement in accordance with *11 AAC 51.015 Standards for Public Easements* will be imposed on lands adjacent to the water body. Refer to the Setbacks, Reserved Areas, and Easements subsection and **Section VII. Agency Comments** in this document for additional information.

The Division will continue to research the location and status of navigable and public waters within the project area throughout the public comment period and up through the parcel survey. The public is invited to comment on use of water resources in the project area to aid in making the navigable and public water determination.

For the purposes of reserving access to public or navigable water under *AS 38.05.127 Access to Navigable or Public Water* and in accordance with its associated regulations, *11 AAC 51.035 Determination of Navigable and Public Water - 11 AAC 51.045 Easements to and Along Navigable and Public Water*:

- a continuous easement extending upland from the OHW mark, where practical, will be reserved within parcels along waters determined to be public or navigable (an alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult).

Setbacks, Reserved Areas, and Easements: The Division may identify building setbacks, staking setbacks, reserved areas (including sites for public use and access), and easements at any time before staking instructions are issued. In addition, the Division may continue to research and identify easements throughout the staking and survey period. Of note, *staking* setbacks differ from *building* setbacks in that staking setbacks leave an area of land in State ownership, while building setbacks and easements place development restrictions on land that will be conveyed to the buyer. Restrictions and encumbrances will be identified in the staking instructions, depicted on staking maps, and noted in the brochure, where possible.

Staking Setbacks and Reserved Areas: Reserved areas and staking setbacks may be designated for public use, access, or to protect valuable resources. Staking will not be allowed within these areas. The Division may identify additional staking setbacks and reserved areas until staking instructions are issued. The following staking setbacks and reserved areas will apply to this offering:

- 200-foot staking setback from the OHW mark of Monument and Gravel Creeks for the purposes of protecting public access; and encouraging settlement away from potentially unstable banks where erosion, flooding, and accretion may be occurring;
- 200-foot staking setback from the OHW mark of Lake Creek for the purposes of protecting waters identified as anadromous or important to fish and wildlife migration, spawning, or habitat activities; protecting public access; and encouraging settlement away from potentially unstable banks where erosion, flooding, and accretion may be occurring;
- reserved sites for public use and access along the Matanuska River, where appropriate, to be depicted on staking maps; and
- reserved areas to protect any historic or archeological sites located within the project area.

In addition to the above indicated staking setbacks, the project area boundary was adjusted to comply with the area plan requirement for a 300-foot setback from the OHW mark of the Matanuska River for the purposes of preserving the scenic nature of the area in compliance with the Glenn Highway Corridor Partnership Plan; protecting waters identified as anadromous or important to fish and wildlife migration, spawning, or habitat activities; protecting public access; and encouraging settlement away from potentially unstable banks where erosion, flooding, and accretion may be occurring. The project area boundary was also adjusted to remove portions of the project area within Sections 26 and 35 of Township 20 North, Range 9 East, Seward Meridian; the boundary was moved 300 feet south of the ridgeline in Section 35 for the purposes of encouraging settlement away from potentially unstable banks where erosion, flooding, and accretion may be occurring, and preserving the scenic nature of the area in compliance with the Glenn Highway Corridor Partnership Plan. Finally, the project area boundary was moved 100 feet south of the logging road in Section 33, Township 20 North, Range 8 East and Sections 3 and 4, Township 19 North, Range 8 East, all of the Seward Meridian, for the purposes of preserving the scenic nature of the area in compliance with the Glenn Highway Corridor Partnership Plan.

The Matanuska-Susitna Borough requires 25-foot building setbacks from any public right-of-way for all parcels. Because the State imposes a 30-foot public access and utility easement

along all interior parcel lines, the MSB setback is measured from this easement. Effectively, this creates a setback of 55 feet from the parcel boundaries.

The Division may identify additional staking setbacks and reserved areas until staking instructions are issued.

Building Setbacks From Public or Navigable Water: The Division proposes placing a note on the final survey plat describing a building setback, upland from the OHW mark of public and navigable water, to preserve access, conserve fish and wildlife habitat, and protect personal property from wakes, flood, erosion, or ice build up. Structures and subsurface sewage disposal systems would not be permitted within the building setback. Exceptions to this restriction water-dependent structures whose purpose is access to or across the stream or lake or minor accessory structures for permitted uses that must be in or adjacent to the water body in order to function. The building setback is proposed as follows:

- building setback from the OHW mark of all water bodies determined to be public or navigable.

These restrictions would apply to all parcels created under this offering throughout all stages of purchase, from staking through lease and survey. The public is invited to comment on the proposed plat note and the Division will continue to develop and apply criteria as needed.

Of note, SMAP calls for a 150-foot building setback from the Matanuska River as an anadromous water body. Within this project area, the area plan requirement for a 300-foot staking setback for the Matanuska River, specific to this management unit, makes this building setback irrelevant.

Easements: As discussed throughout the preceding sections of this document, parcels may be subject to a variety of easements, both during the lease period and after sale. This may include, but is not limited to, existing trails (with or without assigned ADL numbers), rights-of-way, section-line easements, and public access and utility easements. Throughout the staking period and survey process, the Division will continue to research the status, location, and condition of access routes and additional easements may be identified. Final width and location of easements and reservations will be determined as part of the platting process. Easements will be noted on the plat.

As discussed throughout this Setbacks, Reserved Areas, and Easements subsection of this document, parcels created through this offering could be subject to the following setbacks, reserved areas, and easements at the Division's discretion:

- 60-foot access easement centered on existing trails that are not assigned an ADL or RST number (or otherwise serialized) through and along staked parcels;
- 100-foot access easement centered on any surveyed or protracted section lines;
- 30-foot public access and utility easement along all interior parcel lines;
- 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius of 5 feet around the

control monument, and as applicable, a 5-foot wide direct line-of-sight easement from the control station to an azimuth mark or other control monument;

- 50-foot continuous public access easement, where practical, upland from the OHW mark of public or navigable water bodies per *AS 38.05.127 Access to Navigable and Public Waters* (an alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult);
- reserved sites for public use and access along the Matanuska River, where appropriate, to be depicted on staking maps;
- reserved areas to protect any historic or archeological sites located within the project area; and
- 100-foot building setback from the OHW mark of all water bodies determined to be public or navigable.

Hazardous Materials and Potential Contaminants: Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land. The State of Alaska makes no representations and no warranties, express nor implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances be eventually found.

There are no known environmental hazards present within the project area. The Division recognizes there are potential environmental risks when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the State of Alaska, Department of Environmental Conservation. Given that this land was specifically designated for settlement and disposal, and given the high degree of interest from both the legislature and citizens in the sale of State-owned land, the Division is of the opinion that the benefits outweigh the potential risks.

Staking Instructions and Lease: The Remote Recreational Cabin Sites program authorizes winning applicants to stake a parcel within a project area and issue leases to successful applicants while the parcels are surveyed, platted, and appraised, in accordance with *11 AAC 67.800 - 11 AAC 67.845 Remote Recreational Cabin Sites.* Letters awarding staking authorizations to enter onto the land and staking instructions will be issued in accordance with *11 AAC 67.820 Staking Instructions.* These staking instructions will include general requirements for staking a parcel of land, specific requirements for individual staking areas, and staking maps depicting existing parcels, reserved areas, staking setbacks, and access routes, where known and practical.

