

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

**FINAL FINDING AND DECISION**

**Proposed Land Offering**

**Aniak - Doestock Remote Recreational Cabin Sites Project Area - ADL 229342**  
AS 38.05.035 (e), AS 38.05.045, and AS 38.05.600

**Associated Actions:**

**Proposed Mineral Order (Closing) No. 1113**

AS 38.05.185

This Final Finding and Decision supplements the Preliminary Decision dated July 10, 2011 for the proposed action(s) incorporated by reference herein.

Attachment I: Preliminary Decision

**I. Recommended Action(s)**

As detailed in Attachment I: Preliminary Decision, the State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) recommends offering for sale State-owned land for private ownership within the Aniak – Doestock project area (ADL 229342).

DNR DMLW proposes to offer up to 60 authorizations to stake parcels ranging from 5 to 20 acres in this project area, for a maximum of 1,200 acres sold through this offering under AS 38.05.600 Remote Recreational Cabin Sites. Authorizations will be awarded by lottery. When so authorized, entrants may stake a parcel within a defined staking area, lease the staked parcel during the survey, platting, and appraisal process, and convert the lease to a sale at a purchase price established by the appraised value, plus associated fees. This offering may be conducted in phases.

After the staking period closes, DNR DMLW may also identify and survey additional parcels in a staking area known as administrative parcels. Administrative parcels are not restricted to the 5-acre minimum and 20-acre maximum. Parcels that are staked but later relinquished, terminated, or expired before converting to sale, and parcels administratively created by DNR DMLW, will be offered at public auction or by another method under AS 38.05.045 Generally [Sale of Land]. DNR DMLW will not offer more than 60 authorizations or 1,200 acres through this offering.

There is one associated action with this project: a mineral order.

- No mining activity has been identified within the project boundaries. In order to prevent potential conflicts between surface and subsurface users within the project area, Mineral Order (Closing) No. 1113 (MO 1113) closes the entire project area (approximately 10,093 acres) to mineral entry prior to offering. The mineral order applies only to new mineral location and does not remove valid existing mineral rights. This order is consistent with the management intent of the Kuskowim Area Plan (KAP).

## **Final Finding and Decision**

Proposed Land Offering

Aniak - Doestock Remote Recreational Cabin Sites - ADL 229342

Page 2 of 6

This recommended action has not been modified from the original proposed action.

### **II. Authority**

The State of Alaska, Department of Natural Resources (DNR) has the authority under AS 38.05.035 (e) Powers and Duties of the Director and 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. The Land Sales and Contract Administration Section of the Division of Mining, Land, and Water (DMLW) is delegated authority to offer parcels under AS 38.05.600 Remote Recreational Cabin Sites, 11 AAC 67.805 Designating Areas for Remote Recreational Cabin Sites, and 11 AAC 67.815 Offering Remote Recreational Cabin Sites. DNR DMLW is also authorized to offer through other methods of sale under AS 38.05.045 any additional administrative parcels as well as any staked parcels later relinquished, terminated, or expired during the staking and leasing periods. Additionally, AS 38.05.185 Generally [Mining Rights] and AS 38.05.300 Classification of Land allow for closing lands to mineral entry.

### **III. Traditional Use Finding**

In accordance with AS 38.05.830 Land Disposal in the Unorganized Borough, a traditional use finding was included in Attachment I: Preliminary Decision. A field inspection and public comment in 2010 brought forth no new information indicating traditional use conflicts that were not apparent at the Preliminary Decision stage.

### **IV. Public Notice and Response to Comments**

Pursuant to AS 38.05.945 Notice, public notice inviting comment was published in legal notices in the statewide Anchorage Daily News on December 9, 2009. It was also published in the following regional publications during the public notice period: Fairbanks Daily News Miner, Kodiak Daily Mirror, Mat-Su Valley Frontiersman, and the Tundra Drums. The notice also appeared on the State of Alaska Online Public Notices website at <http://notes.state.ak.us/pn/>. Additionally, public notices with a request to post for 30 days were mailed to libraries in the general area of the proposed offering and post offices statewide. Notices were also mailed to local community associations, cities, regional and village corporations; as well as adjacent land owners, permit holders, or managers of record. The public notice stated that written comments were to be received by 5:00pm January 4, 2010 in order to ensure consideration and to be eligible to appeal. Two agencies submitted timely written comments on the proposed action, which are addressed in the paragraphs below.

There were no significant changes to the Preliminary Decision therefore additional notice was not required. A copy of this Final Finding and Decision will be sent to any party who provided timely written comment on the Preliminary Decision.

A summary of the public comments received and DNR DMLW's response follows.

Department of Fish and Game (DFG), Division of Sport Fish (DSF) Comment: It appears DNR DMLW has adequately responded to all of DFG's concerns submitted in a memorandum dated November 23, 2004. DFG concurs with a 200-foot staking setback along the Aniak River and a 100-foot staking setback along Doestock Creek.

## **Final Finding and Decision**

Proposed Land Offering

Aniak - Doestock Remote Recreational Cabin Sites - ADL 229342

Page 3 of 6

DNR DMLW Land Sales and Contract Administration Section (LSCAS) Response: No response.

DFG DSF Comment: DFG recommended contact information and location of legal access should be included in staking maps, information, and brochure. Explanations of Revised Statute (RS) 2477 trails and 17(b) easements should also be included to reduce trespass and confusion.

DNR DMLW Land Sales and Contract Administration Section (LSCAS) Response: The offering brochure, staking map, staking packet, and supplementary information will describe any identified access routes, and provide information about conditions and limitations, where available.

The reader is referred to the Access To, Within, and Beyond the Staking Area; Access To and Along Public Water; and Easements, Setbacks, and Reserved Areas subsections of Attachment I for more information.

DNR Division Forestry (DOF), Coastal Region Forestry Comment: DNR DOF has issued personal use firewood permits within the proposed sale area. Most firewood cutting is on State-owned lands within Sections 23, 26, 35, and 36 of Township 17 North, Range 56 West, Seward Meridian. DNR DOF expects an increase in the number of firewood permits issued in this area as it has seen a similar increase in other areas due to the increase in home heating fuel costs.

DNR DOF recommends reserving areas for timber harvest. The area is the only State-owned land close to Aniak available to the public for firewood. Nearby federal lands are part of the Yukon Delta National Wildlife Refuge and nearby Native Corporation lands may not always be available to the public.

