

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

PRELIMINARY DECISION

**Proposed Change in the Method of Conveyance
for the Future Reoffer of 34 Parcels Statewide**

AS 38.05.045

ASSOCIATED ACTIONS:

Proposed Mineral Order (Closing) No. 1165

AS 38.05.185

COMMENT PERIOD ENDS 4 PM DECEMBER 4, 2014

I. Proposed Actions and Amendments and Scope of the Decision

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) issues this Preliminary Decision as an amendment, update, and complement to prior Final Finding and Decisions that originally authorized the sale of various project areas statewide within which 34 parcels identified herein are located.

Attachment A: Public Notice

Attachment B: List of Parcels

Attachment C: Map of Parcel Locations

Attachment D: Proposed Mineral Order (MO) No. 1165 with Subdivision List

The scope of this decision is limited to the following proposed actions:

1. To change the method of conveyance (where needed for uniformity and to conform to current statutes and regulations) and to provide notice to the public of the State's intention to dispose of these parcels in a future reoffering; and
2. Mineral Order (closing): DNR proposes a mineral order to close land sale parcels to new mineral entry. DMLW Mining section has stated there are no mining claims in the areas. Refer to the Reservation of Mineral Estate subsection of this document for more information on this proposed related action.

For the first proposed action, all of the parcels in this proposal have previously been through a complete decision process that included public notice and review. Many of the parcels encompassed by this decision were offered for sale through previous State land disposal programs, but were subsequently returned to State ownership through relinquishment or termination of a lease or contract. The remaining parcels were identified through other offerings, such as administratively surveyed parcels from other land sales programs. As described in **Section IV. History** of this document, many of these programs are no longer active or the statutes may have been repealed. This Preliminary Decision serves to change the method of sale to the current statutes, regulations, and programs.

DNR DMLW does not intend to impose deed restrictions to control post-patent land use.

For the second proposed action, DNR proposes to close to mineral entry approximately 5481.2 acres in nine different subdivisions. Eight of these subdivisions pre-date DNR's regular procedure of closing

land to mineral entry prior to sale to prevent conflicts between land estate and mineral estate users. In one area, Nowitna River RRCS, parcels were incorrectly re-opened to mineral entry.

The proposed mineral order, if approved, would apply to the mineral estate of approximately 5293.2 acres for which DNR has already sold the land estate to private owners in prior land sales. The proposed mineral order would also apply to approximately 188.0 acres which DNR may offer for sale in a future land sale. The parcels to be closed to mineral entry are listed in Attachment D: Proposed Mineral Order #1165. This associated mineral order, if approved, will precede the Final Finding and Decision to change the method of sale of the parcels listed in Attachment B. Public notice is being conducted concurrently with this Preliminary Decision. Please refer to the Mineral Order section of this document for more information.

Pursuant to *AS 38.05.945 Notice*, the public is invited to comment on the change to method of sale and Proposed Mineral Order (Closing). See **Section VIII Submittal of Public Comments** and Attachment A: Public Notice for details on how to submit a comment for consideration. If, after consideration of timely written comments, this proposed action is approved, the Department will issue a Final Finding and Decision without further notice, except to those that provide timely, written comment. Likewise, the failure to approve a proposal specific to any individual parcel(s) shall not affect the approval of the actions for the rest of the parcels in this decision. For the associated mineral order, the failure to approve the mineral order for any specific individual parcel(s) shall not affect the approval of the mineral order for the rest of the parcels in the proposed mineral order.

II. Authority

The State of Alaska, Department of Natural Resources 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, 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*.

III. Administrative Record

The administrative record for the proposed actions consists of the individual case files for each parcel identified with a separate Alaska Division of Lands (ADL) number in Attachment B: List of Parcels, as well as relevant area plans, Preliminary Decisions, and Final Finding and Decisions for each the parent projects.

IV. Scope

The scope of this proposal, under *AS 38.05.035 (e) Powers and Duties of the Director*, is limited to the DNR DMLW decision to change the method of sale of State-owned land, listed in Attachment B, through a future, public auction or another method under *AS 38.05.045 Generally [Sale of Land]* and to the decision to close to mineral entry the State-owned land, listed in Attachment D.

V. History

The following descriptions summarize the programs under which the parcels may have been offered in the past:

- Public Outcry Auctions: In the 1960s and early 1970s, DNR leased or sold subdivided parcels of land, mostly by public outcry auction.
- Sales of Future Borough Land: From 1964 to 1975, DNR subdivided and sold parcels for land proposed to go to new boroughs to jump start the new boroughs' income streams.
- Open-to-Entry Staking Program: Between 1968 and 1973, the State's first "stake-it-yourself" program allowed people to stake, survey, and purchase their own parcel of land in designated staking areas. This program has since been discontinued and the statutes that authorized this

program were repealed. Therefore, the possibility of reoffering parcels as originally intended under the open-to-entry program is no longer an option.