To preserve their interest in the staked parcels and continue in the process to eventual ownership, stakers must apply for a lease after staking a parcel. Upon issuance, the lease authorizes the lessee to enter and enjoy exclusive, private, recreational use the property between staking and purchase while the survey, platting, and appraisal are completed. During the term of the lease the leasehold may not be used for commercial purposes or as a permanent residence. Lessees will be allowed to construct buildings on the property, but will be warned of the risks of constructing prior to survey completion solidifying the location of the property boundaries. Noncompliance with zoning requirements (if there are any) or mislocation of the parcel or improvements does not vest any preference right to the land improperly entered.

Survey, Platting, and Appraisal: Survey, platting, and appraisal of staked and Administrative Parcels will be completed prior to sale. The Division proposes to issue survey contracts to conduct the survey and the costs will be prorated by acreage for each parcel.

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting Division standards will be required within two years of the date fixed for the sale of parcels developed under this proposal.

In accordance with *11 AAC 67.825 Lease Application; Priority; 11 AAC 67.835 (4) Lease Conditions;* and *11 AAC 67.840 Deposits, Refunds, and Credits;* lessees will be required to pay a deposit for the cost of surveying, platting, and appraising a staked and leased Remote Recreational Cabin Sites parcel. Current regulations provide two options for the survey: the lessee could either make quarterly payments or, if the Division determines it would be in the State's best interest, place a cash performance bond of $1,000 to ensure the lessee's completion of survey, platting, and appraisal of the site on their own.

Generally, it would not be cost-effective for either the Division or applicants to allow individual surveys in the same staking area where State-issued survey contracts are active. For this reason, the Division has determined the cash performance bond is not in the State's best interests at this time. However, if a project area received so few applications that a State-issued survey contract would not be cost-effective or if a separate survey contract is required to resolve platting issues, the Division may opt to offer the second option to lessees at the time of survey.

Other Constraints: There are no other known constraints as of the date of issuance of this Preliminary Decision. The Division will continue to research and identify constraints throughout the public comment period and up through the point of offering.

VII. Agency Comments

To gather comments and additional information, we conducted agency review of several projects simultaneously from December 12, 2005 through January 13, 2006. All comments pertaining to the Monument Creek project area received during this period are addressed in the paragraphs below.

Of note, this project area was presented under the name "Gravel Creek", ADL 229343 and the project area boundary was slightly different from the currently proposed project area boundary. Two full sections and a portion of a third section have been added to the project area since that time, and a small portion of the project area surrounding Gravel Creek was removed. Because the Agency Review was completed several years ago, we will run an additional Agency Review concurrent with this public comment period. The Department encourages all agencies to comment on the proposed offering during the public comment period. Comments received during the initial Agency Review period for "Gravel Creek" in 2006 are addressed below.

Alaska Department of Fish and Game (ADF&G), Southcentral Region Comments: ADF&G recommends all RS 2477 trails be identified prior to staking and that a trail corridor with staking setbacks be identified. They also stated, "Public access easements should be reserved to and along all navigable and public waters pursuant to AS 38.05.127. The Monument Creek area is a popular area for sheep, goat and moose hunting; trapping, recreation and wildlife viewing and is in GMU 13D. ADF&G has two major concerns with offering this area as a remote recreational

cabin site staking area – protection of wildlife, particularly sheep and goat populations, and maintaining public access to this valuable recreation area. Good sheep and goat habitat is near the proposed staking area. Additional cabins would bring a few more users to the area during summer and fall, but the heaviest use would be snowmachine activity during the winter. Sheep and goats will be affected by this activity somewhat, but their core habitat is primarily out of range of the snowmachines, so major impact should be avoided. Moose seem fairly well adapted to increased snowmachine activity if it doesn't become too excessive. Moose seem to use, and sometimes even benefit, from the hard-packed trails resulting from snowmachine use." ADF&G recommends a 200 foot wide buffer be established along each bank of Monument, Lake and Gravel Creeks, and a 300 foot buffer along the Matanuska River be retained in public ownership to permit public access and protect riparian habitat, in consistency with the area plan. ADF&G also recommends a smaller maximum parcel size of one to five acres be adopted for the project area, citing that 20 acre parcels would unnecessarily restrict public access and encourage trespass.

DNR DMLW Response: DNR will identify any known RS 2477 trails on the staking maps. As per the staking instructions, no staking is allowed over an RS 2477 easement or any other reserved easement. A 50-foot minimum right-of-way on each side of the centerline is required for all RS 2477 trails, and 30 foot public access easements along all interior parcel lines are reserved. DNR encourages the stakers to use existing trails and to consolidate access trails to limit habitat damage. DNR will inform potential stakers of the permitting requirements for crossing anadromous streams with motorized vehicles for all staking areas. DNR will establish 200 foot staking setbacks along Monument, Lake and Gravel Creeks. In addition, the project area boundary has been modified to comply with the 300 foot buffer along the Matanuska River to provide public access and protect riparian habitat.

DNR is bound by regulation [11 AAC 67.820(5)] to the minimum lot size of 5 acres and a maximum of 20 acres for the Remote Recreational Cabin Sites program. The minimum lot size of 10 acres within MSB is in accordance with MSB code 43.20.280, which exempts subdivisions where all parcels are greater than 400,000 square feet in size from soils testing. Soils testing for such a large project area would make the program prohibitively costly within the MSB. Public access within the project area is preserved via 30 foot public access and utility easements along all interior lot lines of every parcel. Provisions are also made for the reservation of existing trails, adjacent to or within staked parcels, that are identified within the project area. The nature of the RRCS program is to provide stakers with a choice of the location and size of their parcel. We do not want to take the opportunity to stake a parcel of up to 20 acres in size away from stakers who may desire this.

DNR, Division of Oil and Gas (DO&G) Comments: The Division of Oil and Gas recommended all conveyance actions in which the state retains the mineral estate make mineral and access reservations clear to participants early in the notice and adjudication process. Specifically, in addition to citing statute include reservation language in decision documents and brochures. Furthermore, mineral orders close an area to locatable minerals and do not cover oil and gas and access to the same.

DNR DMLW Response: The Remote Recreational Cabin Sites brochure states "The state retains ownership of all oil, gas, coal, ore, minerals, fissionable materials, geothermal resources, and fossils that may be in or upon the land that it sells (AS 38.05.125). The state reserves the

right to enter onto the land to explore for and develop these mineral resources. The state may lease them to mineral developers or allow mining locations to be staked. However, Alaska law also provides that the surface owner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130)."

The brochure further states, "Mineral closing orders, where they have been established, close the area to exploration and development of locatable minerals such as gold, copper, platinum, etc. Mineral closing orders do not apply to oil and gas leasing, coal leasing, shallow gas leasing, or exploration licensing, nor do they preclude reasonable surface access to these resources."

