

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

**Proposed Non-Competitive Sale to Public and Charitable Applicant,  
Municipality of Anchorage**

**PRELIMINARY DECISION – ADL 233002**

**pursuant to**

*AS 38.05.035 (e), AS 38.05.810*

**and**

**PROPOSED RELATED ACTION**

**Proposed Mineral Order (Closing)**

*AS 38.05.185 and AS 38.05.300*

**PUBLIC COMMENT PERIOD ENDS 5:00PM, TUESDAY, SEPTEMBER 11, 2018**

**Proposed Action, Non-competitive Sale:** The Department of Natural Resources (Department), Division of Mining, Land and Water (Division) has received an application from the Municipality of Anchorage (MOA) to purchase a parcel of State land pursuant to *Alaska Statute (AS) 38.05.810*. The proposed decision will allow the parcel to be sold through a non-competitive sale to the applicant. The parcel is located at 18205 Fish Hatchery Road in Eagle River and is approximately 9.37 acres in size. The legal description for the parcel is Tract A, Alaska State Land Survey (ASLS) 2006-3 according to the plat recorded August 26, 2009 as Plat 2009-66 Anchorage Recording District, Third Judicial District, Alaska. See attached map.

Proposed Related Actions: The Preliminary Decision is dependent upon adoption of the mineral order. A draft of the mineral order accompanies this Preliminary Decision for public review.

**Comment Period:** The public is invited to comment on this Preliminary Decision of the proposed noncompetitive sale and the proposed related action. **The deadline for comments is 5:00 PM day, September 11, 2018.** See the attached Public Notice for information on how to submit comments. Please submit comments regarding the Preliminary Decision and proposed related action separately.

**Authority:** The Department has the authority under *AS 38.05.810(a)* to sell State-owned land to a political subdivision of the State 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.

**Administrative Record:** The administrative record for the proposed actions consists of the case file for this applicant, ADL 233002. Also incorporated by reference are additional files and documents listed throughout this decision.

**Scope of the Decision:** The scope of this decision is limited to determining if the applicant and the subject parcel qualify under the listed statute, if it is in the State's best interest to sell the subject parcel, and if it is in the State's best interest to sell the subject parcel to the applicant.

The proposed decision recommends this parcel to be sold through a noncompetitive sale to the applicant.

The applicant is responsible for bearing the cost of the public notice and appraisal.

Restrictions regarding land use will be handled by the local zoning authority (MOA).

AS 38.05.810(a) requires the Commissioner to ensure by deed restriction that this disposal serves a public purpose and is in the public interest. The state patent issued will restrict use of the subject parcel to a public purpose.

AS 38.05.810(g) requires the state retain a reversionary interest in lands conveyed for a public or charitable use under AS 38.05.810(a). Accordingly, the state patent issued will contain a reversionary clause wherein title will revert to the State of Alaska should the parcel cease to be used for a public purpose as determined by DNR.

The final version of this restriction will be in the Final Finding and Decision and will be listed in the state patent. The proposed related action will be issued concurrently with the Final Finding and Decision. This action is described in more detail in the section **Planning, Classification, and Mineral Order**.

**Description:**

Location: 18205 Fish Hatchery Road, Eagle River, Alaska.

Municipality/Borough: The subject parcel is located within Eagle River and is subject to the MOA platting authority.

Native Regional/Village Corporations/Councils: The regional corporation is Cook Inlet Region, Inc. The villages of Eklutna and Knik are within 25 miles of this parcel. Notice of this proposal will be sent to the Native Village of Eklutna, Eklutna Incorporated, Knik Tribal Council, and Knikatu Incorporated.

USGS Map Coverage: The subject parcel is located in USGS Quad Anchorage B-7.

Legal Description: Tract A, Alaska State Land Survey 2006-3 according to the plat recorded August 26, 2009 as Plat 2009-66 Anchorage Recording District, Third Judicial District, Alaska.

**Title:** The State received title to the land on May 18, 1962 under patent 1226962. The State file is SCH 33. Title Report number 10383 was issued February 15, 2018; third-party interests identified include utility easements. The parcel is subject to the reservations, easements, and exceptions contained in the federal patent. A memorandum of agreement dated July 18, 1983 between the Alaska Department of Fish & Game (ADF&G) and the Department transferred ownership of the buildings on the parcel to the Department.

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 land uses. The State may also lease them to mineral developers or allow mining locations to be staked. However, Alaska law also provides that the land owner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130).

Native Interest: The subject parcel is within the boundaries of Cook Inlet Region, Inc. There are no Native interests identified within this parcel.

Other Conflicts or Pending Interest: None.

**Background and Discussion:** The property formerly hosted the Fire Lake Fish Hatchery, which ADF&G operated under a management agreement (ADL 18526) with the Division from approximately 1962 to 1986. In 1981 the Department's Division of Geological and Geophysical Surveys (DGGs) applied for a management agreement for use of the property as the Geologic Materials Center (GMC). While the ADF&G's management agreement ended in 1986 and the DGGs's management agreement began in 2006 (ADL 209842), it appears that DGGs occupied the property continuously since 1981. In 2006, the State subdivided the parent parcel (Government Lot 6) into Tracts A, B, and C via ASLS 2006-3. The State retained Tract A for operation of the GMC, while the State transferred Tracts B and C to the MOA under municipal entitlement. Once DGGs declared their intent to terminate their management agreement, the Division identified the property for disposal.