DNR DMLW LSCAS Response: DNR DMLW will work with DNR DOF to reserve areas for timber harvest.

DNR DOF Comment: DNR DOF also recommends locating easements from the river and creek to ensure access to timber resources.

DNR DMLW LSCAS Response: The staking packet and supplementary information will describe easements and reservations for individual parcels during lease. After survey easements and reservations will be depicted on survey plats.

The reader is referred to the Access To, Within, and Beyond the Staking Area; Access To and Along Public Water; and Easements, Setbacks, and Reserved Areas subsections of Attachment I for more information.

DNR DOF Comment: DNR DOF stipulates no timber harvest within 100 feet of streams bearing anadromous and high-value resident fish populations.

DNR DMLW LSCAS Response: No response.

## **Final Finding and Decision**

Proposed Land Offering

Aniak - Doestock Remote Recreational Cabin Sites - ADL 229342

Page 4 of 6

### **V. Modifications to Decision and/or Additional Information**

The recommended action has not been modified from the original proposed action(s) described in Attachment I: Preliminary Decision. There is additional information.

Additional Information: A field inspection of the Aniak-Doestock project area was conducted by DNR DMLW on August 25, 2010. We traveled to the project area on the Aniak River by river boat, and through the project area on Doestock Creek. As noted in the Traditional Use Finding subsection of this document, the field inspection brought forth no additional information regarding uses of State-owned land and potential conflicts among users within the project area. The field inspection facilitated the identification of areas of current timber resource harvest within the project area and areas subject to future harvest. As noted in the Public Notice and Response to Comments subsection of this document, we will continue to work with DNR DOF to reserve areas for future timber resource harvest prior to staking.

A public open house was presented at the Aniak Community School on August 25, 2010. Although invited, no members of the public participated in the public open house. However, we met with The Kuskokwim Corporation staff in Aniak on August 26, 2010. The Kuskokwim Corporation staff recommended we provide participants with the location of private property and Native Corporation-owned lands in the vicinity of the project area. The Kuskokwim Corporation staff also recommended we provide participants with information regarding overland travel across Native Corporation-owned lands in the vicinity of the staking area. DNR DMLW will take these recommendations into consideration prior to staking.

Final finding and decision follows.

**Final Finding and Decision**

Proposed Land Offering

Aniak - Doestock Remote Recreational Cabin Sites - ADL 229342

Page 5 of 6

**VI. Discussion and Final Finding and Decision**

The Department recommends proceeding with the proposed action as described in Attachment I: Preliminary Decision and as supplemented, amended, changed, or deleted herein. This action is undertaken under relevant authorities. Offering these parcels for sale will help meet the State's goal to provide land for settlement for sale to the public and raise revenue for the State.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945 Notice and comments received were considered. The project file has been found to be complete and the requirements of all applicable statutes have been satisfied. The recommended actions are consistent with constitutional and statutory intent for State-owned land.

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended action(s) as described and referenced herein.

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

10/10/2011  
Date

/S/  
Approved: Brent Goodrum, Director  
Division of Mining, Land, and Water  
Department of Natural Resources, State of Alaska

11/03/2011  
Date

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

11/03/2011  
Date

## **Final Finding and Decision**

Proposed Land Offering

Aniak - Doestock Remote Recreational Cabin Sites - ADL 229342

Page 6 of 6

### **Reconsideration Provision**

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040 (c) and (d) and may be mailed or delivered to Daniel S. Sullivan, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov).

If reconsideration is not requested by that date or if the Commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31<sup>st</sup> day after issuance. Failure of the Commissioner to act on a request for reconsideration within 30 days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

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

**PRELIMINARY DECISION**

**Proposed Land Offering**  
**Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342**  
AS 38.05.600 and AS 38.05.035 (e)

**Associated Actions**  
**Proposed Mineral Order (Closing)**  
AS 38.05.185

**I. Proposed Action**

The State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water proposes to convey up to 1,200 acres of State-owned land into private ownership within the Aniak-Doestock project area (ADL 229342), for staking under the Remote Recreational Cabin Sites program, AS 38.05.600. Located approximately 5 miles east of the City of Aniak near the confluence of Doestock Creek and the Aniak River, the project area is within Township 16 North, Range 56 West and Township 17 North, Range 56 West, Seward Meridian encompassing approximately 10,240 acres. State-owned land in the staking area is managed under the *Kuskokwim Area Plan* and is designated Settlement land. The Department proposes to offer 60 authorizations to stake parcels ranging from 5 to 20 acres in the Aniak-Doestock project area. These authorizations awarded by lottery allow entrants to stake a parcel, lease the staked parcel during the survey and appraisal process, and convert the lease to a sale at a purchase price established by the appraised fair market value, plus associated fees. The staking area may be offered in 2010 or included in a later offering. Brochures advertising the offering and lottery application period will be published and distributed throughout Alaska, and made available online.

The Department may also identify and survey additional parcels in a staking area to be sold at public, sealed-bid auction. The number of staked and additional surveyed parcels will not exceed the total number of authorizations offered, nor total number of acres to be conveyed. DNR proposes to offer these surveyed parcels at public, sealed-bid auction under AS 38.05.050. In accordance with AS 38.05.840 an appraisal meeting Department standards will be required within two years of the date fixed for the sale for each parcel.

Pursuant to AS 38.05.945, the public is invited to comment on this proposed action. See the Submittal of Public Comments section at the end of this document and Attachment A: Public Notice for details on how to submit comments for consideration and the comment period deadline. Approval of this action will be issued as a Final Finding and Decision, after consideration of timely written comments.

There is one associated action with this proposal: a mineral order. Separate comments should be submitted for this action. Approximately 10,240 acres in the Aniak-Doestock staking area will be closed to mineral entry prior to offering, consistent with the *Kuskokwim Area Plan*. This

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 2 of 17

associated mineral order, if approved, will precede the Final Finding and Decision to approve the land offering. Please refer to the Mineral Order section of this document for more information.