State of Alaska, State Pipeline Coordinator's Office (SPCO) Comments: The SPCO has reviewed the proposed projects and determined there are no AS 38.35 pipeline rights-of-way impacted in these areas.

DNR DMLW Response: We concur.

Department of Transportation and Public Facilities (DOT&PF) – Central Region Comments: DOT&PF asks the staking guidelines for the remote parcels emphasize the preservation of section line easements, trails, RS2477 rights-of-ways, and other established easements. DOT&PF also recommends the DNR consider the creation of trail easements within the staking area, and that the DNR should provide a parking area and a trailhead for accessing the project area to minimize impacts of parked cars on the Glenn Highway.

DNR DMLW Response: Staking instructions prohibit stakers from staking across surveyed section lines. Parcels may be staked over protracted section lines. In any case, a parcel staked abutting a surveyed section line or staking over a protracted section line will be subject to a section line easement 50 feet either side of the section line.

Parcels may not be staked across easements that are labeled on the staking maps with an RST (RS 2477) or ADL serial number. Prior to staking, DNR will determine if parcels will be surveyed to the centerline of the easement or to the edge of the easement.

Parcels may be staked over existing trails that are not reserved. Trails may be reserved at the time of survey via a public access easement 30 feet either side of the centerline of the trail. DNR attempts to identify and reserve prior to staking any suitable trail that provides the public access to and within a staking area. DNR also considers the location and existing use of a trail prior to reserving an easement and attempts to consolidate access and parking where possible.

DNR does not intend to provide a parking area and trailhead for accessing the project area from the Glenn Highway so as not to encourage individuals to cross the Matanuska River. The Glacier View community has indicated serious concerns regarding the potential dangers associated with such an undertaking. If individuals choose to cross the Matanuska River against the State's recommendation, the Muddy Creek Trail (RST 1439) provides access to the river from the Glenn Highway.

DNR Division of Park and Outdoor Recreation – Office of History and Archaeology Comments: According to the Alaska Heritage Resources Survey records, there are no reported archaeology sites within the proposed staking area:

DNR DMLW Response: We concur.

DNR Division of Agriculture Comments: There appears to be no conflicts with agricultural lands, issues, or interests.

DNR DMLW Response: We concur.

Matanuska-Susitna Borough, Planning and Use Department, Planning Division Comments: The Monument Creek staking area is located within the Matanuska-Susitna Borough (MSB), however it is not within the MSB Coastal Management Boundary, therefore a consistency determination is not required.

All development in the MSB is subject to all land use, zoning, and building regulations established by borough code. MSB asks that DNR have the purchasers of properties contact the MSB after development of improvements in the project area to verify that no code violations exist on the structures.

MSB Planning Division request DNR to coordinate efforts to identify staging areas and access route off the highway system to the staking areas to avoid conflicts with local property owners and private property.

DNR DMLW Response: DNR concurs, the proposed staking area is not located within the coastal management zone and a consistency determination is not required. DNR does not intend to provide a parking area and trailhead for accessing the project area from the Glenn Highway so as not to encourage individuals to cross the Matanuska River in response to concerns identified by the Glacier View community. Instead, DNR proposes that stakers access the project area via plane to Bench Lake and then overland by foot, snowmachine, or ATV or via plane to the gravel bars of the Matanuska River. State-owned tracts with Bench Lake Subdivision are available for staging, and DNR reserves the right to retain additional staging areas along the Matanuska River, as well. DNR will identify known reserved trails within the staking areas and retain easements on those trails. DNR concurs, these staking area are located outside of any mapped flood hazard area. DNR will adhere to the MSB platting requirements at the time of survey and will request conceptual approval prior to offering the areas to the public. DNR will inform potential stakers that all development must comply with borough land use, zoning, and building regulations established by borough code, and to contact the borough offices after making any improvements on their parcels.

DNR, Southcentral Region Office Comments: The Southcentral Region Office requests that the Land Sales Section work closely with the regional office concerning the potential overland access across state lands to the project area.

DNR DMLW LSCAS Response: The DNR Land Sales Section will work closely with the DNR Southcentral Region Office to discuss access issues with regards to the proposed staking area.

DNR DMLW Resource Assessment & Development Section (RADS) Comments: RADS advises the Susitna Matanuska Area Plan guidelines apply with regards to stream buffers and river corridors to maintain the view shed of the project area as seen from the highway and reserve adequate public access to the Chugach Range.

DNR DMLW LSCAS Response: We concur, a 200 foot staking setback will be implemented along Monument, Lake, and Gravel Creeks; the project area boundary has been modified to comply with the 300 foot staking setback along the Matanuska River to provide public access and protect riparian habitat. In addition, the project area boundary has been moved 300 feet south of the ridgeline in Section 35, Township 20 North, Range 9 East, Seward Meridian and 100 feet south of the logging road in Section 33, Township 20 North, Range 8 East and Sections 3 and 4, Township 19 North, Range 8 East, all of the Seward Meridian, which will also protect the scenic view. Access through the project area is available via Section Line Easements and Generally Allowed Uses (11 AAC 96.020).

MSB Platting Board Concerns: In addition to the previously conducted Agency Review, LSCAS submitted a request for conceptual approval of a preliminary plat for the Monument Creek project area to the MSB Platting Board in 2013. At the Platting Board's November 7, 2013 meeting, the State's request for conceptual approval of a preliminary plat was denied. The board cited the following 11 points as reasons for their denial. The State's responses to these points follow.

MSB Platting Board: The concerns on access and parking on Bench Lake were not clarified by the State.

DNR DMLW Response: LSCAS staff visited the project area to determine the feasibility of accessing the project area via Bench Lake. LSCAS staff walked the State-owned tracts on either end of the lake and determined that they would be well suited for access to the project area. We estimate that no more than 4-5 planes could be parked along the shoreline adjacent to the State-owned tracts. Stakers are likely to use a variety of methods to access the staking area, whether by plane to the gravel bars of the Matanuska River or by privately-owned or chartered floatplane to Bench Lake. As such, we do not anticipate that floatplane parking on Bench Lake will become a problem.

MSB Platting Board: Concerns about the Scenic View By-Way were not answered.

DNR DMLW Response: LSCAS recognizes the community's desire to maintain scenic views. The project area boundary has been modified to create a 300 foot buffer along the Matanuska River, which will serve as a visual barrier for any parcel staked beyond this vegetative buffer. The project area boundary has also been moved 300 feet south of the ridgeline in Section 35, Township 20 North, Range 9 East, Seward Meridian and 100 feet south of the logging road in Section 33, Township 20 North, Range 8 East and Sections 3 and 4, Township 19 North, Range 8 East, all of the Seward Meridian, which will also protect the scenic view. LSCAS staff noted

during their field investigation that several personal firewood cutting permit areas were visible during an over flight of the area but not from the Glenn Highway. A vegetative buffer of varying widths is currently protecting these areas from view.

MSB Platting Board: A safety plan for the unstable banks of the Matanuska River was not shown.

