

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

PRELIMINARY DECISION
Copper Wilderness Subdivision – ADL 229732

Proposed Land Offering in the Unorganized Borough
AS 38.05.035 (e), AS 38.05.045

RELATED ACTIONS:
Proposed Amendment to the Copper River Basin Area Plan
AS 38.04.065
Proposed Land Classification Order
AS 38.04.065 and AS 38.05.300
Proposed Mineral Order (Closing)
AS 38.05.185 and AS 38.05.300

PUBLIC COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, MARCH 27, 2019

I. Proposed Actions

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Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

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

Draft Amendment to the Copper River Basin Area Plan (CRBAP) SC-86-030A07

Draft Land Classification Order CL SC-86-030A07

Draft Mineral Order (Closing) MO 1203

Primary Proposed Action: The primary proposed action of this Preliminary Decision of the State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales Section (LSS) is to offer for sale State-owned land within the identified project area. If approved, surveyed parcels will be offered for sale.

Located within DNR's Southcentral Region, approximately 1 mile north of Copper Center and 11 miles south of Glennallen, the project area is within Government Lot 9 of Section 12, Township 2 North, Range 1 West, Copper River Meridian, within the Unorganized Borough. The project area consists of 48.2 acres, identified for disposal by this proposed action. See *Attachment A: Vicinity Map* for a depiction of the project area.

In order to offer these lands for sale, if approved and deemed feasible, DNR may develop a subdivision of no more than 24 parcels varying in size but each no smaller than one acre. This proposed project area is located within the Unorganized Borough and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards. The project area may be subdivided and offered in multiple stages.

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If this proposed primary action is approved, the actual area offered for sale may consist of all or only a portion of the overall project area. After consideration of public comment, the size and boundaries of the project area will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. Additional adjustments may be made prior to subdivision as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with platting requirements. Although actions under this proposal are limited to the stated maximums, additional offerings may be authorized under future proposals, which could increase the density of privately-owned parcels within, adjacent to, or near the project area.

Proposed Related Actions: These related actions will be developed separately; however, public notice is being conducted concurrently.

Area Plan Amendment: DNR proposes to amend the Copper River Basin Area Plan (CRBAP adopted 1986) to include the project area in Management Subunit 21C (designated settlement). Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

Land Classification Order: In relation to the Area Plan Amendment, DNR proposes to classify the project area in a Land Classification Order as Settlement. Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

Mineral Order (Closing): DNR proposes to close the project area to new mineral entry. There are no identified mining claims or mineral operations within the project area. Refer to the Mineral Activity and Order subsection of this document for more information on this proposed related action.

These related actions will be developed separately. However, approval of the proposed actions is dependent upon one another in that one action will not proceed without approval of all actions.

Public Notice of Proposal: In accordance with *AS 38.05.945 Notice*, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this proposal. Public notice for all actions is being conducted concurrently.

See **Section VIII. Submittal of Public Comments** at the end of this document and *Attachment C*: Public Notice for details on how to submit a comment for consideration. If, after consideration of timely, written comments, DNR moves forward with the proposal, a Final Finding and Decision will be issued.

II. Method of Sale

DNR proposes to offer for sale land within the project area as described herein, through a future offering under *AS 38.05.045 Generally*.

Parcels offered through this action are offered fee-simple for the surface estate only. For more information about the land sales program, please visit the website at <http://landsales.alaska.gov>.

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III. Authority

DNR has the authority under *AS 38.05.045 Generally* 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*. Article VIII, Section 1, of the Constitution of the State of Alaska states "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." In addition, if it is deemed appropriate, DNR has the authority to develop and offer parcels larger than 5 acres under the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*.

For related actions, *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally* allow for amendments, land classifications, and mineral orders.

IV. Administrative Record

The project file, Copper Wilderness Subdivision - ADL 229732, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- *Copper River Basin Area Plan for State Lands* (adopted 1986) and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan 2016 (March 2018 Review)*;
- *Alaska Department of Fish and Game (ADF&G) Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *USDA, Natural Resource Conservation Service Custom Soil Report* for this project, dated October 2, 2017;
- Archaeological Survey Unit – Short Report 2015-4: *Cultural Resource Investigations of the Proposed Copper Wilderness Subdivision Sale ADL 229732 near Copper Center, Alaska for the Division of Mining Land and Water*.
- DNR case files: public easement ADL 59079; trespass ADL 231816;
- Other DNR case files, plans, or documents that are mentioned or referenced herein.

V. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section III. Authority**, is limited and specific to DNR's proposal to offer State-owned land within the defined project area for disposal and to conduct the proposed plan amendment, land classification order, and mineral order as described herein. The scope of this proposal does not include the control of post-patent use and DNR DMLW does not intend to impose deed restrictions for this purpose. The subdivision may be conducted in multiple stages.

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VI. Description

Location: Within DNR's Southcentral Region, approximately 1 mile north of Copper Center and 11 miles south of Glennallen. See *Attachment B: Area Data Summary Table* for additional information.

Platting Authority. The project area is within the Unorganized Borough and is subject to the State of Alaska platting authority.

Native Regional and Village Corporations: The project area is within the boundaries of the Ahtna Regional Corporation. There are no village corporations located within 25 miles of the project area; however, courtesy notification will be distributed to the Native Village Kluti-Kaah (Copper Center); Gakona Village Council; Gulkana Village Council; and Tazlina Village Council.

Legal Description: Government Lot 9 of Section 12, Township 2 North, Range 1 West, Copper River Meridian, located within the Chitina Recording District, Third Judicial District, Alaska.

Title: Information from Title Report RPT # 10201, current as of December 7, 2017 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Statutory Quitclaim Deed dated 12/21/1983. The applicable State case file is UNIV 45 and OSL 788. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

State Reservations of Title:

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

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

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

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AS 38.05.127 Access To and Along Public and Navigable Water. For more information, see Access To, Within, and Beyond Project Area subsection of this document.

The Bureau of Land Management has not made a navigability determination for waters within the affected townships for title purposes.

