

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

PRELIMINARY DECISION

of a
**Proposed Land Offering in the Matanuska Susitna Borough
Prairie Home Subdivision – ADL 229512**
AS 38.05.035 (e), AS 38.05.045

and its
RELATED ACTION(S):
Proposed Mineral Order (Closing) #1178
AS 38.05.185 and AS 38.05.300

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, JANUARY 6, 2016

I. Proposed Action(s)

Preliminary Decision: Prairie Home Subdivision - ADL 229512

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

Public is also invited to comment on the proposed related actions:

Draft Mineral Order (Closing) 1178

Primary Proposed Action(s): The primary proposed action of this Preliminary Decision of the State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales and Contract Administration Section (LSCAS) is to offer for sale State-owned land within the identified project area. If approved, surveyed parcels will be offered for sale in a future offering (or offerings) under the methods described herein.

Located within DNR's Southcentral Region, approximately 15 miles north of Willow, the project area is within the W1/2SW1/4 of Section 31, Township 21 North, Range 4 West, Seward Meridian within the Matanuska-Susitna Borough (MSB). The project area consists of approximately 65 acres identified for disposal by this proposed action. See Attachment A: Vicinity Map for a graphic depiction of the approximate location of the project area.

In accordance with the Southeast Susitna Area Plan and for the purpose of providing land for settlement, DNR proposes to sell land within the project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may develop a subdivision of up to 5 parcels no smaller than 5 acres. Of note, if it is deemed necessary, DNR may consider parcels over 5 acres per the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*. This proposed project area is located within the MSB and therefore survey, platting, and road access will be completed to the relevant subdivision standards. The project may be subdivided and offered in one or more separate offerings.

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If this proposed primary action is approved, the actual area offered for sale may consist of all or only a portion of the overall project area. After consideration of public comment, the size and boundaries of the development area will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. There may be adjustments to the development area prior to survey/subdivision, as described in the applications to the MSB, as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with MSB platting requirements.

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

Mineral Order (Closing): DNR proposes a mineral order to close the project area to new mineral entry. There are no mining claims currently in the immediate area of this project. Refer to the Reservation of Mineral Estate subsection of this document for more information on this proposed related action.

Public Notice of Proposal: In accordance with *AS 38.05.945 Notice*, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this proposal and the proposed related action. Public notice of the public comment period for all actions will be conducted concurrently. 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 timely, written comments the proposal is approved, DNR DMLW will issue a Final Finding and Decision.

II. Method of Sale

DNR DMLW proposes to sell land within the project area as described herein, through a future offering under *AS 38.05.045 Generally [Sale of Land]*.

III. Authority

DNR DMLW has the authority under *AS 38.05.045 Generally [Sale of Land]* to sell State-owned land if, on preparation and issuance of a written finding under *AS 38.05.035 (e) Powers and Duties of the Director*, it is determined to be in the best interest of the State. In addition, if it is deemed appropriate, DNR has the authority to develop and offer parcels larger than 5 acres under the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*.

For related actions, *AS 38.05.300 Classification of Land* and *AS 38.05.185 Generally [Mining Rights]* allows for mineral orders.

IV. Administrative Record

The project file, Prairie Home Subdivision, ADL 229512 constitutes the administrative record for the proposed action(s). Also incorporated by reference are:

- Southeast Susitna Area Plan for State Lands (2008), and associated land classification files;
- *Alaska Interagency Wild land Fire Management Plan* (2010);
- *Alaska Department of Fish & Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*; and

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- *USDA Natural Resources Conservation Service Custom Soil Report* for this project;

V. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section III Authority** of this document is limited and specific to DNR DMLW's proposal to offer State-owned land within the defined portion of the project area for disposal and to conduct the proposed related actions. The scope of this proposal does not include the control of post-patent use, and DNR DMLW does not intend to impose deed restrictions for this purpose. The subdivision and offering may be conducted in one or more separate offerings.

VI. Description

Location: Located within DNR's Southcentral Region, approximately 15 miles north of Willow, the project area is within the in the W1/2SW1/4 of Section 31, Township 021 North, Range 004 West, Seward Meridian within the Matanuska-Susitna Borough (MSB). The project area consists of approximately 65 acres identified for disposal by this proposed action. 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 MSB and subject to the borough's platting and zoning authority.