DNR DMLW Response: The project area boundary has been modified to create a 300 foot buffer along the Matanuska River. In addition, 200 foot staking buffers along Monument, Gravel and Lake Creeks will be implemented to address erosion concerns within the staking area. The project area boundary has also been moved 300 feet south of the ridgeline in Section 35, Township 20 North, Range 9 East, Seward Meridian to address these concerns.

MSB Platting Board: No setbacks and buffers were noted on the plat for the Matanuska River.

DNR DMLW Response: Please note that the request for conceptual approval previously submitted by LSCAS preceded the Preliminary Decision, so buffers had not yet been finalized. Although indicating setbacks and buffers on the plat are not a requirement of the MSB code for a RRCS offering, LSCAS plans to implement the following setbacks and buffers:

- 200-foot staking setback from the OHW mark of Monument, Gravel and Lake Creeks;
- 100-foot building setback from the OHW mark of all water bodies determined to be public or navigable. Water-dependent structures may be allowed within this building setback.

In addition, the project area boundary has been moved to create a 300-foot buffer between the OHW mark of the Matanuska River and the project area boundary, and moved 100 feet south of the logging road in Section 33, Township 20 North, Range 8 East and Sections 3 and 4, Township 19 North, Range 8 East, all of the Seward Meridian. In addition, the project area boundary was moved 300 feet south of the ridgeline in Section 35, Township 20 North, Range 9 East, Seward Meridian.

Additional building setbacks are recommended in the Susitna Matanuska Area Plan adjacent to the Matanuska River and Monument, Gravel and Lake Creeks; however, these building setbacks are rendered irrelevant by the boundary modifications, which are larger than the building setbacks recommended by the area plan. Please see the Setbacks, Reserved Areas, and Easements subsection for additional information.

MSB Platting Board: The concerns of fire damage were not brought forward.

DNR DMLW Response: DNR recommends entrants locate parcels in defensible areas such as hardwood stands with access to water or those areas along creeks and ponds and isolated patches remaining after prior wildland fire activity. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group's Firewise Alaska recommendations. Fire history within and near the project area since 1939 indicates that a 1.5 acre fire occurred east of the project area near Glacier Creek in 1958, and a 0.3 acre fire occurred at Tatondon Lake in 2007.

MSB Platting Board: The concerns on the terrain and permafrost were not answered.

DNR DMLW Response: An advisory regarding steep terrain and prevalence of permafrost will be noted in the Remote Recreational Cabin Sites offering brochure. Through the RRCS program, stakers select a parcel suiting their needs. Potential stakers will be encouraged to research the terrain prior to staking and to research techniques for building on permafrost prior to constructing on their staked site.

MSB Platting Board: The concerns on Gravel Creek with DNR's mapping were not answered.

DNR DMLW Response: LSCAS assumes that the concern being expressed was that there were no indications of setbacks and buffers along Gravel Creek. The Susitna Matanuska Area Plan requires a 75-ft to 150-ft building setback for Gravel Creek. Because of the community's concerns regarding Gravel Creek, LSCAS has proposed a larger 200-ft staking buffer along Gravel Creek instead. Please see the Setbacks, Reserved Areas, and Easements subsection for additional information.

MSB Platting Board: The DNR has not addressed the health and safety issues regarding access across the Matanuska River.

DNR DMLW Response: DNR acknowledges the anecdotal evidence provided by the community associated with the potential health and safety issues of crossing the Matanuska River. For this reason, we have proposed access to the project area via floatplane to Bench Lake and then overland by foot, all-terrain vehicle or snowmachine. Alternatively, the project area can be accessed by plane to the gravel bars along the Matanuska River or by rafting with one of the local float/raft companies. LSCAS will not recommend that potential stakers cross the Matanuska River as their primary access to the staking area.

MSB Platting Board: There is inadequate information of the summer time staging areas of Bench Lake in Section 36 by SOA/DNR.

DNR DMLW Response: LSCAS staff visited the project area to determine the feasibility of accessing the project area via Bench Lake. State-owned tracts on either end of the lake serve as access from Bench Lake to the project area. LSCAS staff walked these tracts and determined that they would be well suited for access to the project area. While the tract on the eastern end of the lake has a small drainage running through it, a dry, upland area was easily accessed from the lakeshore.

MSB Platting Board: The liability that the state and the borough may have concerning the Matanuska River, the loss of property, and the danger to people was not brought forward.

DNR DMLW Response: LSCAS acknowledges the anecdotal evidence provided by the community associated with the potential health and safety issues of crossing the Matanuska

River. For this reason, we have proposed access to the project area via floatplane to Bench Lake and then overland by foot, all-terrain vehicle or snowmachine. Alternatively, the project area can be accessed by plane to the gravel bars along the Matanuska River or by rafting with one of the local float/raft companies. Anecdotal evidence indicates that some members of the local community are crossing the Matanuska River for access to this area for hunting and timber purposes; however, LSCAS will not recommend that potential stakers use this as their primary access to the staking area.

MSB Platting Board: The objections from the public are valid concerns to the Platting Board.

DNR DMLW Response: LSCAS acknowledges the concerns brought forth by the Glacier View community and other members of the public. We feel that these concerns have been addressed through the proposed setbacks and buffers, as well as the State's proposed means of access, which do not include any river crossings.

Following the MSB Platting Board denial, LSCAS requested reconsideration of the project area. LSCAS requested reconsideration on the basis that the original applications meets the platting ordinance and requires no waivers. Furthermore, although the platting board denied the request for conceptual approval for the reasons noted above, which are not supported by borough code, DNR has evaluated the comments and addressed them in this proposal. LSCAS staff went before the MSB Platting Board at their December 19, 2013 meeting and the State's request for reconsideration was granted. LSCAS later withdrew the preliminary plat application for the Monument Creek RRCS staking area in favor of doing additional field work and meeting with the Glacier View community. We will continue to work with the MSB to receive conceptual approval according to their ordinance requirements.

VIII. Submittal of Public Comments

See Attachment C: Public Notice for specific dates and conditions.

Pursuant to *AS 38.05.945 Notice*, the Department will issue public notice inviting comment on this Preliminary Decision and any Related Actions. If commenting on more than one proposed action, separate comments should be submitted for each.

In accordance with *AS 38.05.946 (a) Hearings*, a municipality or corporation entitled to receive notice under *AS 38.05.945 (c)* may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Department Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

The Division will consider all timely, written comments. If the comments indicate the need for significant changes to the Preliminary Decision or any Related Actions, additional public notice for the affected lands will be given before a Final Finding & Decision is issued. Reducing the amount of land offered and making minor changes to the proposal will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and our responses, will be issued as a subsequent Final Finding and Decision without further notice. Related Actions, if

any, are developed separately from the proposed primary action of this Preliminary Decision. However, approval and succession of the primary proposed action detailed in this Preliminary Decision are contingent on the completion of Related Actions, as described throughout this document.

Only persons from whom the Department receives timely, written comment during the identified comment period will be eligible to file an appeal of a Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision will be made available online at http://landsales.alaska.gov and sent to any party who provides timely written comment.