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

Physical Characteristics and Hazards: Attachment B: Area Data Summary Table describes the project area's physical characteristics. Information about the project area is based on internal research, information received during agency review, and several ground field inspections conducted by DMLW staff between July 2013 and June 2016. This is by no means a complete description of the project area and if this proposal is approved and the area offered for sale, it will be the responsibility of interested parties to inspect individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

Soils: Soils within essentially the entire project area generally consist of Gulkana silt loam, 0 to 2 percent slopes. Parent material is silty loess over sandy and gravelly alluvium with a typical profile of 0-3 inches of slightly decomposed plant material on top of this base. The site soil is naturally well drained with frequency of flooding or ponding listed as none. These soils are rated as a non-irrigated land capability class 4c. The nearly level ground supports good growth of mature mixed spruce-birch forest with associated local understory cover. DNR Division of Geological and Geophysical Surveys (DGGS) review of December 8, 2017 stated the project area is in the zone of isolated permafrost meaning up to 10% of the surface is underlain by permafrost or local ice lenses in silty gravelly sand. If present, ground ice volume is very low, and deposits are generally thaw stable. Potential is high for an economic gravel resource similar to an existing adjacent materials site.

DNR Division of Agriculture (DAg) provided information that the project area contains almost entirely class 4 rated non-irrigated land capability class soils. Class 4 soils have very severe limitations that restrict the choice of plants or that require very careful management, or both. Class 4c soils have the same physical properties of class 2 and 3 soils except the frost-free season and growing degree-days generally do not allow potatoes or barley to mature, although they are suitable for local hay crops. DAg considers Class IV soils suitable for agricultural development.

Wetlands: No wetlands have been identified within the project area.

Geologic Hazards: According to information provided by DNR DGGS, there is potential for isolated, discontinuous, ice-rich permafrost to be present in area soils (see *Soils:* above). The Copper River Basin (CRB) in general is subject to several historically active geologic faults. During the 1964 Great Alaska Earthquake, ground cracks occurred in some areas of the CRB, and the area from Glennallen to Chitina subsided approximately one foot. Most damage to manmade structures in the CRB occurred in the southern half of the region. DGGS stated "Standard best building practices should be used to accommodate the regional seismic hazard." Should any other geologic hazards be

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discovered in the development of this proposal, information will be included in offering materials.

Fire Information: Based on observations from several field inspections and information received from the Division of Forestry, fire risk in the area is likely high. There is no reported fire history within the project area. No evidence of wildfire within project area was observed on field inspections. The closest fire protection facility is the Glennrich Fire and Rescue Department, Copper Center (approximately 1-mile away).

Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. Offering materials include information regarding wild land fire prevention.

Fire management options and policies for the area are identified in the Alaska Interagency Wildland Fire Management Plan available from DNR Division of Forestry. The current fire management option for the project area is “Critical.” The policy on this management option reads, “Wildfires occurring in the Critical Management Option or that threaten critical sites are assigned the highest priority for suppression action and assignment of available firefighting resources.” It also states that the designation of a fire management option does not ensure protection from wildfire, and that a protection response will be based on various factors. “Ultimately it is the personal responsibility of the [landowner] to mitigate and minimize risk to their property and structures and to be ‘Firewise’.”

Flood Hazard: There is no FEMA Flood Insurance Rate Map available for the project area.

Water Resources: All surface and subsurface waters on all lands in Alaska are a public resource, subject to appropriation in accordance with the Alaska Water Use Act (AS 46.15). No well log or water quality information was found within Section 12. There are 5 water rights in the vicinity: 2 in Section 12 to the north, and 3 in Section 13 to the south, all within 3/4 -mile radius of the project area. Associated information indicated that well depths in the vicinity typically range from 130 to 300 feet. Water quality is unknown.

DMLW is aware that availability of potable water is a concern in areas of the Copper River Basin. Feedback from land sales public scoping meetings over the past several years and comments submitted in response to the April 2016 public scoping meeting regarding initial action on updating the CRBAP verify that many individual landowners find it challenging to obtain good water for residential uses. Wells are often deep and costly, and there is no certainty in finding a good water supply. Rain catchment and surface water use are seasonally limited and unreliable. Hauling water from a community well is burdensome and expensive.

The Water Section of DMLW recently searched for studies or official documentation on this subject for the area. No formalized or comprehensive references were discovered. No federal or state studies were found to document base values for wells or other water data as commonly found for the lower 48 states. The Water Section staff hydrologist described the water problem in the Copper River Basin as a geologic issue. Underlying

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ancient geologic forces have resulted in current land conditions that prevent the formation of reliable ground water tables. Even wells as deep as 1,000 feet may only tap ancient bogs and supply mineralized water unfit for human use. The proposed project is located near the Copper River, the Klutina River, and Yetna Creek on a high, well drained, level gravel bench.

Background: The project area was proposed in a Preliminary Decision of November 27, 2007. Public Notice was completed at that time; comments were due by January 16, 2008. Public comments expressed concern about a small native gravesite near the proposed project area. LSS staff observed that the graves were located on Ahtna land more than 200 feet from the corner of the project boundary; a developed utility easement also traverses between the project and the graves. The project was put on hold pending a cultural resource survey. A July 2015 Office of History and Archaeology *Cultural Resource Investigation* report concluded that no cultural resources were identified that would be adversely affected by the sale of land within ADL 229732.

A field inspection in July 2014 revealed trespass improvements along a portion of the southern project area boundary (ADL 231816). The project remained on hold until the trespass was resolved, and the case was closed in November 2016. LSS elected to restart this project in 2017. Due to the length of time from the 2007 preliminary decision and public notice, a new PD and public notice are now being issued.

An on-the-ground field inspection was conducted by DMLW Survey and LSS staff on July 30, 2014. Follow-up field visits were made on August 17, 2015 and June 29, 2016. A small, unauthorized gravel extraction site was discovered about half-way along the western boundary within the proposed project area. A decayed small boat and some trash were found near this location. There is an abandoned small cabin and surrounding debris, including rusted 55-gallon fuel drums and old fuel cans, near the southwest corner of the project area. LSS proposes to brush, but not construct, platted subdivision rights-of-way. This may allow a degree of cleanup of some of the debris. Otherwise, DMLW intends to sell parcels “as is” and “where is” including leaving the relatively intact cabin in place. There are no known current authorized uses of the project area.

Legal and practical access to the proposed subdivision is via dedicated public right of way and existing partially constructed dedicated easement through Klutina Heights Add'n No. 1 Subdivision (Plat 88-10, Chitina Recording District). Klutina Heights Add'n No. 1 can be accessed from Brenwick Craig Road via Richardson Highway and Old Richardson Highway. Legal access to the southwest corner of the project area also exists via a 100-foot wide east-west section-line easement connecting to the Richardson Highway. However, the easement intersects the highway at a cut-bank of significant grade. Practical access construction for this route may be possible with a frontage road within the highway ROW connecting to the existing turnoff for Brenwick Craig Road approximately 0.1 mile to the southeast. Administrative and construction costs currently preclude construction of this option by the State.