- Homesite Program: Started in 1977, the State's first "prove-up" program allowed Alaskans to build a dwelling and occupy the land for a certain number of years. If they completed the requirements, they only paid the costs to survey and plat the parcel to complete the purchase. While the statutes are still in place, the program is inactive.
- Lottery Sales: In the late 1970s, DNR was directed by the legislature to sell State-owned land by lottery. While the statutes are still in place, the program is inactive.
- Remote Parcel Program: In the late 1970s, the Open-to-Entry Staking Program was restructured and became the Remote Parcel Program. This program has since been discontinued and the statutes that authorized this program were repealed. Therefore, the possibility of reoffering parcels as originally intended under the remote parcel program is no longer an option.
- Homestead Program: In 1984, this program replaced the Remote Parcel Program. The Homestead Program allowed participants to stake larger parcels and included a "prove-up" option. While the statutes are still in place, the program is inactive.
- Long-Term Residential Lease/Preference Right Parcels: Some parcels were originally issued for long-term residential lease with a preference right to purchase. Some of these leases were relinquished, terminated, or closed without moving to purchase. DNR no longer offers this type of residential lease.
- Remote Recreational Cabin Sites: This is the latest version of the "stake-it-yourself" program started in 2001 with no prove-up necessary to complete the land purchase. Alaskans are authorized to select and stake Remote Recreational Cabin Sites in designated areas at designated times. Authorizations are awarded through a drawing that gives all eligible participants an equal chance at acquiring a staking authorization for an area. Occasionally, parcels surveyed under this program return to State ownership through relinquishment or termination. Additionally, administrative parcels were created by DNR DMLW staff during Remote Recreational Cabin Sites offerings to:
 1. reduce per-parcel survey costs by increasing the number of parcels included in a State-issued survey contract;
 2. survey desirable parcels bounded by existing parcels and natural features where the additional parcel does not increase mobilization costs or costs associated with setting additional monuments;
 3. complete survey of previously staked parcels when monuments have been set; and
 4. maximize the number of parcels allowed under the decision to offer the staking area.

Sales of parcels under the related regulations, *11 AAC 67.815 (b) Offering Remote Recreational Cabin Sites* 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 Generally [Sale of Land]* would create an unrealistic burden upon purchasers and hinder the marketability of the property. This proposal seeks to eliminate this potentially unfeasible requirement and create uniformity across the reofferings.

VI. Description

A summary of pertinent identifying information is included on Attachment B: List of Parcels. Due to the varied nature, broad geographic reach, and limited scope of this proposal as a complement to prior Decisions, we will not delineate detailed, parcel-specific data, such as USGS map coverage, coastal

issues, topography, geologic hazards, seismic activity, soils, vegetation, fire hazards, flood zones, tides, anadromous waters, other constraints, detailed legal descriptions, etc. Where known, pertinent information will be made part of the brochures in which the parcels will be advertised. DNR DMLW strongly encourages any persons interested in purchasing a reoffered parcel to first visit the site so that they have a good understanding of the unique features and characteristics of each parcel.

Location: See Attachment C: Map and Attachment B: List of Parcels.

Legal Descriptions: See Attachment B: List of Parcels for parcel-specific information.

Boroughs/Municipalities: See Attachment B: List of Parcels for parcel-specific information.

Native Regional and Village Corporations: Relevant Native Regional Corporations are identified in Attachment B: List of Parcels. Relevant Native Regional Corporations will be notified of this proposal during the public notice process.

Title: All parcels will have a current title report completed before they are reoffered for sale. This will ensure that all parcels are free and clear from any cloud on title at the time of reoffering.

Tentatively Approved Lands: The State of Alaska may not yet have received final patent from the Federal government for some of the land in these reofferings. Title for parcels on tentatively approved lands will be conditioned upon the State of Alaska receiving patent from the Federal government. In accordance with *11 AAC 67.015 Land Available*, in addition to selling, leasing, or granting patented land, DNR DMLW may conditionally sell, lease, or grant land that has been tentatively approved by the Federal government for patent to the State, but that is not yet patented. DNR regulations provide that if for any reason the State of Alaska is denied patent to the land, a sale, lease, or grant on this conditional basis will be canceled and the money paid to purchase the land will be refunded. The State of Alaska has no further liability to the purchaser, lessee, or any third party for termination of the contract. Money paid to the State to purchase such land will be refunded, or may be applied to the purchase of another parcel. Additionally, the State is in no way liable for any damage that may be done to the land by the purchaser, lessee, or grantee, or liable for any claim of any third party or for any claim that may arise from ownership. If the State does receive title to the land, as anticipated, the conditional sale, lease, or grant then has the same effect as other sales, leases, or grants.

Title to tentatively approved lands will be conveyed via quitclaim deed. Ordinarily, there is little risk of loss of title associated with tentatively approved lands, however, there may be practical problems including:

1. title insurance companies might not provide title insurance unless this contingency is "excepted" from coverage; and
2. banks might not loan money for construction on, or the purchase of tentatively-approved lands.

DNR DMLW strongly encourages any persons interested in purchasing a reoffered parcel to fully investigate these matters prior to purchase.

Retention of 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).

Planning and Classification: The parcels are spread throughout the State and are classified by, and subject to, the applicable area plan, management units within those plans, and a classification order. The parcels have been classified as Settlement lands or an equivalent classification according to *11 AAC 55.277 Existing Classifications*. See Attachment B: List of Parcels for parcel-specific area plan information. The proposed reoffering of these parcels is consistent with area-wide land management policies and general management intent of the area plans and their specific management units.