Native Regional and Village Corporations: The parcel is located within the boundaries of Cook Inlet Region, Incorporated and is within 25 miles of lands owned by Montana Creek Native Association and Caswell Native Association. Notice will be distributed to these organizations.

Legal Description: The parcel is comprised of those portions of Lot 2, ASLS 97-72 and Government Lot 4 located west of the Parks Highway, located within the W1/2SW1/4 of Section 31, Township 021 North, Range 004 West, Seward Meridian; located within the Palmer Recording District, Third Judicial District, Alaska.

Title: Information from Title Report RPT-8068, current as of July 28, 2015 Indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 50-95-0091, dated February 2, 1995. The applicable State case file is GS-1592. The parcel is subject to the reservations, easements and exceptions contained in the federal patent or other state or federal conveyance, and in acts authorizing the issue thereof, easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.

Retention 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 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, fissionable material, geothermal resources, and fossils.

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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 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, see Access To, Within, and Beyond Project Area subsection of this document.

There are no waters determined navigable within the project area. Refer to the Access To, Within, and Beyond Project Area and Setbacks, Reserved Areas, and Easements subsections of this document for additional information.

Where they exist within the project area, State third-party interests will be depicted on maps in land sales brochures.

Physical Characteristics and Hazards: Attachment B: Area Data Summary Table describes the project area’s physical characteristics. In addition, the following paragraphs describe the project area based on internal research and a field inspection conducted on June 10, 2010. This is by no means a complete description of the project area, and if this proposal is approved and the area offered for sale, it will be the responsibility of interested parties to inspect individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

Geologic Hazards: DNR DMLW is not aware of any geologic hazards within this project area other than those normally associated with Alaska.

Fire Hazards: A field inspection, conducted by foot found the project area to be vegetated by spruce and birch with little undergrowth. Significant clearing between the project area and the Parks Highway has been completed in recent years by the Department of Transportation and Public Facilities. The project area is located approximately ½ mile north of the Sockeye fire, which burned in July 2015.

Fire management options and policies for the area are identified in the Alaska Interagency Wildfire Management Plan (2010) available from DNR Division of Forestry. The current fire management option for the project area is “Full.” The fire management policy on areas with the “Full” management option reads, “These areas are a high priority but are below wildland fires within or threatening a Critical Management Option area or site.” It also states that the designation of a fire management option does not ensure protection from wildfire, and that a protection response will be based on various factors. “Ultimately it is the personal responsibility of the [landowner] to mitigate and minimize risk to their property and structures and to be ‘Firewise’.”

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Flood Hazard: The project area is within FEMA Flood Insurance Rate Map 021706055E, panel 6055 of 9855 and is outside of a flood zone. Interested parties are responsible for visiting the parcels and making their own determination of flood danger.

Background: This project was originally identified for a potential project area in 2005, referred to as the Truly Kashwitna Subdivision, and was later renamed the Prairie Home Subdivision in 2008. A field inspection conducted by staff on June 10, 2010, identified the project as appropriate for settlement. The project is designated as settlement in the Southeast Susitna Area plan. There have been no prior State land disposals within this project area. Private land is in the near vicinity of this project area. A residential subdivision with 13 lots and approximately 51 total acres is platted immediately south of the project area. The parcel immediately west of the project area, consisting of approximately 300 acres, is a largely undeveloped privately-owned lot that was formerly a municipal entitlement to the Matanuska-Susitna Borough. From satellite imagery, it appears there is some agricultural development on this private parcel, approximately one half mile northwest of the project area's northwest corner. To the north of the project area is predominantly undeveloped Mat-Su Borough land, with a larger subdivision approximately one mile to the northwest. Lands east of the parcel, across the Parks Highway are largely undeveloped private parcels. Land use in the area includes residential development, recreation, and agriculture.

The parcel size for this project is based on the topographical and field report data, and the residential development in the area. Parcels in excess of 5 acres are appropriate given the topography, scope of development in the vicinity, and the possibility for small scale agricultural development. Because of the easy access to this project from the Parks Highway to the East, and East Whispering Birch Circle to the South, this project offers an excellent opportunity residential development. Refer to the Access To, Within, and Beyond Project Area for more information.