Proposed rights-of-way within the subdivision will incorporate, as practical, ADL 59079 Public Access and Utility Easement within the west 50 feet of Government Lots 8 and 9.

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ADL 59079 appears to align with a constructed 40-foot easement in Klutina Heights Add'n No. 1 immediately to the south.

There have been no recent prior State land offerings in the vicinity. Surrounding land ownership and use includes private property to the south within the Klutina Heights Add'n No. 1 Subdivision, containing 29 1-acre lots. To the east are undeveloped Ahtna lands, and undeveloped University lands adjoin to the north and west. There is an approximately 10-acre gravel pit adjoining to the southwest corner of the project area, and Princess Lodge property is just to the west of the Richardson Highway. The Klutina River is ½ mile south and is a popular fishing destination. Copper Center is about a mile to the south on the Old Richardson Highway, and the Copper River runs near the east side of this portion of the highway.

At a scoping meeting held in Glennallen on September 30, 2014 several proposed DNR land sales projects were presented. Participants expressed strong desire for State land offerings in the region on good sites; they also agreed that they would like to see parcels of several acres in size offered. Information received at that meeting has been considered and used in the proposed development of this proposal.

At a scoping meeting held near Copper Center the evening of June 28, 2018 and the morning of June 29, 2018, 4 of the 6 participants expressed favor for the potential offering. Another commenter noted that the abutting Klutina Heights Add'n No. 1 subdivision would likely experience increased traffic on the public rights-of-way that provide access to the project area. A different participant pointed out that the site might have very valuable gravel material that would bring more revenue to the State than could be generated from land sales. This feedback has been considered and used in the proposed development of this proposal.

It is true that residents of the adjoining subdivision may expect gradually increasing use of the public roads in the future should the proposed project be approved, offered, and new owners move in. These roads are platted and dedicated to provide access to the public. When a subdivision dedicates a public ROW through its development to adjacent property, the intent is to provide ingress/egress to the adjoining properties and to ensure that it is connected to the road system. Such connection is not an unusual occurrence and can be found in other areas of the Unorganized Borough and in organized boroughs where such connectivity is commonly required by ordinance. This is existing, dedicated access, and DNR does not intend to restrict general use of the dedicated public ROW or easement. DMLW has considered the gravel resource sale option. See discussion at Materials subsection under *Areawide Considerations* below.

Pursuant to public notice of the proposal in 2007, comments were received from Ahtna Regional Corporation, eight private individuals, and one form letter bearing signature from Klutina Heights Add'n No. 1 Subdivision landowners and residents.

Two comments were opposed due to the proximity to a gravesite on adjacent Ahtna land, and Ahtna stated concern with the potential disturbance of this site. As discussed above, the 2015 cultural resource survey determined that no cultural resources were identified that would be adversely affected by the sale of land within the project area. The gravesite is located outside of the proposed project area on land owned and managed by Ahtna. Ahtna

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has the sole prerogative to manage these lands and may take the appropriate steps to discourage trespass or disturbance of gravesite on their lands.

Several comments stated general opposition to the proposed subdivision, or opposition due to access to the proposed Copper Wilderness Subdivision using platted roads within Klutina Heights Add'n No. 1 Subdivision. Comments regarding access through the adjacent subdivision have been addressed above in conjunction with the 2018 scoping meeting.

This project area is close to Copper Center and is in a very desirable area on level ground with good soil. Parcels of the size proposed for offering would be compatible with uses in the surrounding area. Near-by utilities and proximity to constructed access also make this an attractive site that should bring positive revenue to the state while supplying settlement parcels to the public. Based on research, multi-agency review, public input, DMLW staff field inspections, and the features of this parcel, DMLW asserts that ADL 229732 should be approved to move forward for offering and sale.

Planning and Classification: The general management intent of the area plan was reviewed for consistency with the proposed offering. The project area is within the boundary of the Copper River Basin Area Plan (CRBAP, adopted 1986) but was not included in a management unit and was not designated by the CRBAP or classified by Land Classification Order CL SC-86-030. DNR proposes to amend the CRBAP to include the Copper Wilderness Subdivision project area in Management Subunit 21C. Management Subunit 21C has a primary designation of Settlement, and a secondary designation of Forestry.

Unit/Subunit Considerations: If the proposed area plan amendment is approved, the project area will be incorporated into Management Subunit 21C, and the management intent for Subunit 21C will apply. Management intent for Subunit 21C states that this subunit includes areas of past State land offerings; and, lots that were previously offered, but are unsold, or lots that revert to State ownership (such as through foreclosure) can be reoffered for private ownership. CRBAP Appendix A provided a discussion of the identification of Settlement lands in developing the area plan. Settlement was to include all the better-quality State land that is relatively accessible or close to existing communities. LSS consulted with RADS and confirmed that this land qualifies. Therefore, LSS proposes to classify this project land as Settlement and add it to nearby Settlement-designated Subunit 21C.

Area-wide Considerations: LSS reviewed the area plan's guidelines in Chapter 2 Areawide Land Management Policies especially regarding Forestry; Materials; Recreation, Cultural, and Scenic Resources; Settlement; Subsurface Resources; Transportation; Public Access; and Trail Management. These considerations will be incorporated into the design and development of the project. Lands to be retained in public ownership, conditions, and reservations will be included on the plat and in offering materials as appropriate. Specific area-wide management intent and management guidelines affecting this proposal are discussed below.

Forestry: Although Forestry is designated as a secondary use of Subunit 21C, the management intent is not applicable to the proposed land offering. DMLW intends to follow Subunit 21C primary use of settlement as proposed in the area plan amendment and land classification order.

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Materials: Management guidelines state that generally, if a designated settlement area contains high value material resources, a pit area will be identified before land offerings and retained in public ownership for future use.

The University of Alaska (UA) has already established an approximately 10-acre gravel pit nearby in the NW ¼ of Section 13 located northeast of the Richardson Highway. UA still has another adjoining approximately 200-acres of terrace gravel material. If Copper Wilderness Subdivision identified and retained a pit area for future use within the project area, access for material extraction would have to take place through the proposed Copper Wilderness Subdivision and/or through the adjacent Klutina Heights Add'n No. 1 Subdivision and could cause conflicts. Any other new access, including along the east-west section-line easements, would likely require going through the University lands. The University material site is already more easily accessible and would be more appropriate and more efficient for extraction than any location within the proposed project area. In view of these logistics, it would be highly unlikely that DNR would see any revenue from a material site within the project area for at least several decades. There is high demand for quality residential sites in the Copper River Basin. The proposed project is in close proximity to existing developed gravel resources. LSS has considered the above factors and does not recommend designating a material source within the proposed project area.