Mineral Orders: Most of these parcels have not previously been closed to mineral entry by mineral orders. Mineral orders that close an area to new mineral entry, where they have been established, close that area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. 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. See Attachment B: List of Parcels for specific mineral order information.

Currently the parcels within the nine subdivisions listed in Attachment D: Proposed Mineral Order No. 1165 are open to mineral entry. As an associated action, this Preliminary Decision proposes to close the listed parcels to new mineral entry to avoid potential conflicts between land estate and mineral estate users.

Eight of these subdivisions pre-date DNR's regular procedure of closing land to mineral entry prior to sale to prevent conflicts between surface and sub-surface users. In one area, Nowitna River RRCS, land sale parcels were incorrectly re-opened to mineral entry.

The proposed mineral order, if approved, would apply to the mineral estate of 882 parcels, covering approximately 5293.2 acres, for which DNR has already sold the land estate to private owners in prior land sales.

The proposed mineral order would also apply to the mineral estate of 30 parcels, covering approximately 188 acres which DNR may offer for sale in a future land sale. This associated mineral order, if approved, will precede the Final Finding and Decision to approve the land offering.

Most of the parcels proposed to be included in the mineral order have already been sold to private owners. Mining activity would be incompatible with past and future 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 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.

Access to 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. This access is superior to any and all surface uses. The State may also lease the mineral estate. Any 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.

Traditional Use Findings: For those parcels located within an organized borough, a traditional use finding is not required.

For those parcels located within the Unorganized Borough, a traditional use finding is required under *AS 38.05.830 Land Disposal in the Unorganized Borough*. The proposed disposal and use of these parcels is consistent with past land uses within and around the proposed parcels and all of the parcels in this proposal have been through a previous, complete notice, review, and decision process. It is anticipated that the resale of these parcels will not change the traditional uses. Should we identify any conflicts through the new public notice process, we will address these issues and proposed mitigation measures, if needed, in the subsequent Final Finding and Decision.

Access: Access to individual parcels varies. Pertinent access and location information will be part of the brochures in which individual parcels for sale are described. DNR DMLW will ensure that all parcels have legal access prior to sale, but does not ensure that the access has been developed or is practical to use. It is the responsibility of the interested party to investigate the existing and allowable access before purchase. DNR DMLW strongly encourages any persons interested in purchasing a parcel to first visit the site so that they have a good understanding of any potential issues concerning the parcel's access.

Easements, Setbacks, Restrictions, and Reserved Areas: Parcels may be subject to a variety of easements, setbacks, restrictions and reserved areas. DNR DMLW will provide pertinent information regarding these types of restrictions as part of the brochures in which individual parcels for sale are described. Much of this information is also available on the recorded survey plats; plat recording information for each parcel is listed in Attachment B. DNR DMLW strongly encourages any persons interested in purchasing a parcel to visit the parcel and review the plat and all other associated documents so that they have a good understanding of any potential issues concerning the parcel. Those parcels located within organized boroughs or incorporated municipalities may be subject to local ordinances which affect development or use of the parcel.

Hazardous Materials and Potential Contaminants: Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land. There are no known environmental hazards present within the parcels encompassed by this proposal. However, the State of Alaska makes no representations or warranties, expressed nor implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land 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.

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. Given that this land was specifically designated Settlement for transfer into private ownership, and given the high degree of interest from both the legislature and citizens in transferring State-owned land into private ownership, DNR DMLW is of the opinion that the benefits outweigh the potential risks.

Surveys: All parcels have been surveyed. See Attachment B: List of Parcels for parcel-specific information.

Appraisals: In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting Department standards will be required within two years of the date fixed for the sale for each parcel.

Should any parcels have known improvements, these will be identified in the brochure if and when the parcels are reoffered for resale. If any improvements appraise at \$10,000 or more, these parcels and their improvements will be managed under *AS 38.05.090 Removal or Reversion of Improvements Upon Termination of Leases* (including those relinquished or terminated from land sale contracts). Purchases of these parcels will require that the successful bidder pay for the improvements, in full, upon notification of apparent high bid or application drawn.

VII. Agency Comments

Agency review is being conducted concurrently with the public notice for this Preliminary Decision and Proposed Mineral Order. If, after consideration of timely written comments, both the proposed actions are approved, the Department will issue a Final Finding and Decision and Mineral Order, addressing all comments received therein. A copy of the Final Finding and Decision and Mineral Order will be provided to those that provide timely, written comment.

VIII. Submittal of Public Comments

See Attachment A: Public Notice for specific instructions and conditions regarding notice and how to submit comment for consideration.

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

In accordance with *AS 38.05.946 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, 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, as will the Mineral Order.

Only persons from whom the Department receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision or Mineral Order. Upon approval and issuance of a Final Finding and Decision and Mineral Order, a copy of the decision and mineral order 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
COMMENT PERIOD ENDS 4 PM DECEMBER 4, 2014**

IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

- Alternative 1: Approve all proposed actions.
- Alternative 2: Approve only some of the proposed actions.
- Alternative 3: Do not approve the proposed actions.