DEADLINE TO SUBMIT WRITTEN COMMENT IS: 4PM NOVEMBER 14, 2014

IX. Alternatives and Discussion

The Division is considering the following alternatives:

1. Offer this project area, or a portion of the project area, for dispersed settlement staking under the Remote Recreational Cabin Sites program as proposed. Offer additional surveyed parcels identified by the Division after the staking period closes or staked parcels that were not converted from lease to sale under *AS 38.05.045 Generally [Sale of Land]*, if deemed feasible. The number of staked and additional surveyed parcels will not exceed the total number of authorizations offered, nor total number of acres to be sold.
2. Do not offer the project area for staking under the Remote Recreational Cabin Sites program. Survey parcels as a planned subdivision prior to offering at auction.
3. Do not offer the area at this time. Retain the land in public ownership.

Article VIII, Section 1 of the Alaska Constitution states, in part, that "…it is the policy of the State to encourage the settlement of its land…" Furthermore, *AS 38.05.045* has placed this charge with the Commissioner of DNR. *Alternative 1* is the alternative that maximizes public interest. In accordance with the approved area plan, this area is designated Settlement. This offering provides a desirable opportunity to obtain remote property. There are limited opportunities to obtain private land in the vicinity of this offering.

Allowing additional parcels and parcels that are not converted from lease to sale to be surveyed and sold under *AS 38.05.045 Generally [Sale of Land]* will maximize the opportunities for the transfer of State-owned land into private ownership under a uniform set of conditions. Dispersed, low-density staking is the best alternative for this settlement area since it is a remote location with little or no infrastructure; the amount of contiguous high-quality acreage suitable for a large number of adjacent sites is low due to varying topography; and under the Remote Recreational Cabin Sites program, entrants may choose individual sites within the staking area that suit their needs.

Alternative 2 is not preferred. High-quality sites suitable for individual settlement are discontinuous within the project area. There are few large areas with contiguous and high-quality acreage that could accommodate large numbers of adjacent parcels with suitable building sites and consolidated access.

Alternative 3 is not preferred. The Legislature and the public have indicated a desire for the Division to offer remote State-owned land for private ownership. Not offering the project area would deny many Alaskans the opportunity to stake and obtain land in an area that has been designated Settlement.

Recommendation follows.

X. Recommendation

This Preliminary Decision for the proposed actions described throughout this document and its attachments are consistent with the overall management intent for State-owned land; potential changes to public resources and the public interest as a result of the proposal are acceptable; and these proposed actions are in the best interest of the State. It is hereby recommended to proceed to public notice.

/s/ September 24, 2014

Lauren Rouen
Natural Resource Specialist III
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

Date

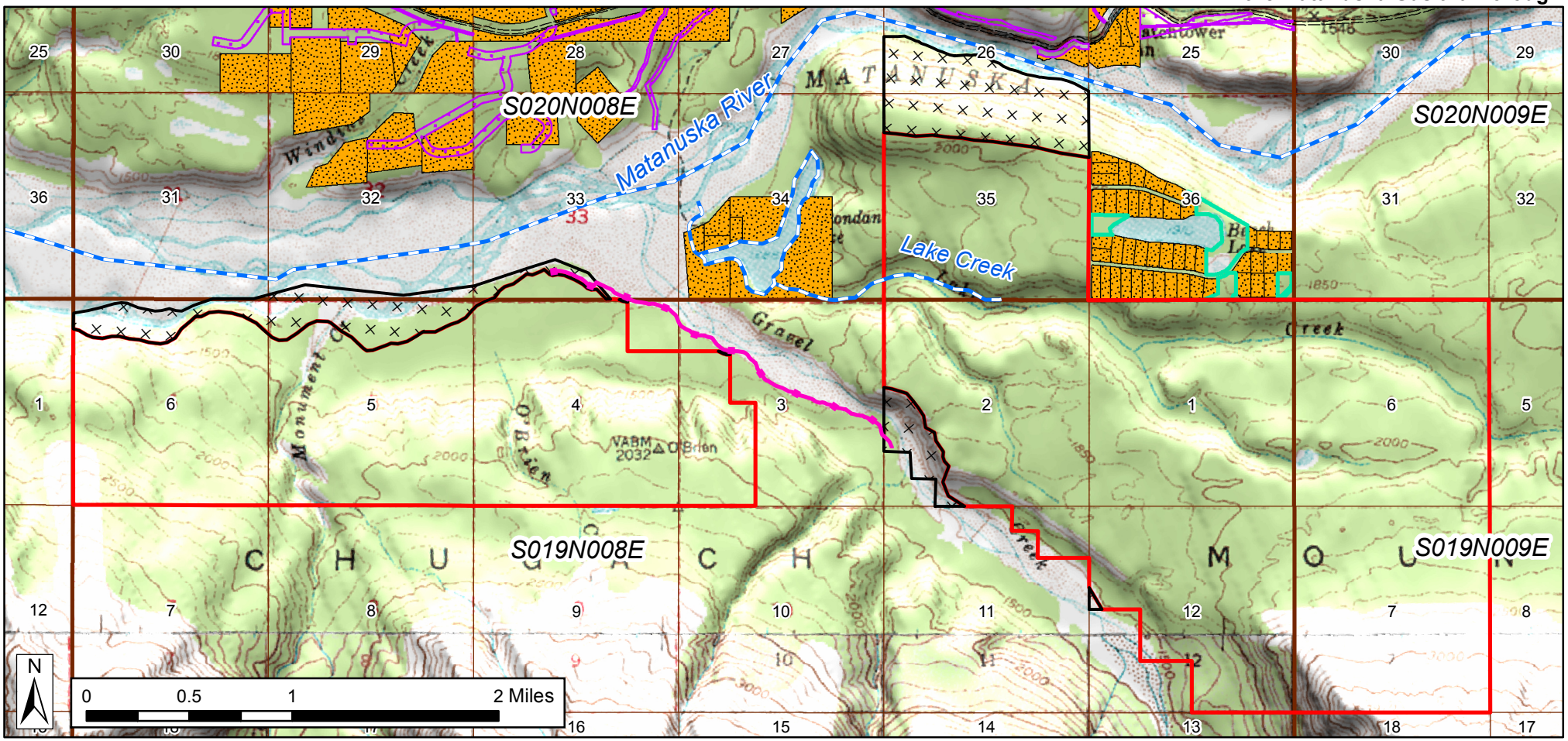
/s/ September 29, 2014

Approved by Kathryn Young
Natural Resource Manager III
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

Date

Monument Creek RRCS Staking Area
ADL 229343

Attachment A1: Vicinity Map
to the Preliminary Decision for a Proposed Land Offering in the Matanuska-Susitna Borough



USGS QUAD 1:63,360
Anchorage C-3 and D-3
Seward Meridian,
Township 19 North, Range 8 East;
Township 19 South, Range 9 East;
Township 20 North, Range 8 East.