Recreation, Cultural, and Scenic Resources: Management Guidelines provide for determining the significance and protection of cultural resources. Division of Parks and Outdoor Recreation (DPOR) Office of History and Archaeology (OHA) conducted a cultural resource survey and provided a report in July 2015. Based on this report, no cultural resources were identified that would be adversely affected by the sale of land within the project area. Offering materials will note the need to notify OHA should any historical cultural items be discovered in the future.

Settlement: This proposed project meets the CRBAP goal of offering land for year-round residences. Where the State does have land suitable for this purpose, disposal will be a high priority unless there are overriding public values. Area-wide management guidelines regarding settlement provide direction regarding Planning and Coordination; Types of Offerings; Protection, Management, and Enhancement of Other Resources; and Design. DMLW has considered these guidelines in the development of this proposed project. Scoping meeting and public notice steps have included and will include request for local input regarding this project. It is the opinion of the Director of DMLW that a Design Review Board is not needed for this project. Management guidelines note that as the State acquires land in or near existing communities, the land can be offered for settlement. This parcel was reacquired from the University of Alaska, is near the community of Copper Center, and is appropriate for settlement. This proposal meets the criteria listed in the CRBAP for proposed land offerings: 1) relatively good quality; 2) relatively accessible; 3) State owned; 4) less conflict with wildlife and recreation use than in other areas; and, 5) public has expressed some support for land offerings in the area.

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Subsurface Resources: Management guidelines generally acknowledge that land sale areas will be closed to mineral entry. Because mining is incompatible with residential use, under AS 38.05.185(a), DMLW proposes closing the project area to future mineral entry as described in the related action for a mineral order (closing).

Transportation: Management guidelines state that DNR will work with DOT/PF on access plans for land offerings. Joint use and consolidation of surface access routes and facilities will be encouraged wherever it is feasible and prudent to do so. Surface access also should be sited and designed to accommodate future development and avoid unnecessary duplication. The feasibility of using an existing route or facility should be evaluated before the use of a new route or facility is authorized. The guidelines also address siting of settlement support facilities. DNR will be identifying and platting utility and ROW easements through the subdivision to allow for access beyond the project area. Because we also propose utilizing existing platted and constructed access for joint use and consolidation of surface access to the project, DNR believes that the guidelines have been met. DNR will continue to be available to coordinate access planning with DOT/PF for this project and provide for platted access within the project area as appropriate.

Public Access: Management guidelines provide for retaining access sites and corridors in public ownership, and reserving rights of access when State land is sold; requirements for vacation of section lines; coordination with DOT/PF regarding access needs; and, provisions for purchasing access as needed. Public access to, within, and beyond the project area has been considered. There is existing legal, constructed, dedicated access to the project area. There is not a necessity to purchase additional access to the project area, and LSS is not proposing to vacate the section line easement along the southerly boundary of the project area. DMLW will continue to be available to coordinate as appropriate with DOT/PF, other agencies, and surrounding landowners as the project moves forward.

Trail Management: These management guidelines provide that before public lands are disposed of, trails that merit consideration for protection should be identified. Based on internal research, field inspections, agency and public meetings and input, there are no known trails within the project area. ADL 59079 Public Access and Utility Easement is located along the west 50-feet of Government Lots 8 and 9. The easement is partially developed, up to approximately half-way along the westerly boundary, where it terminates at an old, unauthorized material pit.

The proposed offering will be consistent with area-wide land management policies and general management intent of the CRBAP if the proposed area plan amendment, land classification order, and mineral order are approved in accordance with *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally*. The project area is currently not designated or classified and requires an amendment to the CRBAP and a Land Classification Order prior to disposal.

AS 38.04.065 (b) Requirements: The factors identified in this section of statute have been considered in this plan amendment and the proposed action is consistent with that portion of statute.

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Area Plan Amendment: LSS proposes to amend the CRBAP to include the Copper Wilderness Subdivision project area within Subunit 21C – designated Settlement. Management intent for Subunit 21C will be modified to insert “New land offerings are appropriate within Subunit 21C.”

Land Classification Order: In relation to the area plan amendment, LSS proposes to classify the Copper Wilderness Subdivision project area Settlement, consistent with the settlement designation of Subunit 21C.

Mineral Activity and Order: No mineral activity has been identified on these lands. Mineral Closing Order 239 closes 264 acres of Section 12 to mineral entry and encompasses over 109,000 acres total. To preclude inadvertent reopening the project area in the future, the entirety of the project area (48.2 acres) will be closed to mineral entry through a subdivision-specific mineral order if the MO 1203 is approved in accordance with AS 38.05.185 *Generally* and AS 38.05.300 *Classification of Land* for a land disposal. Closing the entire area to mineral entry is consistent with the management intent of the CRBAP.

Mineral orders which close an area to mineral entry, close the applicable area to new exploration and development of locatable minerals. Such mineral orders do not apply to leasable minerals (such as: oil, gas, coal, etc.), or exploration licensing for such, nor do they preclude reasonable surface access to these resources. However, AS 38.05.130 *Damages and Posting of Bond* stipulates that the land estate owner will be compensated for damages resulting from exploration and development.

Mining activity for locatable minerals would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. Area plan 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 estate and mineral estate users.

Local Planning: The project area is within the Unorganized Borough, and the State does not pursue zoning of private lands.

Traditional Use Finding: The project area is within the Unorganized Borough, and a traditional use finding is therefore required under AS 38.05.830 *Land Disposal in the Unorganized Borough*. Information obtained from the CRBAP, research, Agency Review, scoping meetings, and site inspections did not reveal any traditional uses within the project area. Apparent unauthorized uses have been discussed above. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a possible increase in the various traditional activities which may be practiced by private-property owners. Impacts on existing resource users will be minimized by the abundance of other State and federal public lands in the region. Additional information on traditional use is welcome during the public comment period and if this proposal is approved, LSS will address the information received in a subsequent Final Finding and Decision, if one is issued. See the **Section VIII Submittal of Public Comments** at the end of this documents and *Attachment C: Public Notice* for details on how to submit comment.