Attachment A: Public Notice

Attachment B: Staking Area Map-Aniak-Doestock Remote Recreational Cabin Sites Proposed Project Area

## **II. Authority**

The State of Alaska, Department of Natural Resources (DNR) has the authority under Alaska Statute (AS) 38.05.035 (e) and AS 38.05.045 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. The Division of Mining, Land, and Water (DMLW) is delegated authority to offer Remote Recreational Cabin Sites under AS 38.05.600. In addition, the Division may offer land for private ownership at public, sealed-bid auction under AS 38.05.050 and AS 38.05.055. Land offered at public sale but not sold may be made available at private sale for not less than its appraised value under AS 38.05.060. The Division may offer a land purchase price discount for veterans under AS 38.05.940.

## **III. Administrative Record**

The project file for the Aniak-Doestock project area (ADL 229342) constitutes the administrative record for this action. Also incorporated by reference is:

- *Kuskokwim Area Plan*, adopted May 1988, and associated land classification files.

## **IV. Scope of the Decision**

The scope of this review, under AS 38.05.035 (e) (1 - 2), is limited to DNR's decision to convey up to 1,200 acres within the proposed Aniak-Doestock staking area into private ownership. DNR proposes to open the area for up to 60 authorizations to stake Remote Recreational Cabin Sites under AS 38.05.600. DNR may also identify and survey additional parcels in a staking area to be sold at public, sealed-bid auction. The number of staked and additional surveyed parcels will not exceed the total number of authorizations offered, nor total number of acres to be conveyed. DNR proposes to offer the surveyed parcels at public, sealed-bid auction under AS 38.05.050.

There may be associated actions with this proposal as described in the Proposed Action section of this document.

## **V. Description**

Geographic Location: The project area is located approximately 5 miles east of the City of Aniak near the confluence of Doestock Creek and the Aniak River. The Aniak River and Doestock Creek meander through the staking area.

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 3 of 17

**Legal Description:** The Aniak-Doestock staking area, depicted in Attachment B: Staking Area Map - Aniak-Doestock Remote Recreational Cabin Sites Project Area, encompasses approximately 10,240 acres within:

- Sections 1 - 5, and Sections 9 - 12, within Township 16 North, Range 56 West, Seward Meridian; and
- Sections 13 - 14, Sections 23 - 26, and Sections 35 – 36, within Township 17 North, Range 56 West, Seward Meridian.

**Borough/Municipality:** The staking area is within the Unorganized Borough and subject to the State platting authority.

**Alaska Coastal District:** The staking area not within a Coastal District or coastal zone. As such, this proposal is not subject to the Alaska Coastal Management Program (ACMP) requirements.

**Native Regional and Village Corporations:** Calista Corporation is the regional native corporation for this area. The village corporations of Aniak, Chuathbaluk, Kalskag, and Napaimute – which merged to form part of The Kuskokwim Corporation – are within 25 miles of the project area. The nearest federally recognized tribes are the Native Village of Aniak, Native Village of Chuathbaluk, Village of Kalskag, Village of Lower Kalskag, and the Native Village of Napaimute.

**USGS Map Coverage:** The project area is within the USGS inch-to-mile maps Russian Mission B-1, C-1, and C-2.

**Flood Zone:** Federal Emergency Management Agency Flood Insurance Rate Maps are not available for the staking area. The project area is located at the confluence of the Aniak River and Doestock Creek, and portions of the area may be subject to seasonal flooding. Interested parties are encouraged to research this issue and inspect the staking area prior to applying.

**Geologic Hazards:** There is potential for seasonal flooding and erosion of parcels adjacent to streams. There is also potential for discontinuous, ice-rich permafrost to be present in this area.

**Topography:** The staking area is in the Kuskokwim River valley. Topography within the project area is relatively level. The Aniak River and Doestock Creek meander through the staking area.

**Soils:** The soils of this region are generally loess or loamy alluvium over sandy and gravelly alluvium. These soils are well-drained except in areas where permafrost may be present. Low-lying and moderately-sloping areas within the project area may contain wetlands. Additional permits may be required for construction on or disturbance of wetlands.

**Vegetation:** Vegetation is predominantly evergreen and mixed forest, especially in Township 17 North, Range 56 West, Seward Meridian. Good-sized stands of white spruce occur along the river. Sedges, mosses, tussocks, and shrubs are common in the wet areas in Township 16 North, Range 56 West, Seward Meridian.

**Fire Hazards:** This area is subject to periodic wildland fires. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. DNR provides all entrants with information regarding wildland fire

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 4 of 17

prevention and encourages them to locate parcels in defensible areas with access to water. The staking area has a "Full" fire management option.

Land Title: Information from Title Reports SC-05-076 and SC-05-077, current as of February 14, 2006 indicate the State of Alaska holds fee title to the land and mineral estate within the staking area.

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. 50-2006-0108 dated February 10, 2006. The lands are subject to standard federal reservations. The applicable State case files are GS-2451 and 2518.

A navigability determination for title purposes was made for the portions of the Aniak River and Doestock Creek within: Sections 1 - 4, and Sections 9 - 12 within Township 16 North, Range 56 West, Seward Meridian; and Sections 13 - 14, Sections 23 - 26, and Sections 35 - 36 within Township 17 North, Range 56 West, Seward Meridian on January 5, 2006. Both the Aniak River and Doestock Creek, in the above mentioned Townships, were deemed navigable.

Private parcels and State third-party interests will be depicted on staking maps enclosed in staking packets distributed to lottery winners.

Other Constraints: There are no other known constraints at the time of this Preliminary Decision.

The Department will continue to research and identify constraints throughout the public comment period, and up through the point of offering. Refer to the Easements, Setbacks, and Reserved Areas and Submittal of Public Comments sections of this document for more information.

State Retained Interest: The State retains ownership of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells (AS 38.05.125). 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. Under common law, this access reservation is superior to any and all surface uses. The State may also lease these interests 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).

Background: AS 38.05.600 authorizes lease and sale of Remote Recreational Cabin Sites. Regulations allow DNR to offer authorizations to select and stake Remote Recreational Cabin Sites in designated areas. Authorizations are awarded through lottery, a method of disposal that gives all eligible members of the public an equal chance at acquiring a staking authorization for an area. DNR has offered Alaskans opportunity to stake a parcel of their choice under the Remote Recreational Cabin Sites program annually since 2001.