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 the Commissioner of DNR. Alternative 1 provides an equitable method for DNR to help meet the obligations laid out in the Constitution and statute. The lands affected by this decision have been deemed appropriate for settlement through a previous best interest finding with related public process wherein these parcels were previously identified as appropriate for sale. DNR is now

conducting a new notice to the public under this proposal to change the method of sale for uniformity and compliance with current law and to close the parcels to new mineral entry. Alternatives 2 and 3 will not allow the resale of some or all these lands due to changes in statutes, regulations, and policies and thus the lands would be retained. Retention of these parcels would be contrary to the previous processes that identified these lands as appropriate for disposal and would inhibit DNR from meeting its Constitutional and legislative obligations. Not closing the parcels listed in the proposed Mineral Order could lead to conflicts between land estate and mineral estate users of the land. For the aforementioned reasons, Alternative 1 is the preferred alternative. Additionally to fail to close to new mineral entry lands already sold may create future conflicts between land estate and mineral estate users.

Recommendation follows.

X. Recommendation

This Preliminary Decision for the proposed actions described throughout this document and its attachments, including the Proposed Mineral Order 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/ Dan Beutel

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Department of Natural Resources
State of Alaska

10/15/2014

Date

/s/ Kathryn Young

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

10/15/2014

Date

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

ATTACHMENT A: PUBLIC NOTICE

TWO PRELIMINARY DECISIONS

**1) Proposed Change in the Method of Conveyance
for the Future Reoffer of 173 Parcels Statewide**

**2) Proposed Change in the Method of Conveyance
for the future reoffer of 34 Parcels Statewide and
an associated Mineral Order (Closing) #1165.**

AS 38.05.035 (e), AS 38.05.045, AS 38.05.185

COMMENT PERIOD ENDS 4 PM DECEMBER 4, 2014

The State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water issues these two Preliminary Decisions and one Proposed Mineral Order as amendments, updates, and complements to prior Final Finding and Decisions that originally authorized the sale of various project areas statewide within which 208 parcels identified in the Preliminary Decisions are located. The scope of this decision is limited to the following proposed actions:

1. To change the method of conveyance (where needed for uniformity and to conform to current statutes and regulations) and to provide notice to the public of the State's intention to dispose of these parcels in a future reoffering;
2. To close to mineral entry land sale parcels in nine subdivisions to prevent conflicts between land and mineral estate users.

All of the parcels in this proposal have previously been through a complete decision process that included public notice and review. Many of the parcels encompassed by this decision were offered for sale through previous State land disposal programs, but were subsequently returned to State ownership through relinquishment or termination. The Preliminary Decisions, Proposed Mineral Order, and attachments describe the parcels, proposals, and reasoning in detail. To obtain the Preliminary Decisions, Proposed Mineral Order, and attachments, or to request auxiliary aids, services, or special accommodations, go to <http://notice.alaska.gov> or <http://landsales.alaska.gov>. 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 requesting special assistance must do so from DNR's Public Information Center in Anchorage no later than 4 pm November 25, 2014.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on the preliminary decisions and the mineral order 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 4 p.m. December 4, 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 Decisions. Written comment may be received by fax to 907.269.8916, email to subdivision.sales@alaska.gov, or postal mail to LSCAS, ATTENTION: POTENTIAL REOFFER PROPOSAL, 550 W. 7th Ave, Suite #640, Anchorage, Alaska 99501. For direct inquiries, call Dan Beutel in Anchorage at 907.269.8599.

If no significant change is required, the two Preliminary Decisions and one Proposed Mineral Order, including any minor changes and a summary of comments and responses, will be issued as two subsequent Final Finding and Decisions and a Mineral Order without further notice. A copy of the Final Findings and Decisions and Mineral Order will be sent to any persons who comment on the Preliminary Decisions.

DNR reserves the right to waive technical defects in this notice. **Please post until 4 p.m. December 4, 2014.**

Attachment B: List of Parcels

PRELIMINARY DECISION

Proposed Change in the Method of Conveyance for the Future Reoffer of 34 Parcel Statewide

Region	ADL	Subdivision	MTRS	Survey	Recording District	Plat #	Lot / Tract	Block	Acres	Original Sale Decision Date	Mineral Order	Area Plan (see page 2)	Classification	Borough	Native Corporation
SC	228872	Beaver Creek**	S006N011W36	EPF 3-9	Kenai	81-101	10	B	0.947	11/20/78		KAP	STL	Kenai Pen.	CIRI
SC	228873	Beaver Creek**	S006N011W36	EPF 3-9	Kenai	81-101	11	B	0.947	11/20/78		KAP	STL	Kenai Pen.	CIRI
SC	203234	Glennallen Area I	C004N001W29	ASLS 79-144	Chitina	80-1	80		20	10/11/79		CBAP	PVR*/RSD	n/a	Ahtna
SC	204740	Glennallen OTE	C004N002W20	ASLS 79-36	Chitina	79-5	4		19.19	5/21/79		CBAP	OTE*	n/a	Ahtna
SC	204750	Glennallen OTE	C004N002W20	ASLS 79-36	Chitina	79-5	27		9.09	5/21/79		CBAP	OTE*	n/a	Ahtna
SC	204536	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	1	4	5	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204537	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	2	4	5	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204539	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	4	4	5	8/10/82	MCO 780	CBAP	PVR*/RSD	n/a	Ahtna
SC	204540	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	5	4	5	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204541	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	6	4	10.191	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204542	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	1	5	5	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204545	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	4	5	5	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204556	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	3	6	5	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204557	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	4	6	5	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204573	Tazlina Southwest	C003N001W34	ASLS 79-121	Chitina	80-3	2	7	5	8/10/82	MCO 529	CBAP	PVR*/RSD	n/a	Ahtna
SC	204579	Tazlina Southwest	C003N001W35	ASLS 79-121	Chitina	80-3	1	8	4.717	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204580	Tazlina Southwest	C003N001W35	ASLS 79-121	Chitina	80-3	2	8	4.717	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204581	Tazlina Southwest	C003N001W35	ASLS 79-121	Chitina	80-3	3	8	4.701	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	204582	Tazlina Southwest	C003N001W35	ASLS 79-121	Chitina	80-3	4	8	4.699	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna