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Access To, Within, and Beyond Project Area: Access to the project area is from the Richardson Highway or Old Richardson Highway to Brenwick-Craig Road, then north through Klutina Heights Add'n No. 1 Subdivision along developed public ROW road(s) to project area southern boundary. Klutina Heights Add'n No. 1 Subdivision (Plat 88-10, Chitina Recording District), dedicated a 50-foot wide ROW connecting Brenwick-Craig Road (depicted as Klutina Lake Road) to the southerly boundary of the project area, and a 50-foot wide ROW connecting to a 40-foot wide dedicated easement which continues north to the southerly boundary of the project area. This dedicated easement connects to ADL 59079, a public access and utility easement located along the west 50-feet of Government Lots 8 and 9. An old, narrow, overgrown dirt trail, appearing to be within this easement, ends at a small gravel borrow site less than 200 yards north of the southwest corner of the project area. Access within and through the subdivision will be via platted rights-of-way created through subdivision design. Additional potential access from the Richardson Highway is via the 100-foot wide section-line easement between Sections 12 and 13 (50 feet wide, each side of section line) to the southwest corner of the project area. This section line easement crosses University property along the northerly boundary of the existing material site. Section-line easement access from the curve in Brenwick-Craig Road may not be practical due to topography along that road and sight-safety considerations. Subdivision design will consider topography and access to lands beyond the project area boundaries. See also discussion on access under Background above.

Access To and Along Public or Navigable Waters: In accordance with AS 38.05.127 *Access To Navigable or Public Water*, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of to-and-along easements or rights-of-way include 11 AAC 51.035 *Determination of Navigable and Public Water*, 11 AAC 51.045 *Easements To and Along Navigable and Public Water*, and 11 AAC 53.450, *Buffer Strips, Reserved Areas, and Public Easements*.

For the purposes of AS 38.05.127:

- navigable waters are generally lakes larger than 50 acres in size or streams larger than 50 feet in average width;
- public waters are generally lakes larger than 10 acres in size or streams larger than 10 feet in average width; and
- waters may be determined public or navigable consistent with AS 38.05.965 (21) *Definitions*.

DNR has not identified any public, navigable, or anadromous water bodies within the project area. If any such water bodies are discovered, parcels will be subject to access reservations in accordance with AS 38.05.127 *Access to Public or Navigable Water*, and a 100-foot building setback from the OHW of the water body.

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

- public access easements;

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- utility easements;
- a public access and utility easement (ADL59079) along the west 50-feet of Government Lot 9;
- a 50-foot-wide section-line easement on each side of surveyed or protracted section lines on State-owned land in accordance with *AS 19.10.010 Dedication of Land for Public Highways* and *11 AAC 51.025 Section-line Easements*; section-line easements may be vacated under *AS 19.30.410 Vacation of Rights-of-Way* and *11 AAC 51.065 Vacation of Easements* as part of the subdivision development; 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 around the control monument, and as applicable, a 5-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument;

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

Hazardous Materials and Potential Contaminants: DMLW project staff observed trash and junk within the project area near the southern portion close to the west boundary during several ground field inspections conducted July 30, 2014 through June 29, 2016. An old, deteriorated small boat, broken or trash items near an empty small cabin, including rusty 55-gallon fuel drums and smaller fuel cans, appeared undisturbed during this period. Field staff did not identify any environmental hazards. DMLW may have some of these items removed prior to offering should this project move forward. In a different location, an adjoining property owner had encroached over the section line into the southern portion of the project area with several small structures and personal property items. He relocated all articles to his own property and ADL 231816 trespass file was closed on November 3, 2016. No environmental hazards were identified at this location. There are no other known environmental hazards present within the project area; however, the State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal.

DNR DMLW recognizes there are potential future 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. This risk is no greater than when vacant private land undergoes development. 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 of offering the land outweigh the potential risks.

Survey, Platting, and Appraisal: After evaluation of public comment and conditions of the land, DNR will determine if it is in the State's best interest to offer the proposed project area. In order to offer the property, a combination of survey, subdivision, and/or platting actions may be required.

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The project area is located within the Unorganized Borough, and therefore survey and platting will be subject to State of Alaska subdivision standards.

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting DNR DMLW standards will be required within two years of the date fixed for the sale of any parcel developed under this proposed action. Even though the sale of project area parcels in multiple offerings over time will mitigate “flooding” the market, the two-year appraisal requirement must still be followed.

Project research and development includes consideration of economic factors utilizing market data and project development costs compiled by DNR DMLW staff, to evaluate the economic feasibility of a project. Since it commonly takes several years for the project development process, *AS 38.05.840* ensures the current market conditions are addressed in order to obtain a realistic minimum bid or purchase price for the sale of State land.

VII. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from December 28, 2017 through February 7, 2018. Timely comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

DNR DMLW LSS received brief comments of non-objection from the following agencies: Department of Fish and Game; Alaska Railroad; Mental Health Trust Land Office; DNR Division of Forestry; DNR Division of Parks and Outdoor Recreation, Field Operations; and DNR State Pipeline Coordinator’s Section. DNR Division of Geological & Geophysical Surveys provided a review for this project site prior to agency review; no objections were made.

DNR DMLW LSS Response: LSS appreciates your review of the proposal.

DNR Division of Oil and Gas (DOG) Comment: DOG submitted brief comment of non-objection and recommended DMLW continue to make potential purchasers aware the State reserves oil, gas, minerals, fissionable material, geothermal resources, and fossils under Section 6(i) of the Alaska Statehood Act and *AS 38.05.125*. The State also reserves the right to enter the land for the purposes of exploring for, developing, and producing these mineral resources. Current and proposed mineral orders closing the area to locatable mineral entry do not apply to leasable mineral resource exploration, development, or production.

DNR DMLW LSS Response: LSS appreciates the review and will comply with the recommendation in marketing and offering materials.

DNR Division of Agriculture (DAg) Comment: DAg expressed opposition to the proposed disposal of ADL 229732 through the settlement land sale program. They noted that the

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Copper Wilderness Subdivision – ADL 229732

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parcel is 99% comprised of soils suitable for agricultural development, and that the 1% that is not covered by farmable soil is gravel, a very useful material to build the infrastructure a farm needs.

DNR DMLW LSS Response: LSS communicated with DAg about their concerns, and DAg provided more detail regarding the history of soil surveys in Alaska. Because of climatic and geologic conditions in Alaska, DAg considers the Class IV designation suitable for some agriculture purposes. Class V - VIII soils are universally recognized as not useful for cropland. Additionally, DAg shared a general statement from the Copper River Basin Soil and Water District in support of Class IV soils for agricultural use. DMLW appreciates and has considered the extra communication and information provided for review in this project development process.

In further coordination with DAg, LSS expressed that we will be moving forward with the proposed offering as a land sale project under a Settlement designation. Over the past few years LSS and other sections of DMLW have expended significant time and resources to address the trespass issue and clean-up, conduct a cultural resource survey, and generally prepare the project area for this proposal. Given the amount of work to date, along with the limitations of non-irrigated land capability class IV soils, LSS is of the opinion that the project is more suitable for subdivision development.