DNR will announce a lottery application period for all staking areas, publish brochures advertising the offering and lottery application period, and distribute the brochures throughout Alaska. Lottery winners are given a staking packet that includes instructions for properly staking

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 5 of 17

a parcel and other information pertaining to the program and specific staking area. Authorizations offered at lottery allow an individual to stake a parcel of State-owned land within a designated project area. Lottery winners have a certain length of time to enter onto the land, stake a parcel of their choice in compliance with the staking instructions, and file a lease application. The parcel is surveyed and appraised while leased and the lessee pays lease fees, a survey deposit, and an appraisal deposit. The lease is converted to sale on successful completion of lease terms. The purchase price is based on the appraised fair market value, plus associated fees, with survey deposits credited toward the sale. While successful entrants enjoy exclusive use of their parcel while under contract, that use is limited to those activities recreational in nature, not commercial or residential. As with other private land, local zoning governs any land use restrictions.

DNR may also identify and survey additional parcels in a staking area to be sold at public, sealed-bid auction. The number of staked parcels and additional parcels will not exceed the total number of authorizations offered, nor total number of acres to be conveyed. These parcels will be designated after the staking period closes. DNR may also survey parcels that were staked but terminated, relinquished, or expired before conversion from lease to sale. These additional surveyed parcels will be offered in accordance with AS 38.05.050, Disposal of Land for Private Ownership, and associated regulations. Using this method of sale rather than the procedures established under AS 38.05.600 allows DNR to offer its surveyed parcels under a uniform set of statutes, administrative regulations, and policies wherein successful bidders will be able to enter into a land sale contract in order to reimburse the State for the cost of surveying and platting the parcel. Without this change in method of conveyance, sales of parcels under AS 38.05.600 and 11 AAC 67.815 (b) would require the purchaser to reimburse DNR for the cost of surveying, platting, and appraising the site within 30 days of being notified of a successful purchase at public, sealed-bid auction, in addition to the down payment. This creates an unrealistic burden upon purchasers and hinders the marketability of the property.

The sale of surveyed parcels at public, sealed-bid auction is administered by the Subdivision Sales program within DNR DMLW's Land Sales and Contract Administration Section. DNR will publish brochures advertising the offering and public, sealed-bid auction application period and distribute the brochures throughout the State.

History: The proposed Aniak-Doestock staking area has not previously been offered for staking. The intent to transfer State-owned lands into private ownership was determined during development of the *Kuskokwim Area Plan* approved in 1988. The land was patented to the State in 2006. The project area abuts the Yukon Delta National Wildlife Refuge, and the NWR boundary overlaps lands patented to the state. The boundary of state-owned lands is surveyed, thus the project area boundary is surveyed.

Planning and Classification: The project area is located within the *Kuskokwim Area Plan*, Management Unit 17: Aniak River, Subunit 17d: Aniak-Doestock, classified Settlement, Land Classification Order (CL) SC-88-001A17.

The proposed offering is consistent with area-wide land management policies and general management intent of the *Kuskokwim Area Plan* and specific management unit. Settlement is designated a primary use within Subunit 17d: Aniak-Doestock. Guidelines regarding shorelines, stream corridors, and coastal areas; access; cultural resources; recreation; and other uses were

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 6 of 17

reviewed and will be incorporated in the development of this project. Lands to be retained in public ownership, conditions, and reservations will be issued in the land sale brochure and area-specific staking instructions and maps.

The KAP states that if "...by 1998 a sufficient number of private lots have not been made available to the general public at reasonable terms..." between the City of Aniak and Stony River that the Aniak-Doestock area should be offered for private ownership. At the time the KAP was being developed, the planning team anticipated "some land in other ownerships will be made available for private use in the middle Kuskokwim area." The Department reviewed land ownership records to assess availability of land for transfer between private parties or other private use. There are privately-owned residential parcels within the communities of Aniak, Chuathbaluk, Sleetmute, and Stony River. There are also approximately 150 privately-owned parcels along the 135 miles of the Kuskokwim River between the City of Aniak and Stony River. There are parcels within the Crooked Creek Alaska Subdivision leased from The Kuskokwim Corporation. The Kuskokwim Corporation platted Napaimute 2005 Subdivision on corporation lands along the Kuskokwim River after the KAP was adopted in 1988. These parcels have not been leased or transferred into private ownership as of this Preliminary Decision.

The Department reviewed deeds recorded in the Kuskokwim Recording District in 2009 and private-market listings to assess whether or not parcels are being transferred between private parties. With few exceptions the transfers between private parties in the area were transfers of residential lots in established communities. These parcels do not have the same amenities as the parcels the Department proposes to convey, specifically remote location and size. There were few parcels along the Kuskokwim River that were transferred between private parties. The Department acknowledges that the rate of transfer between private parties may increase as allottees continue to receive patent to Native Allotments. However, Native Allotments are not fee simple and the need to remove deed restrictions prior to transfer may not be considered reasonable terms by the general public. Furthermore, only one lot with improvements and four vacant parcels were available on the Alaska Multiple Listing Service, Inc. between the City of Aniak and Stony River as of December 2, 2009. The Department concludes that sufficient land has not been made available to the general public at reasonable terms in this area and therefore it is appropriate to offer the Aniak-Doestock area for private ownership.

The KAP also states this finding is subject to public notice and review by the agencies and organizations represented on the Kuskokwim Area Plan Advisory Board. Please refer to the Agency Review and Submittal of Public Comments sections for more information.

The KAP states that if land is offered for disposal in the Aniak-Doestock area, the lottery for permits or parcels should be held in Aniak. The lottery to award Remote Recreational Cabin Sites will be held in Anchorage. The regulation requiring participants' presence at land offering lotteries, 11 AAC 67.068 Presence at lotteries required, was repealed in 1994. Applicants need not be present to win under the current regulations, 11 AAC 67.060 Lottery Procedure and 11 AAC 67.800 Qualifications for remote cabin site. Pursuant to AS 38.05.945, the Department will publish notice of the 45-day lottery application period. The 45-day lottery application period will allow all eligible Alaska residents an equal opportunity to participate in the lottery.

Local Planning: The project area is within the Unorganized Borough and subject to the State of Alaska platting authority. Where they exist, local zoning and related ordinances govern any

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 7 of 17

land use restrictions, as with other private land. No local planning or zoning currently exists for this area. The Department does not intend to impose deed restrictions to control post-patent use.