*Settlement Classification under 11 AAC 55.277 Existing Classifications

**Beaver Creek parcels are designated as School Trust Lands and Zoned Commercial by the City of Kenai

Attachment B: List of Parcels

PRELIMINARY DECISION

Proposed Change in the Method of Conveyance for the Future Reoffer of 34 Parcel Statewide

Region	ADL	Subdivision	MTRS	Survey	Recording District	Plat #	Lot / Tract	Block	Acres	Original Sale Decision Date	Mineral Order	Area Plan (see page 2)	Classification	Borough	Native Corporation
SC	204583	Tazlina Southwest	C003N001W35	ASLS 79-121	Chitina	80-3	5	8	4.717	8/10/82		CBAP	PVR*/RSD	n/a	Ahtna
SC	205691	Trapper Creek Glen	S026N006W02	ASLS 79-242	Talkeetna	80-119	3	9	4.847	6/10/80		SMAP	STL	Mat-Su	CIRI
SC	205742	Trapper Creek Glen	S027N006W26	ASLS 79-242	Talkeetna	80-119	6	27	3.921	6/10/80		SMAP	STL	Mat-Su	CIRI
SC	206016	Trapper Creek Glen	S027N006W36	ASLS 79-242	Talkeetna	80-119	1	20	3.135	6/10/80		SMAP	STL	Mat-Su	CIRI
SC	206026	Trapper Creek Glen	S027N006W36	ASLS 79-242	Talkeetna	80-119	5	21	4.349	6/10/80		SMAP	STL	Mat-Su	CIRI
SC	203107	Willow Creek	C001N001E27	ASLS 79-122	Chitina	79-25	102		5	1/23/80		CBAP	PVR*/RSD	n/a	Ahtna
SC	203111	Willow Creek	C001N001E27	ASLS 79-122	Chitina	79-25	106		5	1/23/80		CBAP	PVR*/RSD	n/a	Ahtna
SC	203112	Willow Creek	C001N001E27	ASLS 79-122	Chitina	79-25	107		5	1/23/80		CBAP	PVR*/RSD	n/a	Ahtna
SC	203344	Willow Creek	C001N001E27	ASLS 79-122	Chitina	79-25	20		4.955	1/23/80	MCO 780	CBAP	PVR*/RSD	n/a	Ahtna
SC	203353	Willow Creek	C001N001E27	ASLS 79-122	Chitina	79-25	31		4.96	1/23/80		CBAP	PVR*/RSD	n/a	Ahtna
SC	203354	Willow Creek	C001N001E27	ASLS 79-122	Chitina	79-25	32		4.96	1/23/80	MCO 780	CBAP	PVR*/RSD	n/a	Ahtna
NO	402122	Circle	F008N015E21	ASLS 78-163	Fairbanks	97-83	167		3.444	4/12/79		Site Specific	PVR*/RSD	n/a	Doyon
NO	406263	Circle	F008N015E21	ASLS 78-163	Fairbanks	97-83	182		3.444	4/12/79		Site Specific	OTE*	n/a	Doyon
NO	406271	Circle	F008N015E21	ASLS 78-163	Fairbanks	97-83	199		3.444	4/12/79		Site Specific	OTE*	n/a	Doyon
NO	400995	Delta Homesites	F010S011E36	ASLS 77-163	Fairbanks	84-93	J	1	2.6	4/24/79		TBAP	HST*	n/a	Doyon

Area Plan Codes	Plan Name
KAP	Kenai Area Plan
CBAP	Copper Basin Area Plan
SMAP	Susitna-Matanuska Area Plan
TBAP	Tanana Basin Area Plan