For more information contact:
Lauren Rouen
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales & Contract Administration Section
Phone 907.269.8851
Fax 907.269.8916
Email landsales@alaska.gov

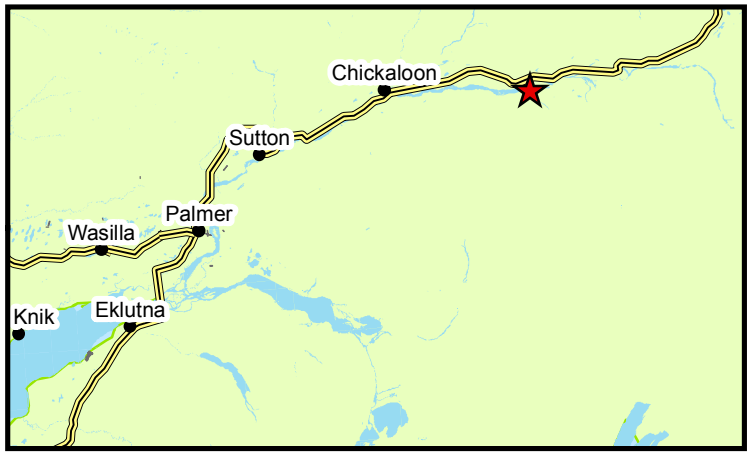
Minimum parcel size: 10 acres
Maximum parcel size: 20 acres
Staking authorizations: 30

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

LFR 9/18/2014

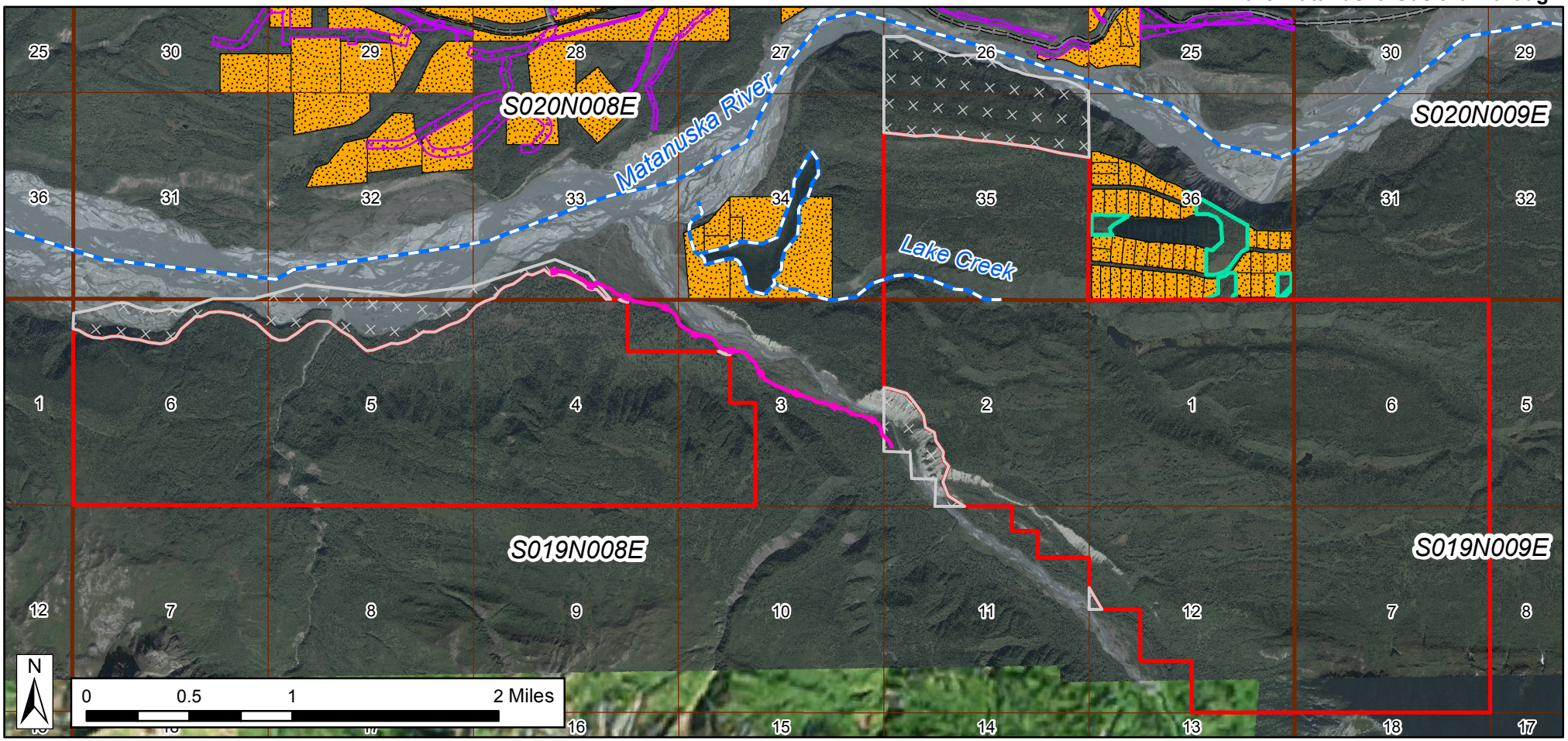
Legend

- Logging road
- Anadromous waters
- Removed from project area
- Proposed Monument Creek RRCS Project Area
- Easement
- Township
- Section
- State-owned tracts
- Existing lots



Monument Creek RRCS Staking Area
ADL 229343

Attachment A2: Vicinity Map
to the Preliminary Decision for a Proposed Land Offering in the Matanuska-Susitna Borough



USGS QUAD 1:63,360
Anchorage C-3 and D-3
Seward Meridian,
Township 19 North, Range 8 East;
Township 19 South, Range 9 East;
Township 20 North, Range 8 East.

For more information contact:
Lauren Rouen
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales & Contract Administration Section
Phone 907.269.8851
Fax 907.269.8916
Email landsales@alaska.gov

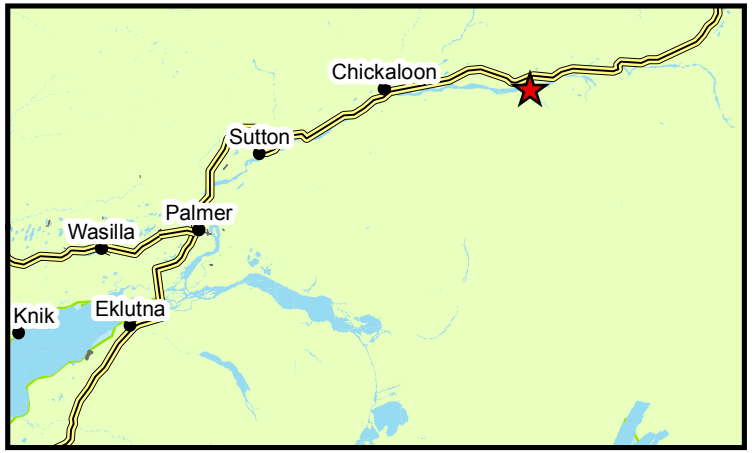
Minimum parcel size: 10 acres
Maximum parcel size: 20 acres
Staking authorizations: 30