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 Southeast Susitna Area Plan (SSAP, adopted 2008), Kashwitna Region, Management Unit K-51. Lands within this unit are currently designated Settlement, and classified Settlement under Land Classification Order No. SC-08-001. The management unit consists of the approximately 65-acre project area.

The management intent for Unit K-51 indicates the land is appropriate for land disposals, with an additional guideline to, "maintain a screening strip of native vegetation along the road." After the Area Plan was approved, the Department of Transportation and Public Facilities completed extensive clearing along the road right-of-way to make highway improvements. This clearing has removed significant native vegetation between the road and the project area. DNR will establish a 100' non-developmental screening buffer along the eastern boundary of the project area adjoined to the Parks Highway ROW, to be maintained in its natural vegetative state. The intent of this development setback is to preserve the scenic aspect of the highway corridor. This non-developmental buffer will be depicted on the plat. Refer to the Easements, Setbacks, and Retained Lands subsections of this document for additional information.

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We reviewed the area plan's Management Guidelines in Chapter 2 Areawide Land Management Policies regarding Coordination and Public Notice, Cultural Resources, Settlement, and Public Access, and we will incorporate these considerations into the development of the project. Additional information regarding Chapter 2 management intent is described below.

Coordination and Public Notice: As required by statute, public notice will be given for decisions involving disposal of land. Notice will be given to parties known or likely to be affected, including upland land owners. In addition, DNR will review any local comprehensive plans, and state subdivisions will comply with borough platting requirements. This decision will take into account and comply with these management guidelines.

Cultural Resources: Chapter 2 management guidelines provide that the state should identify and protect cultural resources, and that cultural resource surveys should be conducted prior to offering in areas where the state Office of History and Archaeology (OHA) sites exist, or where there is a high potential for such sites to exist. Agency review for this project included OHA. Should any such sites be discovered by LSCAS during the development of this project, OHA will be notified. LSCAS will make information known to the public during offerings that should inadvertent discoveries of cultural resources by the purchaser, OHA offices should be notified.

Settlement: Management Guidelines pertaining to settlement include planning and coordination with regard to local governments; existing infrastructure, and access; protection of life and property; and protection of resources such as sensitive areas, habitat, scenic features, and other resources. Management Guidelines also provide that design should: account for the retention or reservation of areas as appropriate for public use; consider public services and infrastructure; ensure legal and practical access; and generally preserve and enhance the natural setting and account for site limitations and opportunities. This proposal has considered these guidelines as addressed throughout this document. The subdivision will provide land for private ownership consistent with community development, and will create a 100' Non-Developmental screening buffer to preserve the aesthetic value of Parks Highway Scenic Route. It will not interfere with any critical recreation or environmental resources, will be done with coordination with local plans, and DMLW solicit coordination with local landowners through the public notice and public comment process.

Public Access: Management guidelines provide that prior to disposal of state lands, public access will be reserved in accordance with the applicable regulations, and retain reasonable access across state land when lands are sold. There are no trails identified in this project area. However; the state will retain public access and utility easements as appropriate in order to maintain access through and within the project. See [Access To, Within, and Beyond Project Area](#) for more information.

The proposed offering is consistent with area-wide land management policies and general management intent of the Southeast Susitna Area Plan and specific management unit. The unit is designated Settlement and state-owned within the unit are appropriate for disposal, including sale, during the planning period.

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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.

Mineral Activity and Order(s) Proposal: No mineral activity has been identified on these lands. The project area will be closed to new mineral entry.

The entire project area will be closed to mineral entry (approximately 65 acres) if the related action is approved in accordance with *AS 38.05.185 Generally [Mining Rights]* and *AS 38.05.300 Classification of Land* for a land disposal. Closing the entire area to mineral entry is consistent with the management intent of the Southeast Susitna Area Plan.

Mineral closing orders, where established, close an 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 surface 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 past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. Area plan Subsurface Resources Management Guidelines states that, in general, areas considered for disposal should be closed to mineral entry prior to sale to minimize potential conflict between land estate and mineral estate users.