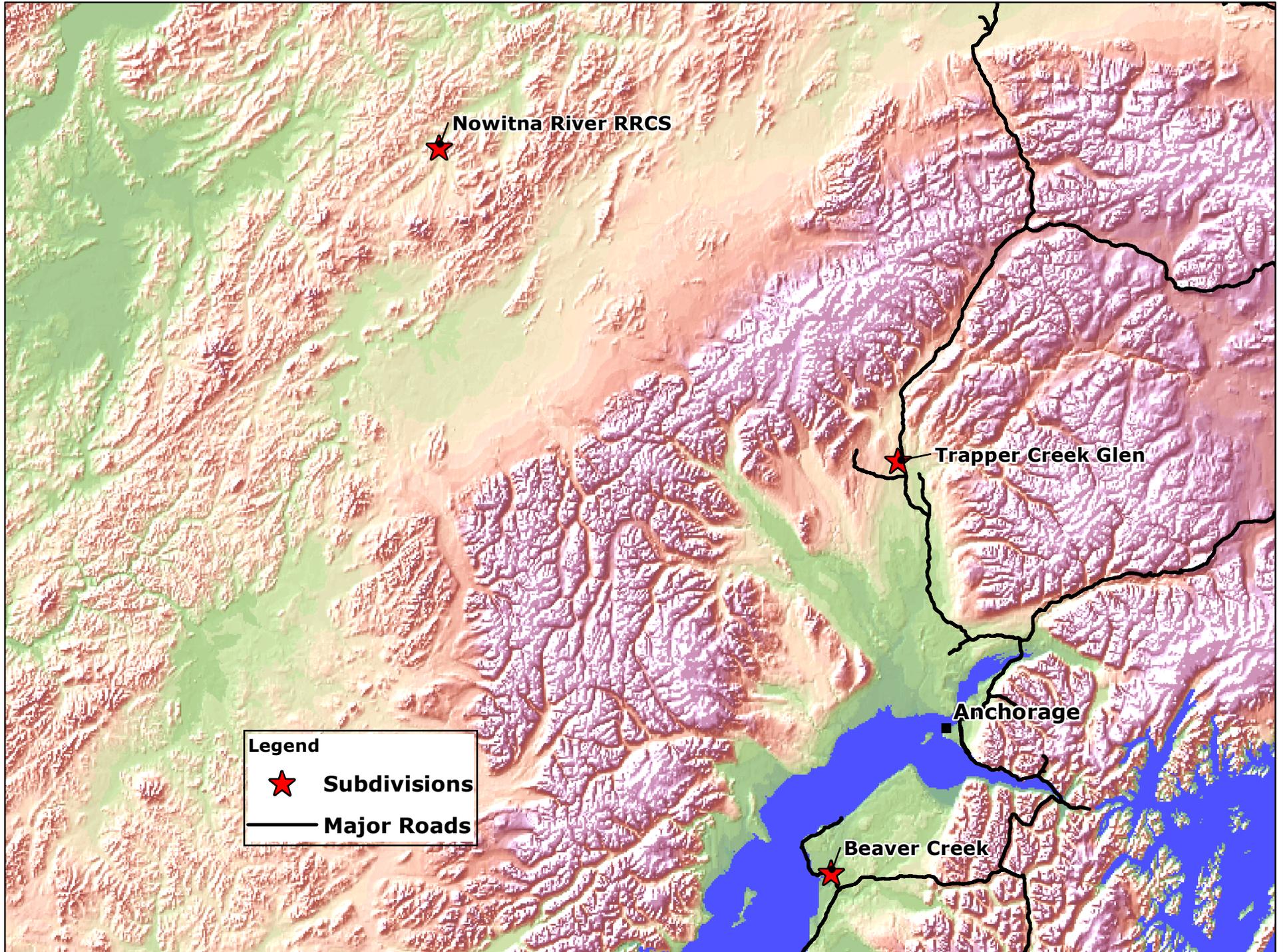
*Settlement Classification under 11 AAC 55.277 Existing Classifications

**Beaver Creek parcels are designated as School Trust Lands and Zoned Commercial by the City of Kenai

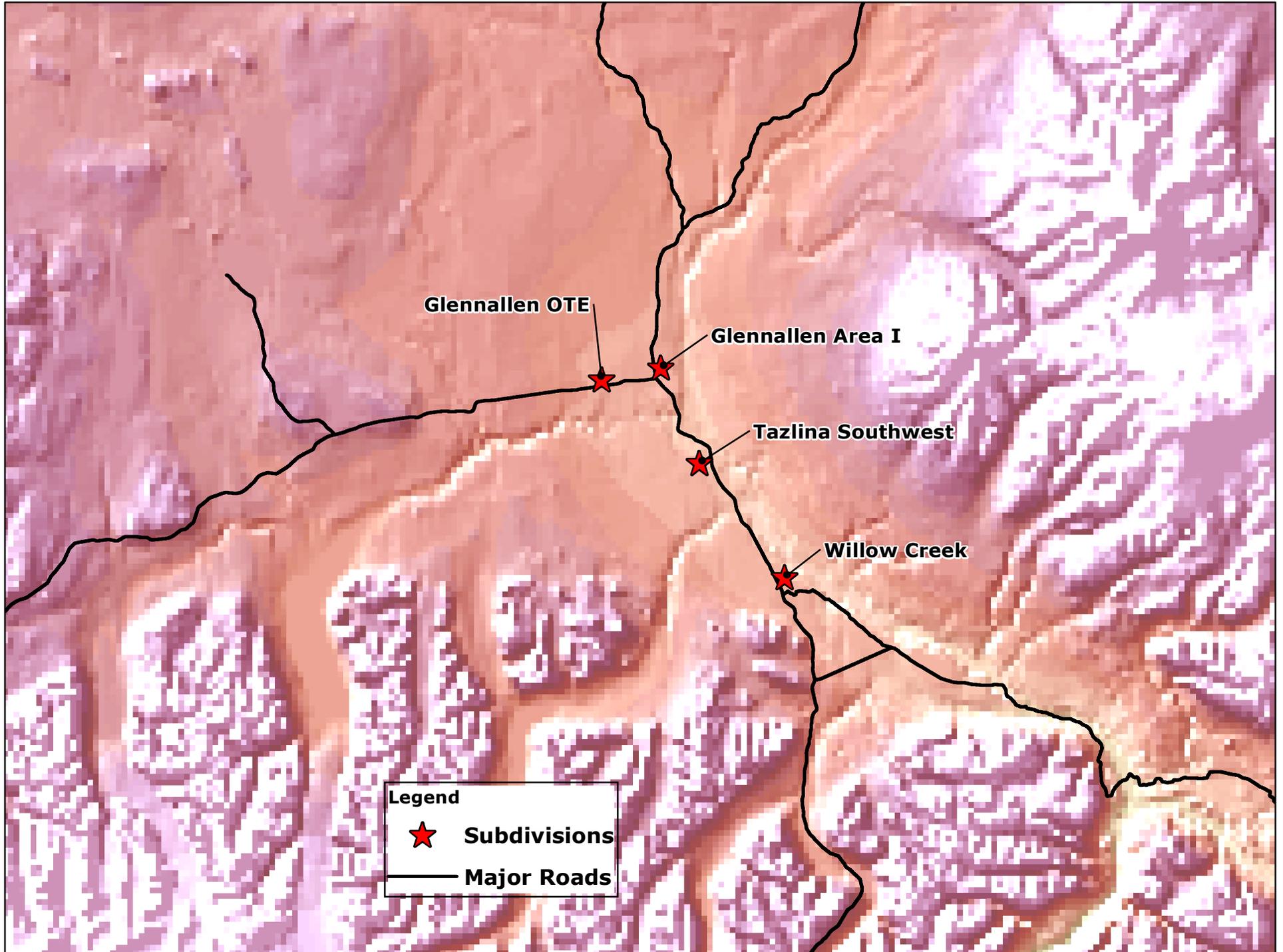
Attachment C : Map of Parcel Locations - Map 1 of 4