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

LFR 9/18/2014

Legend

- Logging road
- Anadromous waters
- Removed from project area
- Proposed Monument Creek RRCS Project Area
- Easement
- Township
- Section
- State-owned tracts
- Existing lots



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

ATTACHMENT B: AREA DATA SUMMARY TABLE

to the
Preliminary Decision

for a
Proposed Land Offering in the Lake and Peninsula Borough
Half Cabin Lake Remote Recreational Cabin Sites Project Area - ADL 229474
AS 38.05.045, and AS 38.05.600

Offering Information	
Number of Authorizations	30 authorizations
Parcel Size	10 to 20 acres each
Net Offering	up to 600 acres
Proposed Related Action(s)	Mineral Order (Closing) for entirety of the project area
Project Area	
Location	DNR's Southcentral Region, within the Matanuska-Susitna Borough, and approximately 35 miles east of Palmer and 16 miles east of Chickaloon along the south side of the Matanuska River in two areas bisected by Gravel Creek and Tatondan Lake.
Gross Project Area	5,305 acres, more or less
USGS Topography Map	Anchorage C-3 and D-3
MTRS	Seward Meridian: Township 19 North, Range 8 East, Sections 1-6, 11-12; Township 19 North, Range 9 East, Sections 6-7; and Township 20 North, Range 8 East, Sections 33 and 35.
Title	US patents 50-66-0186 dated October 19, 1965 and 50-86-0196 dated May 8, 1986, GS-507 for lands within Township 19 North, Range 8 East, Seward Meridian. Tentative approval dated September 19, 1984, GS-1801 and December 5, 1963, GS-323 for lands within Township 20 North, Range 8 East, Seward Meridian.
Area Plan	Susitna Matanuska Area Plan for State Lands (SMAP), adopted August 2011 Glenn Highway Region, Unit G-18 Classified Settlement through CL-SC-09-002
Mineral Orders	None. The project area will be closed to mineral entry prior to offering.

Attachment B: Area Data Summary Table
Monument Creek Remote Recreational Cabin Sites Project Area - ADL 229343

Physical Characteristics	
Access	Floatplane to Bench Lake and possibly Tatondan Lake, then overland by foot, all-terrain vehicle or snowmachine. Access may also be possible by plane to the gravel bars of the Matanuska River or by rafting the Matanuska River with one of the local floating/rafting companies.
Terrain and Major Features	Matanuska River and Gravel Creek meander through portions of the project area. Mostly moderate slopes with mixed forest, steep bluff lines occur along the rivers and creeks. Elevations range from 1,300 feet to 3,900 feet above sea level.
View	Views of the Matanuska River and surrounding mountains through portions of the project area and possibly the Matanuska Glacier.
Climate	Nearest weather station: ~21 miles northeast at Tahneta Pass Average summer temperatures range from 38° to 63°F Average winter temperatures range from -1° to 16°F Extreme temperatures of 82ºF and -41ºF have been recorded. Average annual precipitation is 14.96 with 82.4 inches of snowfall, average snow depth of 11 inches.
Soils	Soils are thin, stoney, and shallow over bedrock or boulder deposits. Soils near the Matanuska River and Gravel Creek are gravelly and loamy. Most of the soils within the project area are underlain by permafrost.
Vegetation	A mix of evergreen and deciduous trees: including birch, willow, cottonwood, alder and spruce, with some black spruce, grasses and shrubs in wetland areas.
Water Source	Matanuska River, Gravel Creek, Bench Lake, possibly Tatondan Lake, various streams and lakes throughout the project area. Water quality is unknown.
Anadromous Waters	Lake Creek, Tatondan Lake, and the Matanuska River are all anadromous, as listed in the *2013 Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes.*
Local Management Information	
Fire Management Option	Modified
Game Management Unit	13D
Local Authority	Matanuska-Susitna Borough exercises authority for planning, platting, taxing, and zoning for lands within the project area.
Flood Zone	Federal Emergency Management Agency Flood Insurance Rate Maps are not available for the project area. The Matanuska-Susitna Borough is working on using recent LIDAR (Light Detection and Ranging) contours to assess flood danger throughout the borough, while this area has been imaged, it has not yet assessed for flood danger.
Utilities	Matanuska Electric Association's coverage area includes portions of the project area; however extension of power to the project area may be costly.

Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the State of Alaska, Department of Environmental Conservation. The minimum parcel size will be limited to nominal 10 acres in order to meet State of Alaska Department of Environmental Conservation (DEC) requirements for on-site disposal systems and in accordance with MSB code 43.20.280.
Setbacks, Reserved Areas, Easements, and Conditions	
Allowed Uses	Remote Recreational Cabin Sites are for recreational use only, no commercial use or permanent residence is allowed while under lease, however, once the parcel is under purchase contract or conveyed into private ownership these restrictions no longer apply
Reserved Areas	Reserved areas may be imposed prior to staking to protect commonly used access points, for recreational use, and to protect a specific resource or authorization identified in the area plan or agency review, as will be continually researched up to the point of offering and depicted on the staking map, Staking will not be allowed within the following reserved areas: • reserved sites for public use and access along the Matanuska River, where appropriate, to be depicted on staking maps; and • reserved areas to protect any historic or archeological sites located within the project area.
Public or Navigable Water Bodies	Waters determined public or navigable within the project area: • Matanuska River, Lake Creek, and Gravel Creek Waters determined public or navigable near the project area: • Bench Lake and Tatondan Lake Although they are located outside the project area, they are likely access points for stakers and recreationalists. Additionally, Tatondan Lake has been identified by DFG as important for anadromous fish Additional water bodies may be determined to be public or navigable at the time of survey
Staking Setbacks	Staking will not be allowed within: • 200-foot of the OHW mark of Monument, Gravel and Lake Creeks. In addition, the project area boundary has been modified so that no staking will be allowed within: • 300 feet of the OHW mark of the Matanuska River; • 300 feet south of the ridgeline in Section 33, Township 20 North, Range 8 East, Seward Meridian; and • 100 feet south of the logging road in Section 33, Township 20 North, Range 8 East and Sections 3 and 4, Township 19 North, Range 8 East, all of the Seward Meridian.
Public Access and Utility Easements	Staked parcels may be subject to the following: • 60-foot access easement centered on existing trails that have not been assigned an ADL or RST number (or otherwise serialized) through and along staked parcels;