DGGs removed all the stored geologic materials, temporary storage structures, and temporary office buildings from the property. Much of permanent infrastructure from the GMC remains on the property. This includes five buildings and a concrete foundation, as depicted in ASLS 2006-3. Details on the construction and condition of these buildings is provided in a Phase I Environmental Site Assessment report commissioned by DGGs. Several relicts from the hatchery operation remain along the edge of Fire Creek, including a degrading concrete dam near the southernmost building on the property, another concrete structure downstream of the access easement across Tract B, and an apparent pen structure farther downstream near the northwest property

corner. Because the centerline of the creek constitutes the southern property boundary, structures that extend beyond the creek centerline also are situated within Tract B. ADF&G does not desire to retain a management interest in these structures prior to disposal of the property, therefore the subsequent owner of the property would inherit the liability for these former hatchery improvements in and near the creek. The southernmost building on the property encroaches within the stream protection setback illustrated in ASLS 2006-3. During a review by the MOA Planning Department for the subdivision action that created Tracts A, B, and C, the MOA determined that this building is a legal, nonconforming structure because its construction predated the setback requirement.

Four wells were drilled on or adjacent to the property in the 1980s. Well 1 was determined to provide no meaningful yield, and well 2 failed due to collapse of the borehole below the casing. Well 2 is capped and the top of well 1 is covered by a fallen tree; it is unknown whether these wells were fully decommissioned. Wells 3 and 4 were productive and used for the GMC facilities. Well 3 was drilled to a depth of 365 feet and is located east of the southernmost building on the property. Well 3 has a subsurface water right (ADL 213077) and served the residential-style buildings immediately to the north and the storage building close to the creek. Well 4 was drilled to a depth of 200 feet and is located near the northeast corner of the main warehouse building on the property. This well served the main warehouse. Water quality is unknown. The well locations are depicted on the vicinity map (Attachment A).

The property is in an area currently served by the Matanuska Electric Association, Enstar Natural Gas, and Anchorage Water & Wastewater Utility (AWWU). Electric and natural gas service connections exist for several of the buildings on the property. No AWWU service connections currently exist, and water and sewer mains do not currently exist along the immediately adjacent roads.

The cleared portion of the property is currently used by visitors for walking and accessing a trail to Upper Fire Lake, based on input from DGGs staff. These use patterns were corroborated by foot traffic in the snow observed during a January 19, 2018 site visit. Portions of the trail to Upper Fire Lake within the parcel are within the public access easement along Fire Creek. The Division does not intend to reserve easements for use of the property not within existing easements. There may have been some recent vandalism on the property, such as breaking a window of an unheated building.

The Division proposes to sell the land and improvements to the MOA, which has applied to purchase it via a public and charitable sale under AS 38.05.810. Under AS 38.05.810(a)(1), the State may sell or lease State land to a political subdivision. The MOA intends to provide the property to the Eagle River / Chugiak Parks and Recreation Department for maintenance and operations, allowing for centralized storage of vehicles, equipment, and materials. Currently the Parks and Recreation Department uses four locations for materials storage and three for equipment and vehicle storage. The MOA states that consolidating these operations would reduce travel times and fuel

costs, and would allow for greater operational efficiency. The Parks and Recreation Department would reuse the large warehouse and one or more additional buildings on the property for equipment repairs, fabrication work, and small tool and equipment storage. The MOA reports that this would also improve the quality of storage for the Parks and Recreation Department, as currently much of their storage is outdoors, subjecting equipment and materials to accelerated weathering.

A public and charitable sale is advantageous to the State because it would require less time and resources to conduct relative to a competitive sale. For example, a competitive sale would likely be conducted as a special auction and would necessitate making the buildings available for inspection to potential purchasers. Some of the buildings are dilapidated and contain hazards such as mold and asbestos. A public and charitable sale to the MOA would also minimize the State's liability associated with the buildings by reducing the potential for default by a purchaser while under State purchase contract.

**Planning, Classification, and Mineral Orders:**

State Land Use Plan: The subject parcel is not located within an area plan, but is covered by Land Planning Report #125 from 1964.

Land Classification: The subject parcel was classified as Reserved Use under Classification Order 193. Land classified as Reserved Use may be transferred to another governmental agency performing a public service under *11 Alaska Administrative Code (AAC) 55.170*.

Mineral Order: The Division proposes to close the parcel to new mineral entry in accordance with *AS 38.05.185* for land disposals. There are no current mining claims located within the subject parcel. If approved by the Commissioner, Mineral Order 1207 will close the subject parcel to new mineral entry. If the Department approves the public and charitable sale, the mineral order will accompany the Final Finding and Decision. The approval of the mineral order is a separate action, occurring concurrent with the Final Finding and Decision.