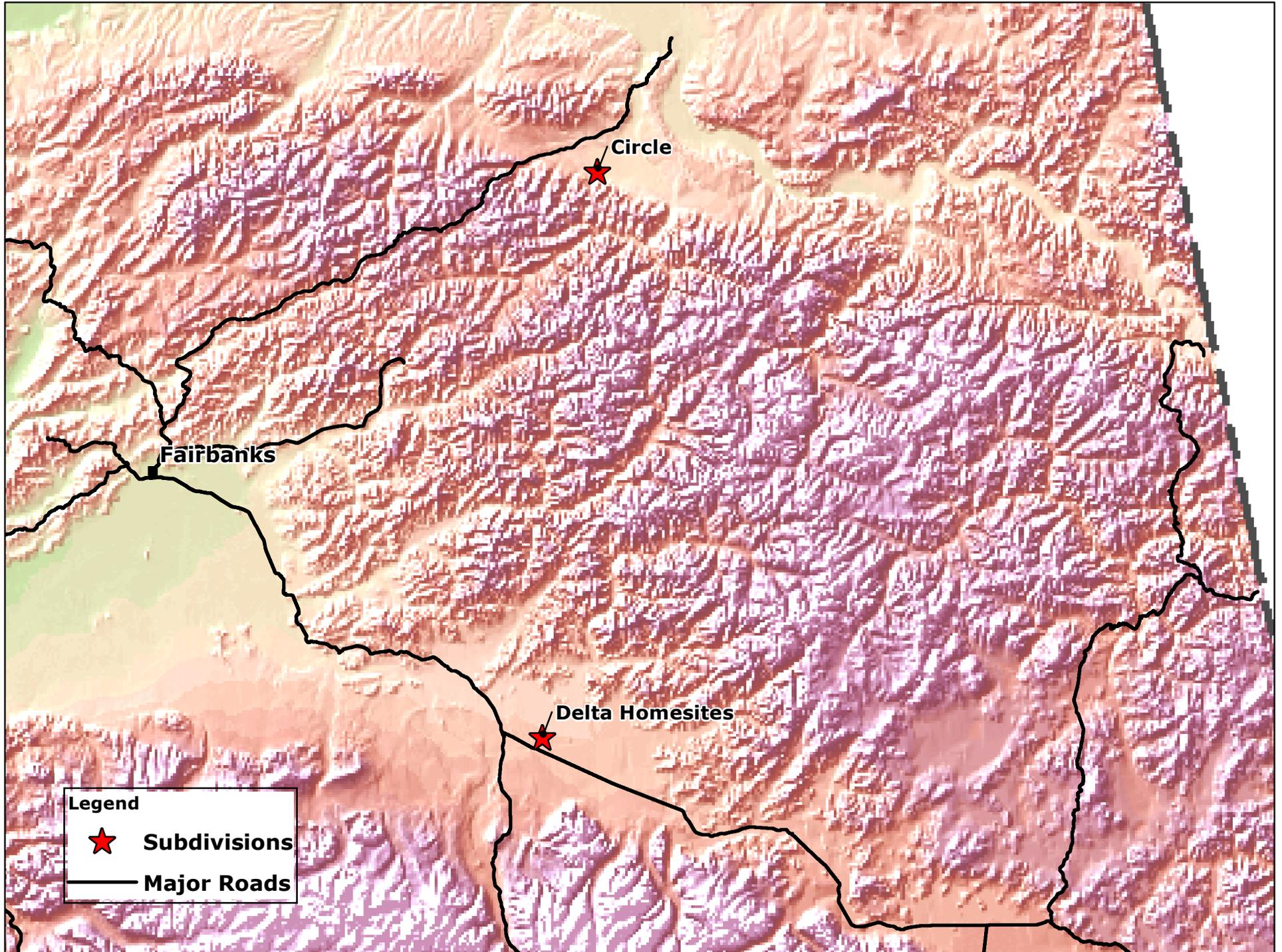
Attachment C : Map of Parcel Locations - Map 2 of 4