Mineral Order Proposal: DNR DMLW proposes Mineral Order (Closing) No. 1178, to close the project area to new mineral entry.

Local Planning: Where they exist, local zoning and related ordinances govern private land use. The project area is within the MSB and platting actions within this borough are subject to the MSB platting and zoning authority. Approval of platting and zoning actions, and dedication of right-of-ways will require separate processes and public notices through the MSB.

The project area is within Willow Area Community Comprehensive Plan. We reviewed the plan, and this proposal is not in conflict with the comprehensive plan.

Traditional Use Finding: The project is located within the MSB and a traditional use finding is therefore not required per *AS 38.05.830 Land Disposal in the Unorganized Borough*.

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However, information on current or traditional use is welcomed and can be given during the public comment period. See the Section VIII Submittal of Public Comments at the end of this documents and Attachment C: Public Notice for details on how to submit comment.

Access To, Within, and Beyond Project Area: The project area is located along the west side of the Parks Highway, approximately 26 miles south of Talkeetna, approximately 15 miles north of Willow, and 2 miles north of Willow Creek and is within the Greater Willow road service area. Access to the project is from the Parks Highway and via East Whispering Birch Circle which has a 66-foot wide easement on the south side of the section line, which starts at the southeast corner of the project area. East Whispering Birch Circle is a borough maintained gravel road, up until it meets Betula Circle. At that point it continues on as a dirt road/ATV trail. The 66-foot easement tapers down to a 33-foot easement after Betula Circle, which is matched by a 50-foot section line easement along the project's southern boundary.

The project area is within the platting authority of the MSB. Approval of platting actions and dedication of right-of-ways will require separate processes and public notices through the MSB.

Access To and Along Public or Navigable Waters: In accordance with AS 38.05.127 *Access To Navigable or Public Water*, DNR will determine if a body of water or waterway is a navigable or public waterway and establish easements or right-of-ways as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or right-of-ways under this statute include 11 AAC 51.035 *Determination of Navigable and Public Water* and 11 AAC 51.045 *Easements To and Along Navigable and Public Water*.

For the purposes of AS 38.05.127:

- navigable water are generally lakes larger than 50 acres in size or streams larger than 50 feet in average width;
- public waters are generally lakes larger than 10 acres in size or streams larger than 10 feet in average width; and
- waters may be determined public or navigable consistent with AS 38.05.965 (18) *Definitions*.

DNR has not identified any public, navigable, or anadromous water within or adjoining this project area.

Easements, Setbacks, and Retained Lands: Parcels may be subject to a variety of easements, setbacks, and retained lands which will be identified on the subdivision plat and included in offering information. Approval of platting actions will require separate processes and public notices through the Matanuska-Susitna Borough. Final width and location of easements and reservations will be determined as part of the platting process.

Parcels and subdivision design may be subject to a variety of reservations or restrictions where appropriate, such as:

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- Public access and utility easements along interior parcel boundaries;
- 50-foot-wide public section-line easement, identified in AS19.10.010 and as listed in 11AAC 51.025, Section-line easements, on each side of surveyed or protracted section lines on State-owned land, unless formally vacated under AS 19.30.410 and 11 AAC 51.065;
- A 100' non-developmental screening buffer along the Parks Highway; and
- Any additional, easements, setbacks, and restrictions as required by MSB subdivision code.

Where appropriate, reservations and restrictions will be depicted on the plat and described in the plat notes.

Hazardous Materials and Potential Contaminants: During field inspections on June 10, 2010 staff did not observe any hazardous wastes, spills, or other potential contaminants within the area. There are no known environmental hazards present within the project area, however, the State 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 eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal.

DNR DMLW 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 the high degree of interest from both the legislature and citizens in sale of State-owned land, DNR DMLW is of the opinion that the benefits outweigh the potential risks.

Survey, Platting, and Appraisal: After evaluating agency and public comment, physical conditions of the land, and access issues, DNR DMLW will determine if it will offer the property for sale. In order to offer the property for sale, a combination of survey, subdivision, and/or platting actions may be required. This proposed project area is located within the Matanuska-Susitna Borough, and therefore survey and platting will be completed to the relevant subdivision standards.