Mineral Order: Mineral orders closing an area to new mineral entry, where they have been established, close the area to exploration and development of locatable minerals such as gold, copper, platinum, et cetera. Such mineral orders do not apply to leasable 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, Alaska law also provides that the surface owner will be compensated for damages resulting from exploration and development (AS 38.05.130).

Mining activity would be incompatible with the past, current, and proposed surface uses for land disposals. To allow mineral location in the proposed project area could create serious conflicts between surface and potential subsurface users. Area plan subsurface management policy states that, in general, areas scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between surface and subsurface users. As such, approximately 10,240 acres will be closed to mineral entry.

Closing this area to mineral entry prior to offering is consistent with the KAP and in accordance with AS 38.05.185 and AS 38.05.300. The approval of a mineral order is a separate action. If approved, the mineral order will precede the Final Finding and Decision. With the approval of this proposed mineral order, the entire project area will be closed to mineral entry, as the location of parcels cannot be known prior to offering Remote Recreational Cabin Sites.

Traditional Use Finding (AS 38.05.830 Land Disposal in the Unorganized Borough): Information obtained from KAP and prior research indicates recreation, wildlife habitat, forestry, sport fishing, and subsistence harvest of game, furbearers, and fish are some of the principal uses of state land within Subunit 17d. There are no privately-owned parcels within the project area.

The successful offering of this project area may lead to a slight increase in hunting, fishing, or resource harvest pressure. However, the Department does not anticipate significant changes to the traditional uses of the land and resources given the size of the project area and the proximity to areas of high-quality timber within private, State-owned, and Native corporation-owned lands. Impacts on existing resource users will be minimized by protecting public access along public water bodies, retaining lands along navigable water bodies in State ownership, protecting riparian and shoreline habitat with building setbacks from all public water bodies, and by limiting the number of stakings allowed to meet the intent of the 1988 KAP.

Access To, Within, and Beyond the Staking Area: Summer access is on the Aniak River from the City of Aniak on the Kuskokwim River to the confluence of the Aniak River and Doestock Creek then by trail. Winter access is via snowmachine from Aniak on the Aniak River. The traditional winter trail west of the Aniak River is on land owned by The Kuskokwim Corporation. The trail is identified as a 17(b) easement, 25 feet in width. However, the easement does not provide access to State-owned land within the Aniak-Doestock staking area. Departing from this easement on to Native corporation lands without express permission from the corporation is trespass.

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 8 of 17

Access within the staking area is by foot, use of all-terrain or off-road vehicle, or snowmachine. Limited trail construction may be allowed on State-owned land without a permit to enter under certain conditions (Generally Allowed Uses 11 AAC 96).

Legal access within the staking area is along section line easements or other easements reserved in conveyances to private parties. Review of DNR title report and land status records indicates there are no easements issued by DNR in the staking area, nor are there any RS 2477 trails listed under AS 19.30.400 in the staking area, i.e.; rights-of-way listed in Department land records as "RST" routes.

Staking instructions issued for all areas will require all staked parcels be subject to trails existing within the staking area at the time of staking. Parcels may not be staked across surveyed section or township lines, RS 2477 rights-of-way, or across trail easements that have been assigned an ADL number.

Legal access will be reserved through or within staked sites. An easement each side of any protracted or surveyed section line will be reserved. A right-of-way each side of any RS 2477 will also be reserved. In addition, an easement centered on existing routes that have not been assigned an ADL number, i.e.; do not already have an easement, will be reserved through parcels in order to ensure access along existing trails. Easements along interior parcel lines will also be reserved in order to ensure access between staked parcels.

The brochure, area-specific staking instructions, and map issued to Aniak-Doestock entrants will include information about access to and within the staking areas, and routes and reserved areas will be depicted on staking maps, where possible. DNR will continue to research the status, location, and condition of access routes prior to and during the staking period.

Access to and Along Public Water: For the purposes of reserving access to public water under AS 38.05.127, a continuous easement extending upland from the ordinary high water mark will be reserved within parcels staked along waters determined to be public or navigable. An alternate upland access route may be reserved if topography or obstructions prevent access or make access within a continuous easement difficult. If a public water body 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 survey.

Since the Remote Recreational Cabin Sites staking program allows authorized entrants to choose their own parcel of land within a large remote area, DNR cannot determine in advance along which specific water bodies parcels will be staked, what topographic conditions will exist, and what easements will finally be reserved. Therefore, rather than at the time of the Final Finding and Decision, initial reservations of access to and along public water for a specific parcel of land may be made at the time of lease adjudication with a final reservation at the time of survey. For additional information, refer to the Waters Determined Public or Navigable, Easements, Setbacks, and Reserved Areas, and Agency Comments sections of this document.

Parcels subject to staking setbacks along navigable or public water bodies will not be subject to an access easement reserved under AS 38.05.127 as lands along the water body will be retained in public ownership.

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 9 of 17

Waters Determined Public or Navigable: In accordance with 11 AAC 51.035 Determination of Navigable and Public Water, lakes larger than 50 acres in size or streams larger than 50 feet in width are considered navigable for title purposes. Unless otherwise determined, lakes 10 acres or larger, and waterways 10 feet wide or wider are considered public. As noted in the Land Title section of this document, waters within the staking area were either found to be non-navigable or a determination was not made. Attachment B: Staking Area Map – Aniak-Doestock Remote Recreational Cabin Sites Project Area identifies water bodies administratively determined to be public for the purposes of this offering, where there is a determinable ordinary high water mark. These water bodies were determined public for their importance as surface water resources. If a water body is not depicted or identified on Attachment B or is not administratively determined public at the time of issuance of the Final Finding and Decision, it may be determined to be public or navigable at the time of survey.

The Department uses title documents, field inspections, survey plats, public comment, area plan information, topography maps, and satellite or aerial imagers to make an administrative determination of waters determined public or navigable prior to offering the staking area. These information sources may vary from field conditions. As the Department cannot determine in advance where entrants may choose to stake their own parcel of land within a large remote area, the Department reserves the right to make a determination after issuance of the Final Finding and Decision. An initial determination for a specific parcel may be made at the time of lease application and prior to lease approval, based on the above determinations. The final determination will be made at the time of survey of the parcel(s) in question.