CRBAP specifies DNR can offer approximately 18,000 acres of land sales through the settlement and agricultural programs: 6,000 acres proposed for agricultural offerings, and 12,000 acres for settlement. In July 2015 LSS determined from records research that since January 1, 1986, approximately 4,122 acres of land were sold within CRBAP boundaries; approximately 2,163 acres were agricultural and the remaining approximately 1,959 acres were non-agricultural. Thus, 36% of the agriculture acres already have been disposed while only 16% of potential non-agricultural acreage has been found and sold to satisfy the public demand.

LSS has held several public scoping meetings in the Glennallen-Copper Center area over the past few years; notable public interest for quality residential parcels has been voiced repeatedly. At these meetings no interest in land for agriculture use was expressed.

USDA, Natural Resource Conservation Service Custom Soil Report for this project depicts less than 1% of the project area as containing gravel pits. The soils data appears to be capturing a portion of the gravel pit to the southwest, outside of the project area.

The proposed project is located adjacent to a residential subdivision and is near Copper Center and the large Princess Lodge complex across the highway. The public has expressed a strong interest for quality residential parcels, and this project presents a good opportunity to make good State land available for private residential ownership in the Copper River Basin. Furthermore, land sales without agricultural restrictions will generate a higher financial return to the State. Because of the above factors and the data presented in this preliminary decision, DMLW will move this land sales project forward as a subdivision.

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DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA)

Comment: OHA noted that State law requires compliance with the Alaska Historic Preservation Act, which prohibits the removal or destruction of cultural resources (historic, prehistoric, and archaeological sites, locations, remains, or objects). This also includes reporting of historic and archaeological sites discovered on lands under contract or licensed by the State or agency of the State. OHA also noted that should discoveries of cultural resources occur during the project, work in the area of the discovery should halt, and OHA should be notified to evaluate whether the resources should be preserved in the public interest under *AS 41.35.070[d]*.

A cultural resource survey of the proposed land sale site was conducted by OHA in 2015. The resulting report did not identify any cultural resource sites or areas of high probability for subsurface cultural material or deposits within the project area. OHA does not believe that significant cultural resource sites would be adversely affected by the proposed sale.

DNR DMLW LSS Response: LSS appreciates your review of the proposal. OHA will be contacted should any discoveries be made during development of the proposed project. Offering materials also inform applicants about reporting requirements for archeological sites.

The following agencies or groups were included in the agency review, but no comment was received:

- Department of Environmental Conservation;
- Department of Commerce, Community, and Economic Development;
- University of Alaska;
- Department of Natural Resources,
 - Office of Project Management and Permitting;
- Alaska Association of Soil Conservation Districts; and
- Copper River Valley Soil and Water Conservation District.

VIII. Submittal of Public Comments

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

Pursuant to *AS 38.05.945 Notice*, DNR is issuing public notice inviting comment on this Preliminary Decision, draft area plan amendment, draft land classification order, and draft mineral order.

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

LSS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision, draft area plan amendment, draft land classification order, or draft mineral order, additional public notice for the affected lands will

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Copper Wilderness Subdivision – ADL 229732

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be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the Preliminary Decision, draft area plan amendment, draft land classification order, and draft mineral order including any deletions, minor changes, and summary of comments and LSS responses will be issued as a subsequent Final Finding and Decision, CRBAP Amendment No. SC-86-030A07, Land Classification Order CL SC-86-030A07, and Mineral Order 1203 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision, CRBAP Amendment No. SC-86-030A07, Land Classification Order CL SC86-030A07, and Mineral Order 1203. Upon approval and issuance of a Final Finding and Decision and these actions, a copy of the decision, orders, and amendment will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the request for reconsideration process to any party who provides timely written comment.

DNR is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact the Department's Public Information Center. For more information refer to *Attachment C: Public Notice*.

DEADLINE TO SUBMIT WRITTEN COMMENT IS 5:00 PM, WEDNESDAY, MARCH 27, 2019

IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 24 parcels varying in size but each no smaller than one acre and offer those parcels for sale. The development and offering of these parcels may be completed in multiple stages. This proposal includes the amendment to the CRBAP, land classification order, and mineral order.

Alternative 2: Do not subdivide the project area prior to offering. Offer the project area as a single, 48.2-acre parcel.

Alternative 3: (Status Quo) Do not offer this project area for private ownership. Retain the land in State ownership.

Article VIII, Section 1 of the Alaska Constitution states, "it is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." Furthermore, *AS 38.05.045 Generally* has placed this charge with DNR, and the legislature has provided funding to administer the land sale program.

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Copper Wilderness Subdivision – ADL 229732

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Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute and maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. This proposal, if approved in a subsequent Final Finding and Decision, will allow DNR DMLW to create and design a subdivision which will provide for the best use and development of the land and financial return to the State. Alternative 1 provides the greatest opportunity for more Alaskans to purchase land within this area. Due to the unique recreational attractions of the area, location relative to the communities of Copper Center and Glennallen, excellent land quality, and the proximity to existing residential private property; the project area is well suited to subdivision prior to offering. Alternative 1 is preferred.

The related actions are necessary to allow for the offering of the project area. The primary action and related actions are dependent upon one another, and if DNR DMLW does not approve the project, the related actions will not be processed.

Alternative 2 does not maximize public interest and financial return to the State. Offering the project area as a single parcel would limit the offering to only one purchaser and deny many Alaskans the opportunity to purchase land in this desirable area. Alternative 2 is not preferred.

Alternative 3 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR DMLW from meeting its constitutional, statutory, and legislative goals. Not offering the project area would deny many Alaskans the opportunity to obtain land in an area that is suited to settlement and consistent with the surrounding development.

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

Recommendation follows.

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Copper Wilderness Subdivision – ADL 229732

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X. Recommendation

This Preliminary Decision for the proposed disposal of State lands, CRBAP Amendment No. SC-86-030A07, Land Classification Order CL SC-86-030A07, and Mineral Order 1203, described throughout this document and its attachments, are consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative because it provides the maximum opportunity for offering State land to the public and helps meet the mission of the land sales program. The Preliminary Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the state and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of State lands, CRBAP Amendment No. SC-86-030A07, Land Classification Order CL SC-86-030A07, and Mineral Order 1203. If the decision is approved, CRBAP Amendment No. SC-86-030A07, Land Classification Order CL SC-86-030A07, and Mineral Order 1203 will accompany and precede any Final Finding and Decision issued.