The Matanuska-Susitna Borough's planning requirements provide for separate public notice periods and processes for platting actions within the Borough. These additional opportunities for public involvement occur after a Final Finding and Decision, if this proposed primary action is approved and the project moves forward.

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting DNR DMLW standards will be required within two years of the date fixed for the sale of any parcel developed under this proposed action.

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VII. Agency Comments

Agency review was conducted from December 13, to January 13, 2005. Internal DMLW comments and information received during agency review have been considered and included in the preparation of this preliminary decision. Comments pertinent to this proposed action received during agency review have been considered and addressed in the following paragraphs. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

DNR, Division of Agriculture: The Division of Agriculture believes the best use of the State land in the project area would be for agriculture. It looks like there are hay fields on adjacent private lands, so agriculture is a historical use in the area.

DNR DMLW LSCAS Response: The project area is adjacent to both subdivision and agricultural developments. The Southeast Susitna Area Plan determined that this area was suited for settlement. Although the area is proposed as a subdivision development, the large (no smaller than 5 acre) lots will allow purchasers to pursue small-scale agricultural development. In a market where residential development is active and ongoing, we believe the highest value would be for fee simple settlement without agricultural covenants.

Matanuska-Susitna Borough Community Development: The agency noted that a municipal entitlement west of the project area, and requests that legal and constructible access be reserved through the disposal area to the Matanuska-Susitna Borough property.

DNR DMLW LSCAS Response: Access to lands beyond the project area will be retained and noted in the plat for the project area. Existing Legal access will be reserved. Refer to the Access To, Within, and Beyond Project Area.

Department of Transportation and Public Facilities: The Department recommends the early building of roads in this subdivision.

DNR DMLW LSCAS Response: Development of access will be completed to meet MSB requirements as needed.

DNR, Division of Oil and Gas: Division of Oil and Gas has no concerns with this project

DNR DMLW LSCAS Response: LSCAS appreciates your review of our proposal,

Department of Fish and Game: ADF&G has no concerns with this project.

DNR DMLW LSCAS Response: LSCAS appreciates your review of our proposal,

The following agencies or groups were included in the agency review but did not submit comments regarding this project:

- Alaska Soil and Water Conservation Units;
- Office of Habitat Management and Permitting;
- Alaska Miners Association
- Alaska Railroad

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- Joint Pipeline Office
- State Pipeline Coordinators Office
- Mental Health Land Trust Office
- University of Alaska – Land Management
- Department of Natural Resources;
 - Division of Parks and Outdoor Recreation, Office of History and Archaeology
 - Division of Forestry
 - Division of Geological and Geophysical Surveys

VIII. Submittal of Public Comments

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

Pursuant to *AS 38.05.945 Notice*, DNR will issue public notice inviting comment on this Preliminary Decision and related actions, if any. 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 Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

We will consider all timely, written comments received by DNR DMLW LSCAS. If timely written comments received in response to this notice indicate the need for significant changes to the Preliminary Decision or related actions, if any, additional public notice for the affected lands will be given. 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 the DMLW responses, will be issued as a subsequent Final Finding and Decision without further notice. The mineral order will be developed separately. Approval of the land offering and the mineral order are dependent upon one another. One action will not proceed without approval of the subsequent action.

Only persons from whom DNR DMLW LSCAS receives timely, written comment during the identified comment period will be eligible to file an appeal of the 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://dnr.alaska.gov/mlw/landsale/> and sent with an explanation of the appeal process to any party who provides timely written comment.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
5:00 PM, WEDNESDAY, JANUARY 6, 2016**

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IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 5 parcels no smaller than 5 acres and offer those parcel(s) for sale. This alternative includes closing the lands to mineral entry.

Alternative 2: (Status Quo) Do not offer this project area for private ownership. Retain the land in State ownership, and do not close the project area to mineral entry.

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 Generally [Sale of Land]* has placed this charge with DNR, and the state legislature has provided funding to administer this charge.

Alternative 1 provides a method for DNR to help meet the obligations laid out in the Constitution and statute. Alternative 1 maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. A subdivision will allow DNR DMLW to create a design that will maximize use of the land and provide a greater number of the public an opportunity to purchase land within this area of contiguous land that is suitable to higher settlement density. Due to the unique amenities of the area, its location relative to the communities with the Matanuska-Susitna Borough, and the existence of near-by residential property, the project area is best suited to subdivision prior to offering. Additionally, if deemed appropriate under this alternative DNR may offer the project area as a single approximately 65 acre parcel. Closing the land to mineral entry is appropriate and consistent with the area plan.