Attachment C : Map of Parcel Locations - Map 3 of 4



Attachment C : Map of Parcel Locations - Map 4 of 4



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

MINERAL ORDER No. 1165

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

I. Name of Mineral Order: Nine subdivisions: Beaver Creek, Glennallen Area I, Glennallen OTE, Tazlina Southwest, Trapper Creek Glen, Willow Creek, and Circle Subdivisions, Nowitna River Remote Recreational Cabin Sites, and Delta Homesites.

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:
The applicable Final Finding and Decision for each respective subdivision; see attached subdivision list for dates of these decisions.
Preliminary Decision, Proposed Change in the Method of Conveyance for the future Reoffer of 34 parcels statewide, October 15, 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: See attached subdivision list

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 Balash
Commissioner
Department of Natural Resources
State of Alaska

Date

Attachment D: Proposed Mineral Order (Closing) MO #1165 - Subdivision List

Region	Subdivision	MTRS	Survey	Original Sale Decision Date	Proposed MO Legal Description	Proposed MO Total Acres
SC	Beaver Creek	S006N011W36	EPF 3-9	11/20/1978	EPF 3-9, Block B, Lots 3, 4, 5, 13; Block C, Lots 1-3, 5, 7-10, 12-16; Block F, Lots 1-16; Block G, Lots 1-12; Block H, Lots 2-12; Block I, Lots 1-15, 18-19	83.346
SC	Glennallen Area I	C004N001W17, 20, 29	ASLS 79-144	10/11/1979	ASLS 79-144, Lots 22-85	1119.7
SC	Glennallen OTE	C004N002W20, 21	ASLS 79-36	5/21/1979	ASLS 79-36, Lots 1-17, 19-55	863.92
SC	Nowitna River RRCS	K019S021E03, 04, 09, 16	ASLS 2007-10	3/17/2006	ASLS 2007-10, Tracts A-M	157.03
SC	Tazlina Southwest	C003N001W34, 35	ASLS 79-121	8/10/1982	ASLS 79-121, Block 4, Lots 1-3, 5, 6; Block 5, Lots 1-12; Block 6, Lots 1-22; Block 7, Lots 1-7; Block 8, Lots 1-7; Block 9, Lots 1-9, 11-13; Block 10, Lots 1-5	352.283
SC	Trapper Creek Glen	S026N006W02, 11, S027N006W25, 26, 35, 36	ASLS 79-242	6/10/1980	ASLS 79-242, Block 1, Lots 1-3; Block 2, Lots 1-3, 5-7;□ Block 3, Lots 3-5; Block 4, Lots 1-4;□ Block 5, Lots 1-5; Block 6, Lots 1-7;□ Block 7, Lots 1; Block 8, Lots 1-3;□ Block 9, Lots 1, 3; Block 10, Lots 1-2;□ Block 11, Lots 1-13; Block 12, Lots 1-10;□ Block 13, Lots 1-14; Block 14, Lots 1-7;□ Block 15, Lots 1-2; Block 16, Lots 1, 3-9;□ Block 17, Lots 1-3; Block 18, Lots 1-4;□ Block 19, Lots 1-2; Block 20, Lots 1-8;□ Block 21, Lots 1-15; Block 22, Lots 1-15;□ Block 23, Lots 1-3; Block 24, Lots 1, 3-5, 7-10;□ Block 25, Lots 1-8; Block 26, Lots 1-3;□ Block 27, Lots 1-8; Block 28, Lots 1-18;□ Block 29, Lots 1-16; Block 30, Lots 1-14;□ Block 31, Lots 1-5, 7-9; Block 32, Lots 1-9;□ Block 33, Lots 1-4; Block 34, Lots 1-2;□ Block 35, Lots 1-5	1075.766
SC	Willow Creek	C001N001E21, 26, 27, 28	ASLS 79-122	1/23/1980	ASLS 79-122, Lots 1-6, 9-13, 15-19, 21-29, 31, 33-51, 53-58, 60-94, 96-129	716.485
NO	Circle	F008N015E21, 27, 28	ASLS 78-163	4/12/1979	ASLS 77-161, all and ASLS 78-163, all	967.169
NO	Delta Homesites	F010S011E36	ASLS 77-163	4/24/1979	ASLS 77-163, Block 1, Tracts A, C-J, L-P; Block 2, Tracts A-F; Block 3, Tracts A-F; Block 4, all	145.49
Total acres this mineral order (MO #1165)						5481.2
MO acres of parcels already sold						5293.2
MO acres of Reoffer parcels						188.0