/s/

Prepared by: John W. Thomas, Adjudicator
Natural Resource Specialist III
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

2/21/2019

Date

/s/

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

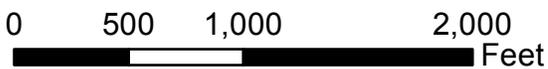
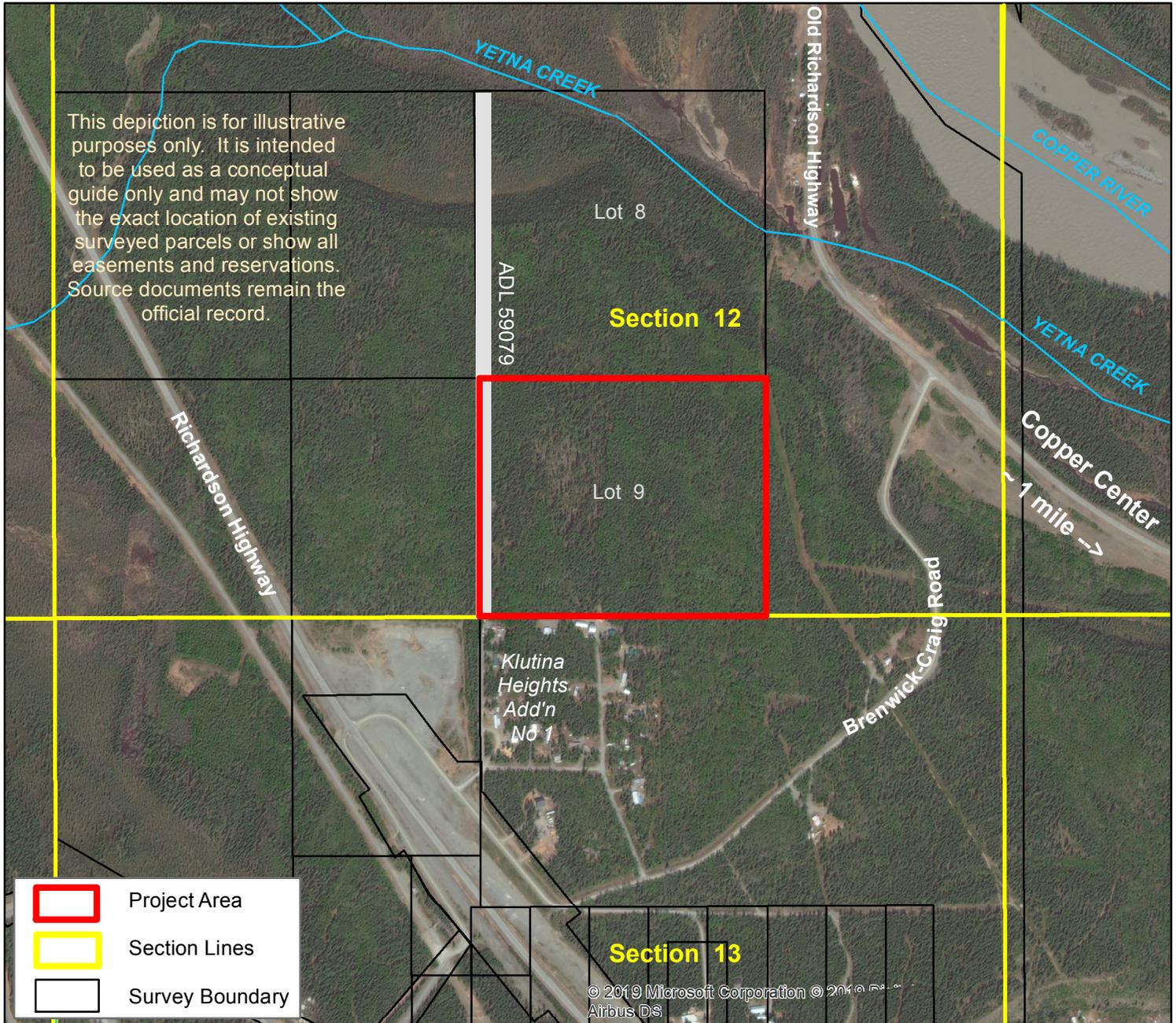
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Date



Copper Wilderness Subdivision - ADL 229732

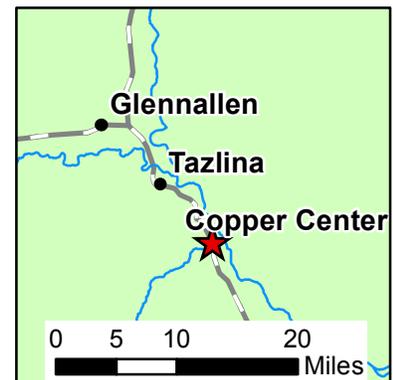
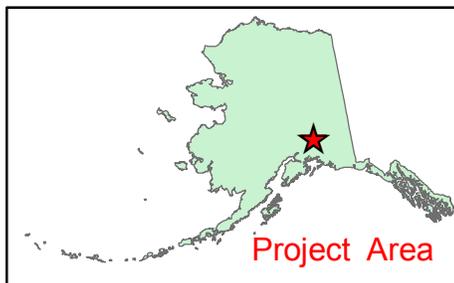
ATTACHMENT A - Vicinity Map
for Proposed State Land Offering
in the Unorganized Borough



Government Lot 9, Section 12
Township 2 North, Range 1 West
Copper River Meridian
Approximately 48 Acres

JWT 1/31/2019

USGS Quad 1:63,360
Valdez D-4
For more information contact:
John W. Thomas
Department of Natural Resources
Division of Mining, Land and Water
Land Sales Section
Phone 907 269-8591
Fax 907 269-8916
Email land.development@alaska.gov



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

ATTACHMENT B: AREA DATA SUMMARY TABLE

to the
Preliminary Decision

for a
**Proposed Land Offering in the Unorganized Borough
Copper Wilderness Subdivision – ADL 229732**