	• 100-foot access easement centered on any surveyed or protracted section lines; • 30-foot public access and utility easement along all interior parcel lines; • 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius of 5 feet around the control monument, and as applicable, a 5-foot wide direct line-of-sight easement from the control station to an azimuth mark or other control monument • 50-foot continuous public access easement, where practical, upland from the OHW mark of public or navigable water bodies per *AS 38.05.127 Access to Navigable and Public Waters* and *(an alternate upland* access route may be reserved if topography or obstructions prevent or make a continuous easement difficult).
Building Setbacks	Parcels will be subject to: • 100-foot building setback from the OHW mark of all water bodies determined to be public or navigable, water-dependent structures may be allowed within the building setback SMAP calls for a 150-foot building setback from the Matanuska River as an anadromous waterbody. Within this project area, the area plan requirement for a 300-foot staking setback for the Matanuska River, specific to this management unit, makes this building setback irrelevant. The Matanuska-Susitna Borough requires a 25-foot building setbacks from any public right-of-way for all parcels. Because the State imposes a 30-foot public access and utility easement along all interior parcel lines, the MSB setback is measured from this easement. Effectively, this creates a setback of 55 feet from the parcel boundaries.
Additional Information	
Native Regional Corporations	Cook Inlet Regional Corporation (CIRI)
Villages and Tribal Councils	Chickaloon Native Village Corporation and Chickaloon-Moose Creek Native Association
Oil and Gas Activity	None identified
Mining Activity	None identified within the project area. There are existing mining claims to the northeast of the project area.
Comments	Potential stakers are discouraged from crossing the Matanuska River to access the project area. As a glacier-fed river subject to rapid, seasonal, water-level changes and heavy silting, the Matanuska can often be fast flowing in the summer and partially frozen in the winter. In addition, the waters can be near freezing even in the summer and potentially dangerous to cross. This stretch of the Matanuska River is classified as a class II+ section and Gravel Creek is classified as a class IV+ section by American Whitewater.

ATTACHMENT C: PUBLIC NOTICE

of the
Preliminary Decision

for a
Proposed Land Offering in the Matanuska-Susitna Borough
Monument Creek Remote Recreational Cabin Sites Project Area - ADL 229343
AS 38.05.045, and AS 38.05.600

and
Related Proposed Mineral Order (Closing)
AS 38.05.185 and AS 38.05.300

COMMENT PERIOD ENDS 4PM NOVEMBER 14, 2014

As described in the Preliminary Decision document, the Division proposes to offer up to 30 authorizations to stake parcels generally ranging from 10 to 20 acres and create Administrative Parcels within the defined project areas. The offerings and development may be conducted in multiple offerings over time but will not exceed 600 acres under this proposal. As a Related Action, the Division would close the area to new mineral entry. The project areas is located approximately 35 miles east of Palmer and 16 miles east of Chickaloon, the project area is within the Matanuska-Susitna Borough. The project area encompasses approximately 8.4 square miles (~5,305 acres) in two areas bisected by Gravel Creek and Tatondan Lake, within portions of Township 19 North, Ranges 8 and 9 East and Township 20 North, Range 8 East, Seward Meridian.

To obtain the complete Preliminary Decision and attachments, find instructions on how to submit timely, written comment, or to request auxiliary aids, services, or special accommodations, go to http://notice.alaska.gov or http://landsales.alaska.gov/mlw/landsale/public_notice/. For assistance in obtaining the documents by an alternative method, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907.269.8400 (TDD for the hearing impaired: 907.269.8411) or Fairbanks at 907.451.2705 (TDD for the hearing impaired: 907.451.2770), or the Southeast Land Section in Juneau at 907.465.3400 (TDD for the hearing impaired: 907.465.3888), or go to http://dnr.alaska.gov/commis/pic/ for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4PM November 7, 2014.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on these proposed action(s) for which notice is being conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 4PM November 14, 2014.** Only persons from whom the Division's Land Sales and Contract Administration Section receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be received by fax to 907.269.8916, email to dnr.rrcs@alaska.gov, or postal mail to LSCAS, ATTENTION: MONUMENT CREEK RRCS PROPOSAL, 550 W. 7th Ave., Ste. 640, Anchorage, Alaska 99501. For direct inquiries, contact Lauren Rouen at 907.269.8851.

If no significant change is required, the Preliminary Decision, including any minor changes and a summary of comments and responses, will be issued as a subsequent Final Finding and Decision without further notice. A copy of the Final Finding and Decision will be sent to any persons from whom we receive timely, written comment on the Preliminary Decision.

DNR reserves the right to waive technical defects in this notice. Please post until 4PM November 14, 2014.

ATTACHMENT D. DRAFT MINERAL ORDER (CLOSING)

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

MINERAL ORDER No. 1164

__X__ **Closing Lands to Mineral Entry** _____ Opening Lands to Mineral Entry

I. Name of Mineral Order: Monument Creek Remote Recreational Cabin Sites – ADL 229343

II. Reason for Mineral Order: This Mineral Order is based upon the attached *Finding of the Commissioner* and the written justification contained in the following:

Susitna Matanuska Area Plan, adopted (2011)

Preliminary Decision, Monument Creek Remote Recreational Cabin Sites – ADL 229343, September 29, 2014 and the subsequent Final Finding and Decision for same

Land Sale pursuant to AS 38.05.035(e)

III. Authority: AS 38.05.185 and AS 38.05.300.

IV. Location and Legal Description: Located within the Department's Southcentral Region along the south side of the Matanuska River, approximately 35 miles east of Palmer and 16 miles east of Chickaloon, the project area is within the Matanuska-Susitna Borough. The project area is further described as:

- Township 19 North, Range 8 East, Seward Meridian,
  - Section 1: all;
  - Section 2: E1/2, NW1/4, N1/2SW1/4 and SE1/4SW1/4, lying 200 feet east of the OHW of Gravel Creek;
  - Section 3: SW1/4NW1/4, W1/2SW1/4, and W1/2E1/2SW1/4, lying 200 feet west of the OHW of Gravel Creek and 100 feet south of the logging road;
  - Section 4: S1/2NE1/4, NW1/4NE1/4, W1/2, lying 300 feet south of the OHW of the Matanuska River and 100 feet south of the logging road, and SE1/4;
  - Section 5: all, lying 300 feet south of the OHW of the Matanuska River;
  - Section 6: all, lying 300 feet south of the OHW of the Matanuska River;
  - Section 11: NE1/4NE1/4 and NE1/4NW1/4NE1/4, lying 200 feet east of the OHW of Gravel Creek; and
  - Section 12: E1/2, NW1/4, and NE1/4SW1/4, lying 200 feet east of the OHW of Gravel Creek;
- Township 19 North, Range 9 East, Seward Meridian,
  - Section 6: all; and
  - Section 7: all;
- Township 20 North, Range 8 East, Seward Meridian,

- Section 33: S1/2, lying 300 feet south of the OHW of the Matanuska River and 100 feet south of the logging road; and
- Section 35: all, lying 300 feet south of the ridgeline.

V. Mineral Order: This order is subject to valid existing rights and is issued under the authority granted by AS 38.05.185 – AS 38.05.275 to the Alaska Department of Natural Resources. In accordance with AS 38.05.185(a), I find that the best interests of the State of Alaska and its residents are served by closure of the land described in this mineral order to entry under mineral location and mining laws of the State of Alaska. The above described lands are hereby **closed** to entry under the locatable mineral and mining laws of the State of Alaska.

Concurrence by: Brent Goodrum Director Division of Mining, Land, and Water Department of Natural Resources State of Alaska	Date
Approved by: Joseph R. Balash Commissioner Department of Natural Resources State of Alaska	Date