Easements, Setbacks, and Reserved Areas: Staked parcels may be subject to the following easements and setbacks:

- A public access and utility easement 30 feet in width along all interior parcel lines;
- A continuous easement 50 feet upland from the ordinary high water mark of public or navigable water bodies;
- A 100-foot easement centered on any surveyed or protracted section lines;
- A 60-foot easement centered on existing trails through and along staked parcels;
- A 100-foot building setback from the ordinary high water mark of public or navigable water bodies; and
- A 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.

In addition, parcels may not be staked within the following reserved areas and setbacks:

- A 100-foot staking setback from the ordinary high water mark of Doestock Creek; and
- A 200-foot staking setback from the ordinary high water mark of Aniak River.

Reservation of Mineral Estate: In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125, 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

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 10 of 17

consistent with AS 38.05.130 and any other applicable statutes and regulations, which provide that the surface owner be compensated for damages resulting from mineral exploration and development. Refer to the Mineral Order section of this document for more information on restrictions on use of the mineral estate within the project area.

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. DNR 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 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 is of the opinion that the benefits outweigh the potential risks.

Staking Authorizations: Staking instructions will be issued to each successful lottery applicant, and the award letter included with the instructions is considered the authorization for staking. The staking instructions will include general requirements for staking a parcel of land in a project area. The instructions include the manner of staking a parcel, such as setting corner posts; brushing and flagging parcel boundary lines; limiting total water body frontage; complying with setback requirements; abiding by easements along public and navigable waters and existing trails; and complying with minimum and maximum parcel sizes and other parcel configuration requirements. The staking packets will include supplemental staking instructions for the individual staking areas, a lease application and affidavit, notice of any changes including errata, staking maps showing the staking area boundaries, and a schedule of periods for staking in each area.

In order to allow time for the survey and appraisal to be completed, a lease will authorize the applicant to enter and use the property after staking and prior to purchase. During the lease period, the parcel may only be used as a recreational property, and may not be used for commercial business 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 and zoning requirements, if any.

Survey and Appraisal: Survey and appraisal will be completed prior to sale. DNR proposes to issue survey contracts to private entities to conduct the survey, and the costs will be prorated by acreage for each parcel.

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

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 11 of 17

In accordance with 11 AAC 67.825, 11 AAC 67.835(4), and 11 AAC 67.840, lessees will be required to pay a deposit for the cost of surveying, platting, and appraising staked Remote Recreational Cabin Sites. Current regulations state the deposit may be either:

1. a quarterly payment toward DNR's estimated cost of survey, platting, and appraisal costs for the site; or
2. a cash performance bond of \$1,000 to ensure the lessee's completion of survey, platting, and appraisal of the site, if DNR determines that offering this option is in the State's best interest, and if the applicant chooses it.

DNR has determined it is not in the State's best interest to offer the second deposit option for this offering as it is not cost-effective for either DNR or applicants to allow individual surveys in the same staking area where State survey contracts are issued. The exception would be if a staking area received so few applications that a State survey contract would not be cost-effective.

DNR may also identify and survey additional parcels in a staking area to be sold at public, sealed-bid auction. The number of staked and additional surveyed parcels will not exceed the total number of authorizations offered, nor total number of acres to be conveyed. DNR proposes to offer the surveyed parcels at public, sealed-bid auction under AS 38.05.050.

## **VI. Agency Comments**

Agency review to present the proposed project area and gather comments and information began October 21, 2004. The deadline for agency comments was November 15, 2004. All comments received during this period are summarized in the paragraphs below.

Department of Fish and Game (DFG) Comment: DFG is concerned that an increase in private remote cabins leads to an increase in incidents of trespass as well as damage to fish and wildlife habitat. Poorly planned off-road vehicle (ORV) access routes, and attempts to use access routes year-round, result in ever widening trails and unnecessary stream and wetland crossings. These crossings can degrade water quality and fish and wildlife habitat. Habitat and trail degradation diminish recreational values and make access to public trust resources more difficult. DFG recommends:

- DNR work with affected boroughs, community groups, and DFG to develop consistent and legally established access both to and within staking areas;
- DNR reserve access points and trails, especially RS 2477 routes, prior to staking and provide stakers with information about access both within and to the staking area;
- DNR continue to work with and encourage stakers to consolidate access trails and identify existing or planned access routes at the time of staking; and
- DNR identify access to clusters of parcels at the time of survey.

DNR DMLW Response: The DMLW will identify and reserve legal access routes through the staking area as described in Access To, Within, and Beyond Staking Areas and Easements, Setbacks, and Reserved Areas sections of this document.

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 12 of 17

The DMLW will identify other known access routes to and through the area, if any, and provide applicants with information and recommendations in the brochure and staking instructions regarding seasonal trail conditions, use, limitations, and stream crossings, if known. Information on these routes will be gathered during public and local government review, review of satellite imagery, review of title documents, field inspection, and other sources. These routes will be displayed on staking maps where possible, and still show land status, reservations, and boundaries clearly.

DFG Comment: DFG has worked with DNR to identify and reserve lakeshore parcels within staking areas to provide public access both to State-owned land and to staked parcels not adjacent to the water body. These are especially important on lakes that can accommodate floatplanes and at inlet and outlet stream locations.

DNR DMLW Response: There do not appear to be any floatplane-accessible lakes within the Aniak-Doestock staking area. In addition, the KAP does not describe any lakes in the staking area with significant recreation resources. Lands along the Aniak River and Doestock Creek will be retained in public ownership as described in the Easements, Setbacks, and Reserved Areas section, as the Department recognizes these are valuable habitat, transportation, and surface water resources.

DFG Comment: Stakers should be advised that permits may be required to cross fish-bearing streams. They should contact DFG Division of Habitat offices to determine if a permit is required.

DNR DMLW Response: Generally allowed use conditions and fish habitat requirements for all areas are published in the offering brochure. In addition, the Remote Recreational Cabin Sites program provides entrants with the DNR Fact Sheet Generally Allowed Uses On State Land in staking packets; the Fact Sheet includes a statement that conditions on generally allowed uses do not exempt users from other permit requirements such as stream crossing permits from the DFG Division of Habitat.

DFG Comment: There is easy access to this area from Aniak and Chuathbaluk by boat or snowmachine and the area is used for subsistence. The Aniak River is important for all salmon species and for shellfish and whitefish. Sport fishing for salmon, especially Chinook, is popular at the mouth of Doestock Creek.