Alternative 2 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR DMLW from meeting its Constitutional and legislative obligations. Not offering the project area would deny Alaskans the opportunity to obtain land in an area that is suited to settlement. The mineral order is necessary to allow for the offering of the area as described in the SSAP. The land offering and the mineral order are dependent upon one another, and if DNR does not approve the offering, the mineral order will not be processed.

For the aforementioned reasons, Alternative 1 is the preferred alternative.

Recommendation follows.

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X. Recommendation

This Preliminary Decision for the proposed disposal of State lands and draft mineral order described throughout this document and its attachments is 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 appear to be in the best interest of the State. It is hereby recommended to proceed to public notice.

This is a Preliminary Decision and subsequent public review may result in changes to the preferred alternative or disapproval of the proposed disposal of State lands and draft mineral order. If the decision is approved Mineral Order 1178 will accompany and precede any Final Finding and Decision issued.

/s/

Prepared by: Peter Burton
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Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

December 2, 2015

Date

/s/

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

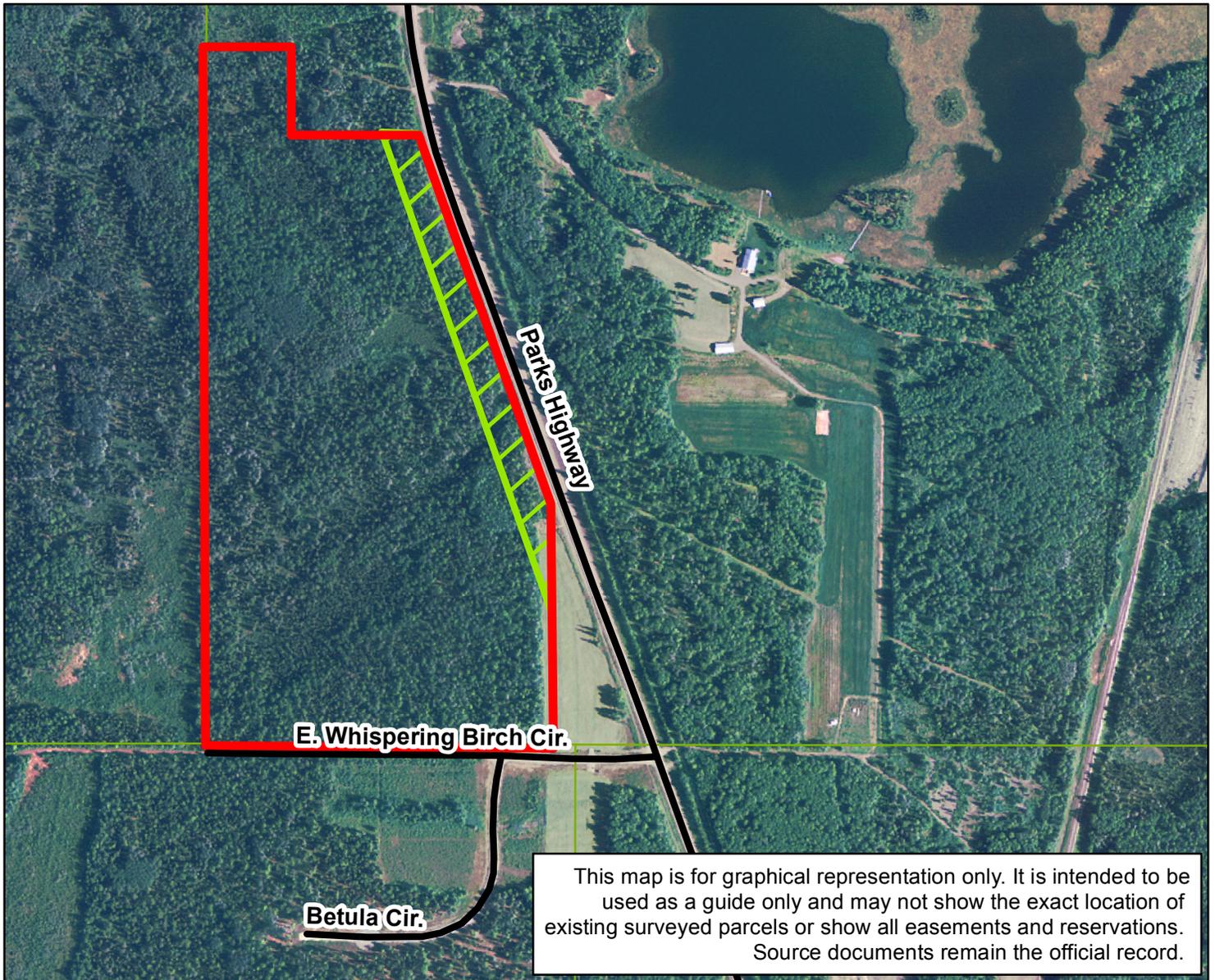
December 2, 2015

Date



Attachment A: Vicinity Map

to the Preliminary Decision for a
Proposed Land Offering in the Mat-Su Borough
Prairie Home Subdivision - ADL 229512



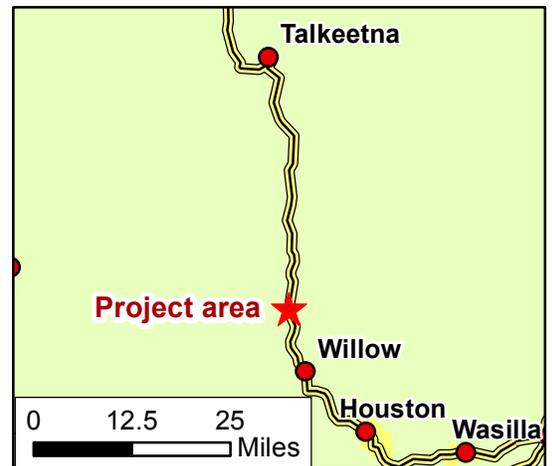
PAB 9/24/15

Legend

- Roads
- Project Area
- Non-Developmental Buffer



Seward Meridian
Township 21 North, Range 4 West



USGS QUAD 1:63,360

Tyonek D-1