Offering Information	
Proposed Number of Parcels	Up to 24 parcels
Proposed Parcel Size	No smaller than one acre
Proposed Related Actions	Amendment to the CRBAP (SC-86-030A07), Land Classification Order (CL SC-86-030A07), MO 1203 (closing) for this specific area.
Project Area	
Location	Approximately 1-mile northwest of Copper Center and 11 miles southeast of Glennallen, between Richardson Highway and Old Richardson Highway and north of Brenwick-Craig Road.
Project Area Acreage	48.2 acres
USGS Topography Map	Valdez D4
Legal Description	Government Lot 9, Section 12, Township 2 North, Range 1 West, Copper River Meridian
Title	State-owned land; Statutory Quitclaim Deed dated 12/21/1983.
Area Plan and Classification	Copper River Basin Area Plan (CRBAP) (adopted 1986) – At the time CRBAP was adopted, the parcel was not included in any management unit of the plan. DMLW proposes this parcel be designated settlement via CRBAP Amendment SC-86-030A07 and classified Settlement via LCO SC-86-030A07
Mineral Orders	A portion of Section 12 is closed to mineral entry via MCO 239. If approved, MO 1203 (closing) will close the entire 48.2-acre project area to new mineral entry.
Physical Characteristics	
Access	From the Richardson Highway or Old Richardson Highway to Brenwick-Craig Road, then north through Klutina Heights Add'n No. 1 Subdivision along developed, dedicated public rights-of-way and easements to the project area southern boundary; access within and through the subdivision will be via platted rights-of-way. Potential access via section-line easements of Sections 12/13.

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

Copper Wilderness Subdivision – ADL 229732

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Terrain and Major Features	Nearly level parcel located on broad upland bench above the Old Richardson Highway just west of the Copper River and south of Yetna Creek.
View	Heavy vegetation prevents view of Wrangle-St Elias mountain range to the east
Soils	The project area generally consists of silt loam with 0 to 2 percent slopes. The soil is naturally well drained with frequency of flooding or ponding listed as none. Information from DGGs stated the project area is in the zone of isolated permafrost meaning up to 10% of the surface is underlain by permafrost or local ice lenses in silty gravelly sand. If present, ground ice volume is very low, and deposits are generally thaw stable. Potential is high for an economic gravel resource similar to an existing adjacent materials site. DAg noted project area contains Class IV soils and considers the project area suitable for agriculture. Known soil concerns will influence the project's design and feasibility and such features will be described in the project file and offering materials where relevant.
Wetlands	No wetlands have been identified within the project area. Dredging or filling of wetlands may require a permit from the US Army Corps of Engineers.
Vegetation	Mature, moderately dense stands of white and black spruce, birch with mixed cottonwood and aspen and local open shrub and ground cover throughout; extensive evidence of old timber harvest in middle portion of the property.
Water Source	Individual or community well, or possibly hauled water. Water quantity and quality are unknown.
Anadromous Waters	None within project area.
Local Management Information	
Fire Protection	Critical. No recorded fire history within the project boundary. No evidence of wildfire within project area was observed on field inspections. Closest fire protection facility is the Glennrich Fire and Rescue Department, Copper Center (approximately 1-mile away).
Game Management Unit	13D
Local Authority	The project area is within the Unorganized Borough and subject to the State of Alaska platting authority.
Flood Zone	FEMA Flood Insurance Rate Maps are not available for project area.
Utilities	This area is currently served by Copper Valley Electric Association and Copper Valley Telecom. Powerlines reach the southwest corner of the project area and also are located along the north-south road of the adjoining subdivision.
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
Setbacks, Reserved Areas, Easements, and Conditions	

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

Copper Wilderness Subdivision – ADL 229732

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Building Setbacks	a 100-foot building setback from the ordinary high water (OHW) of public or navigable water bodies. There are no known water bodies within the project area.
Public Access and Utility Easements	Parcels may be subject to the following: <ul style="list-style-type: none">• public access easements• utility easements;• public access and utility easement (ADL59079) along the west 50-feet of Government Lot 9;• a 50-foot-wide section-line easement on each side of surveyed or protracted section lines on State-owned land in accordance with <i>AS 19.10.010 Dedication of Land for Public Highways</i> and <i>11 AAC 51.025 Section-line Easements</i> unless vacated under <i>AS 19.30.410 Vacation of Rights-of-Way</i> and <i>11 AAC 51.065 Vacation of Easements</i>;• 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 around the control monument, and as applicable, a 5-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument.
Retained Lands	None identified
Public or Navigable Water Bodies	None identified If any water bodies are deemed public or navigable within the project area prior to platting, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.
Additional Information	
Native Regional Corporations	Ahtna Regional Corporation
Villages and Tribal Councils	There are no village corporations located within 25 miles of the project area; however, courtesy notification will be distributed to Kluti-Kaah (Copper Center); Gakona Village Council; Gulkana Village Council; and Tazlina Village Council.
Oil and Gas Activity	None known.
Mining Activity	None known.
Comments	<p>A July 2015 Office of History and Archaeology <i>Cultural Resource Investigation</i> report verified that no cultural resources were identified that would be adversely affected by the sale of land within ADL229732.</p> <p>On field inspection, DMLW staff observed an abandoned small cabin, in relatively good shape within the project area a couple hundred yards north of its southwest corner along with old, empty 55-gallon metal drums and 5-gallon fuel cans, etc. An old, narrow, overgrown dirt trail within and roughly along the west boundary led to this site and beyond to a small, old gravel pit. The project proposes to offer all parcels “where is” and “as is” and will identify and disclose pertinent factors in offering materials.</p>

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

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
Copper Wilderness Subdivision – ADL 229732

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, MARCH 27, 2019

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

Location: approximately 1 mile north of Copper Center and 12 miles south of Glennallen, within Government Lot 9, Section 12, Township 2 North, Range 1 West, Copper River Meridian, within the Unorganized Borough.

Project size: 48 acres more or less.

To obtain the notice, Preliminary Decision, Mineral Order, Land Classification Order, Area Plan Amendment, or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907-269-8400 (TDD for the hearing impaired: 907-269-8411) or Fairbanks at 907-451-2705 (TDD for the hearing impaired: 907-451-2770), or the Southeast Land Office in Juneau at 907-465-3400 (TDD for the hearing impaired: 907-465-3888), or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, WEDNESDAY, MARCH 20, 2019.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment on either the Preliminary Decision, Mineral Order, Land Classification Order, Area Plan Amendment 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 5:00PM, WEDNESDAY, MARCH 27, 2019.** Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be received by fax, email, or postal mail. To submit comments or for direct inquiries, contact John Thomas, 550 W. 7th Ave., Suite 640, Anchorage, AK 99501. fax # 907-269-8916, land.development@alaska.gov. If you have questions, call John Thomas at 907-269-8591.

If no significant change is required, the Preliminary Decision and related actions including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision, Mineral Order 1203, Land Classification Order CL SC-86-030A07, and Area Plan Amendment SC-86-030A07 without further notice. A copy of the Final Finding and Decision will be sent to any persons who commented timely on the preliminary decision.

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