DNR DMLW Response: Although there is relatively easy physical access to the staking area, overland access from the City of Aniak or from the Kuskokwim River is across land owned by The Kuskokwim Corporation. DMLW acknowledges subsistence and sport fishing are traditional uses of state land and waters in the area. DMLW also acknowledges the Aniak River is important fish habitat and will retain land along the Aniak River in State ownership. Refer to the Access to and Within Staking Area, Traditional Use Finding, and Easements, Setbacks, and Reserved Areas sections for more information.

DFG Comment: There is a Native allotment adjacent to the staking area in the SE ¼ of Section 27, Township 17 North, Range 56 West, Seward Meridian.

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 13 of 17

DNR DMLW Response: We concur. Existing parcels and survey serial numbers are depicted on the staking maps prior to opening the area to staking.

DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology

Comment: There are no known archaeological sites.

DNR DMLW Response: We concur.

DNR Division of Mining, Land, and Water, Mining Section Comment: This project area has low locatable mineral potential.

DNR DMLW Response: We concur. Refer to the Mineral Order section for more information.

DNR DMLW, Realty Services Section Comment The State currently owns the parcel. Nothing was found that may cloud the State's title interest.

DNR DMLW Response: We concur. Refer to the Land Title section for more information.

DNR Division of Oil and Gas: The Division of Oil and Gas recommends all conveyance actions in which the State retains the mineral estate make the mineral (and access) reservations very clear as early in the adjudication process as possible. The Division prefers the grantee be well aware of the mineral reservation and the reservation of access to the surface.

Specifically, use the exact reservation language to be used, especially the portion reserving to the state and its successors the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved minerals..

In addition, explain the effect of the mineral order closing the area to mineral entry. Specifically the order is for locatable minerals and does not cover oil and gas and access to the same.

DNR DMLW Response: DMLW makes the mineral (and access) reservations clear early in the adjudication process, starting with the Mineral Order and State Retained Interest sections in this Preliminary Decision. Furthermore, DMLW explains the reservation by the State of the mineral estate, including oil and gas, within the project area in the brochure and staking instructions.

Alaska Railroad Corporation Comment: The agency responded but did not offer comments on the Aniak-Doestock project area.

DNR DMLW Response: No response.

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 14 of 17

Other Agencies: The following groups were included in the agency review but did not submit comments:

- Department of Transportation and Public Facilities;
- DNR Division of Agriculture;
- Department of Environmental Conservation;
- DNR Division of Forestry;
- DNR Division of Parks and Outdoor Recreation;
- Mental Health Trust Land Office;
- DNR Office of Habitat Management and Permitting;
- Joint Pipeline Office;
- DNR DMLW Resource Assessment and Development;
- DNR DMLW Municipal Entitlements; and
- Alaska Coastal Management Program.

## **VII. Alternatives and Discussion**

The following alternatives were considered:

1. Offer 60 authorizations to stake Remote Recreational Cabin Sites in this staking area at lottery as proposed. Offer additional surveyed parcels identified by DNR after the staking period closes or staked parcels that were not converted from lease to sale at public, sealed-bid auction under AS 38.05.050. The number of staked and additional surveyed parcels will not exceed the total number of authorizations offered, nor total number of acres to be conveyed.
2. Do not offer authorizations to stake Remote Recreational Cabin Sites in the staking area. Survey parcels prior to offering at public, sealed-bid auction through the Subdivision Sales Program.
3. Do not offer the area at this time. Retain the land in public ownership.

Alternative 1 is the choice maximizing public interest and the preferred alternative. State-owned land in the staking area was designated for transfer into private ownership in the Kuskokwim Area Plan. Dispersed, low density staking is the best alternative for this settlement area since it is a remote location with little or no infrastructure and the amount of contiguous high-quality acreage suitable for a large number of adjacent parcels is low due to variable topography. Offering the staking area for staking allows entrants to choose individual sites within the staking area that suit their needs best and lease sites for recreational purposes while the sites are surveyed and appraised. Offering surveyed parcels that are not converted from lease to sale at public, sealed-bid auction under AS 38.05.050 allows DNR to sell parcels under a uniform set of conditions. This alternative is dependent on the concurrent but separate Mineral Order to close all 10,240 acres within the Aniak-Doestock staking area to mineral entry. The mineral order, if approved, will precede the Final Finding and Decision.

Alternative 2 is not preferred. High quality sites suitable for individual settlement are discontinuous within the staking area and acreage of sites is too low to accommodate large

**Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 15 of 17

numbers of adjacent parcels. Larger areas of contiguous, high quality land are required in order for Subdivision Sales project areas to be cost-effective.

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

**Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 16 of 17

**VIII. Recommendation**

The proposed action is consistent with the overall management intent for State-owned land in this area. By offering the proposed project, the State can provide Alaskans the opportunity to obtain land for private ownership in a remote settlement area, generating revenue for the State. Changes to public resources and the public interest as a result of the proposal are acceptable. The Preliminary Decision to offer Remote Recreational Cabin Sites in the Aniak-Doestock staking area depicted in Attachment B: Staking Area Map - Aniak-Doestock Remote Recreational Cabin Sites Project Area, is in the best interests of the State and hereby recommended to proceed to public notice.

/S/

Prepared by Chester Fehrmann  
Natural Resource Specialist II  
SCRO Remote Recreational Cabin Staking Program  
Land Sales and Contract Administration Section  
Division of Mining, Land, and Water

12/03/2009

Date

/S/

Approved by Kathryn Young  
Section Manager  
Land Sales and Contract Administration Section  
Division of Mining, Land, and Water

12/03/2009

Date

## **Preliminary Decision**

Proposed Land Offering

Aniak-Doestock Remote Recreational Cabin Sites Staking Area - ADL 229342

Page 17 of 17

## **Submittal of Public Comments**

**See Attachment A: Public Notice for specific dates and conditions.**

Pursuant to AS 38.05.945, public notice inviting comment on this Preliminary Decision will be published in legal notices of newspapers in statewide circulation and in newspapers of general circulation in the vicinity of the land offering. Notices will be mailed to parties known or likely to be affected by the action, to postmasters of permanent settlements, a municipality if the land is within the boundaries of a municipality, regional corporations if the land is within the corporation boundary, village corporations if the land is within 25 miles of the village for which the corporation was established. Finally, the notice will be posted on the State of Alaska Public Notice website at <http://notes.state.ak.us/pn/>.