 For more information contact:
 Peter Burton
 Department of Natural Resources
 Division of Mining, Land and Water
 Land Sales & Contract Administration Section
 Phone 907.269.8802
 Fax 907.269.8916
 Email land.development@alaska.gov



**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 Mat-Su Borough
Prairie Home Subdivision, ADL 229512**

Offering Information	
Proposed Number of Parcels	Up to 5 parcels
Proposed Parcel Size	Minimum size of 5 acres
Proposed Related Actions	Mineral Closing order
Project Area	
Location	Approximately 15 miles north of Willow, adjacent to the Parks Highway.
Project Area Acreage	Approximately 65 acres
USGS Topography Map	USGS Quad Tyonek D-1
Legal Description	The parcel is comprised of those portions of Lot 2, ASLS 97-72 and Government Lot 4 located west of the Parks Highway, located within the W1/2SW1/4 of Section 31, Township 021 North, Range 004 West, Seward Meridian
Title	Patented land, GS 1592, Patent 50-95-0091
Area Plan and Classification	Southeast Susitna Area Plan (2008); Kashwitna Region; Management Unit K-51.Lands are classified Settlement.
Mineral Orders	Proposed Mineral Order (closing) #1178
Physical Characteristics	
Access, Including RS2477 trails	Access to the project area is from the Parks Highway via East Whispering Birch Circle and section line easements. Access to the west side of the project area is available via section line easement. See Section VI, subsection <u>Access To, Within, and Beyond Project Area</u> for more discussion.
Terrain and Major Features	Mostly level with gentle slopes, with a ridge running west-northwest across the project area.
Climate	DCCED data on Talkeetna & Willow: January temperatures from -33° to +33°F, July temperatures from 42° to 83°F; annual rainfall varies from 16 to greater than 28 inches, with 48 – 150 inches of snowfall.
Vegetation	Mature spruce and white birch on higher ground and slopes, with black spruce more prominent in hollows

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Water Source	Common source of water for residents in this area is by personal well or hauled containers; water quality is unknown. Well depths within the general vicinity range from approximately 50 to 130 feet. DEC requirements must be followed.
Anadromous Waters	None identified
Local Management Information	
Fire Management Option	Fire management option(s) from the <i>Alaska Interagency Fire Management Plan</i> : Full. See discussion under Section VI, <u>Physical Characteristics and Hazards</u> , <i>Fire Hazards</i> subsection.
Game Management Unit	ADF&G game management unit 14B (Central & Southwest Region)
Local Authority	The Matanuska-Susitna Borough (MSB) is the local authority for planning, platting, taxes, and zoning for the project area.
Flood Zone	The project area is within FEMA Flood Insurance Rate Map 021706055E, panel 6055 of 9855. The project is outside of a flood zone. Interested parties are responsible for visiting the parcels and making their own determination of flood danger.
Utilities	This area is currently served by Matanuska Electric Association (MEA) There is overhead power running along the east side of the Parks Hwy. There is also an underground power line running along the south side of the project
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation; MSB landfill sites exist at points north and south along the Parks Hwy.
Setbacks, Reserved Areas, Easements, and Conditions	
Improvements	Prior to construction of any structure or waste disposal system, potential purchasers should contact the platting authority for any permits or for required setbacks from water bodies, lot lines, and easements.
Building Setbacks	Setbacks as necessary created through the platting process and borough zoning.
Public Access and Utility Easements	Parcels may be subject to the following: <ul style="list-style-type: none">• Public access and utility easements along interior parcel boundaries;• A 100' non-developmental screening buffer along the Parks Highway;• 50-foot-wide public section-line easement, identified in AS19.10.010 and as listed in 11AAC 51.025, Section-line easements, on each side of surveyed or protracted section lines on State-owned land, unless formally vacated under AS 19.30.410 and 11 AAC 51.065.• Any additional setbacks and restrictions as required by MSB subdivision code.

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Public or Navigable Water Bodies	None. If any water bodies are deemed public or navigable within the project area prior to final platting, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.
Additional Information	
Native Regional Corporations	The parcel is located within the boundaries of Cook Inlet Region, Incorporated
Villages and Tribal Councils	The Project Area is within 25 miles of lands owned by Montana Creek Native Association and Caswell Native Association.
Oil and Gas Activity	None known
Mining Activity	None known.
Comments	None

**STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, & WATER
LAND SALES & CONTRACT ADMINISTRATION SECTION**

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
Prairie Home Subdivision – ADL 229512
a Preliminary Decision and its Proposed Related Action:
Mineral Order (Closing) #1178

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, JANUARY 6, 2016

This proposed project includes offering for sale surveyed parcels in a future offering under the method and the related actions as described in the Preliminary Decision document. The project may be subdivided and offered in multiple offerings over time.

Located within DNR's Southcentral Region, approximately 15 miles north of Willow, the project area is within the W1/2SW1/4 of Section 31, Township 21 North, Range 4 West, Seward Meridian within the Matanuska-Susitna Borough.

Project size: ~65 acres proposed development area, up to 5 parcels no smaller than 5 acres.

To obtain the notice, Preliminary Decision, Mineral Order, or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, 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 Office 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 4:00 PM, TUESDAY, DECEMBER 29, 2015.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment on either the Preliminary Decision, or Mineral Order on which notice is being conducted concurrently. **The deadline for public comment is 5:00PM, WEDNESDAY, JANUARY 6, 2016.** Only persons from whom DNR DMLW LSCAS receives timely, written comment during the identified comment period will be eligible to request reconsideration on those actions commented on. Written comment may be received by fax, email or postal mail. To submit comments or for direct inquiries, , contact Peter Burton, 550 W. 700 Ave, Suite 640, Anchorage, AK 99501, fax at 907.269.8916, land.development@alaska.gov. If you have questions, call Peter Burton at 907.269.8602.

If no significant change is required, the preliminary decision, and mineral order, including any minor changes and a summary of comments and responses, will be issued as final actions without further notice. A copy of the final finding and decision, and mineral order will be sent to any persons who commented timely on the preliminary decision.

DNR reserves the right to waive technical defects in this notice.