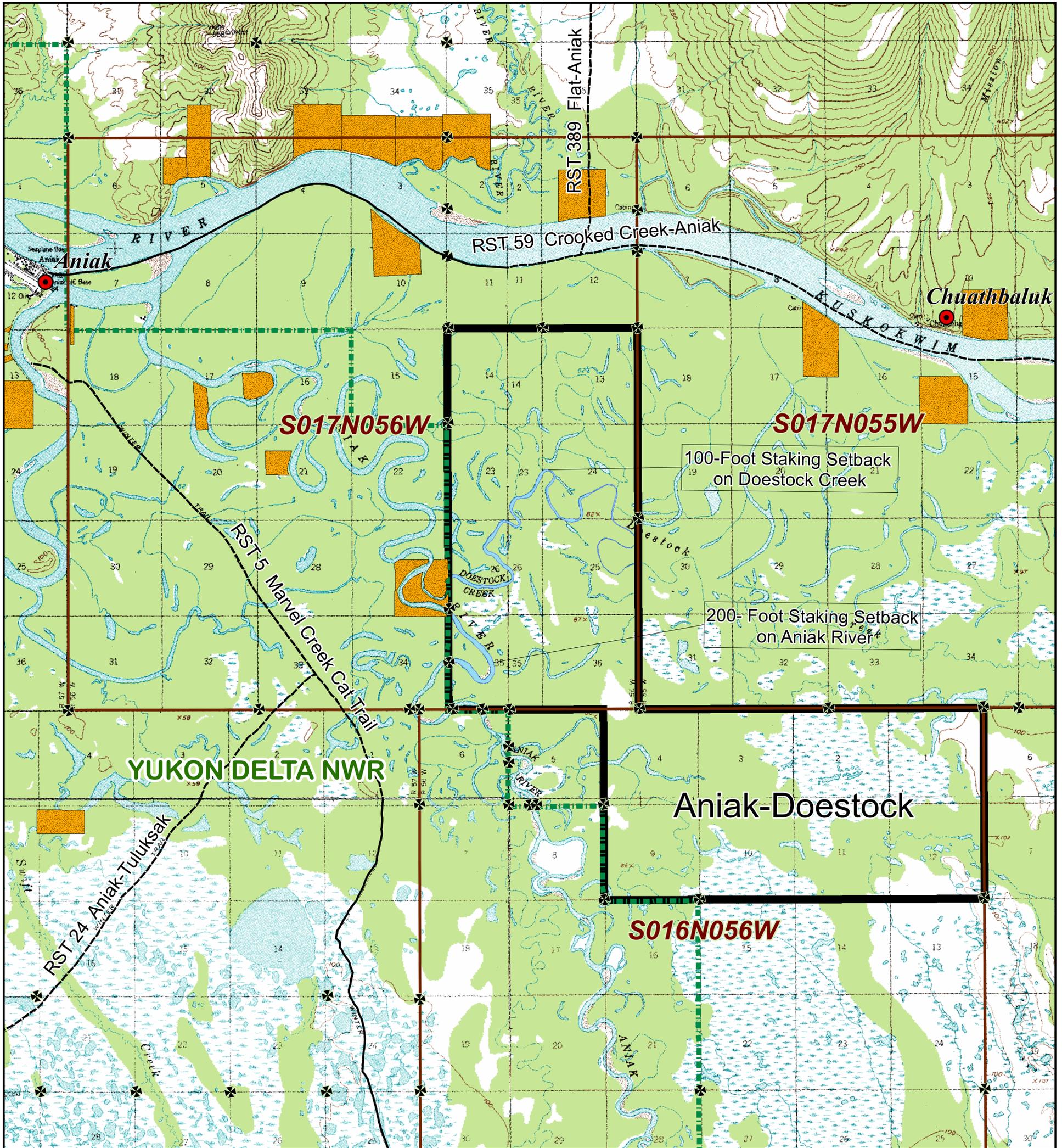
Pursuant to AS 38.05.945, a municipality or corporation entitled to receive notice under AS 38.05.945(c) may hold a hearing within 30 days after receipt of the notice. If a hearing is held, DNR Commissioner (or representative) shall attend the hearing. The commissioner has discretion whether or not to hold a public hearing.

To recognize a party's eligibility to appeal a subsequent Final Finding and Decision, the Department must receive timely written comment. Upon issuance of a Final Finding and Decision, a copy of the decision and an explanation of the appeal process will be sent to any party who provides timely written comment. Upon issuance of a Final Finding and Decision, a copy of the decision and an explanation of the appeal process will be sent to any party who provides timely written comment.

If public comments in response to this notice indicate the need for significant changes to the Preliminary Decision, additional public notice for the affected area will be given. Deleting all or portions of a staking area, making minor changes to a proposed staking area, or reducing staking authorization numbers will not be considered significant changes requiring public notice. If no significant change is required, the Preliminary Decision, including any deletions, minor changes, summary of public comments and Division responses, will be issued as a Final Finding and Decision without further notice. Copies of the Final Finding and Decision will be available at <http://dnr.alaska.gov/mlw/landsale/> and will be sent to any person who provides timely written comment on the proposed actions. The Final Finding and Decision will set out the applicable process for appealing the decisions under AS 38.05.035 (i)-(m).



# Attachment B: Staking Area Map - Aniak-Doestock

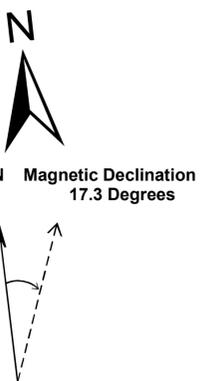


cwf 12/03/2009  
Aniak-Doestock.mxd

**USGS QUAD 1:63,360**  
**Russian Mission B-1, C-1, C-2**  
**Township 16 North, Range 56 West**  
**Township 17 North, Range 56 West**  
**Seward Meridian**

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.

Maximum parcel size: 20 acres Minimum parcel size: 5 acres  
 Staking authorizations: 50 Staking period: 2010 to 2011



**Legend**

- BLM Monuments
- Aniak-Doestock
- Native Allotments
- Yukon Delta NWR
- Townships
- RS 2477 Trail