The Department generally closes areas or parcels to mineral entry prior to sale to minimize potential conflict between surface and subsurface users.

Mineral orders for closures, where they have been established, close the area to exploration and development of locatable minerals such as gold, copper, platinum, etc. Mineral orders do not apply to leasable minerals, including oil and gas, coal, shallow gas, 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 mineral exploration and development (*AS 38.05.130*). The property is in an oil and gas lease sale tract in the Cook Inlet Areawide. The land is currently not leased, but the lease sale tract is subject to annual offerings of oil and gas leases.

Local Planning: The subject parcel is within the boundary of the Chugiak-Eagle River Comprehensive Plan Update, dated December 2006, and adjacent to land covered within the Chugiak-Eagle River Site-Specific Land Use Plan, public review draft dated February 2017. Review of those plans did not indicate any conflicts with proposed land disposal.

Easements and Setbacks: The property is subject to the following:

- a 50 foot wide section line easement on the eastern property boundary in accordance with *AS 19.10.010 Dedication of Land for Public Highways* and *11 AAC 51.025 Section-line Easements*;
- a 50 foot continuous easement upland from the OHW of Fire Creek in accordance with *AS 38.05.127 Access To Navigable or Public Water*;
- a 25 foot building setback from the OHW mark of Fire Creek in accordance with *AMC 21.45.210*;
- several utility easements depicted and described in the plat resulting from ASLS 2006-3; 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.

**Access:** Access to the parcel is from the Old Glenn Highway to Fish Hatchery Road. A public access easement across MOA land (Tract B, ASLS 2006-3) connects the property to Fish Hatchery Road. Fire Lake Drive also provides access to the northeast corner of the subject parcel, but is not fully constructed. The property is within the Chugiak, Birchwood, Eagle River Rural Road Service Area. The parcel is subject to the platting authority of the MOA.

Access To and Along Public or Navigable Water: Fire Creek has been determined to be public within the property. A public access easement exists from Fish Hatchery Road to the subject parcel and a public access easement exists along Fire Creek where it abuts the subject parcel, in accordance with *AS 38.05.127 Access to Public or Navigable Water*. Both these easements are depicted in ASLS 2006-3.

**Traditional Use Findings:** A traditional use finding is not necessary because the subject parcel is located within an organized borough.

**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, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.

**Hazardous Materials and Potential Contaminants:** The buildings on the property formerly used heating oil, which was stored in underground storage tanks next to each building. There is no direct documentation of the tank removals. Indirect evidence suggests that the tanks were removed by Department contractors in the late 1990s. This includes testimony from a former GMC curator and interpretation from a 2017 geophysical survey designed to detect large underground metal objects. The former GMC curator stated that the tanks were intact upon extraction, and that some areas of petroleum contaminated soil around some of the tank perimeters was removed and disposed of offsite. While the geophysical survey provides some confirmation that the tanks were removed, there is no confirmation available that the petroleum contamination was adequately cleaned up.

In 2012 DGGs contracted for sampling of indoor air and building materials within the main warehouse building (northernmost building). Flooring, wallboard, drywall finishes, and other miscellaneous materials were found to contain various levels of asbestos. Indoor air samples were collected as part of a mold inspection. Air samples from the warehouse basement were interpreted as significantly elevated with respect to mold, however, there are not federal limits set for mold in indoor air. Sampling was not conducted in the other buildings on the property.

DGGs contracted a Phase I Environmental Site Assessment for the property, which was conducted in 2016. Some significant findings from the Phase I report include:

- the lack of documentation about the removal of former underground heating oil tanks constitutes a recognized environmental condition of the property; and
- the age of the buildings on the property make them likely to contain lead-based paint, asbestos-containing building materials, and other hazardous materials.

Other environmental uncertainties within the property include the presence of an undocumented on-site wastewater system and a storm drain system that appears to channel surface drainage from several locations and unknown waste inputs to outfalls within the property or towards Fire Creek.

During ground field inspections conducted on January 19, 2018, field staff observed one additional environmental hazard within the project area. A rusty, overturned drum was observed stuck in a wire fence above Fire Creek, west of the northernmost building (northwest quadrant of the property). The drum was on its side, partially covered by leaf litter and snow, and frozen to the ground. The drum appeared to be intact and sounded empty when tapped, but it was not practical to move the drum to better determine its disposition.

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. The applicant is encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to purchase. The subject land and buildings are sold on an “as is” basis and in the condition as of the date of sale. The MOA agreed to take the building and its contents “as is” in a letter dated July 31, 2018.

**Performance Guaranties and Insurance:** Not applicable to this decision.

**Survey:** The subject parcel is Tract A, ASLS 2006-3, Plat 2009-66 Anchorage Recording District.

**Compensation/Appraisal:** The parcel purchase price will be based on an appraised market value that takes into account the effect of the “for public purposes” deed restriction and reversionary interest. The Division determines this meets the intent of AS 38.05.810(a). At the appropriate time, the Division will notify the applicant to begin the appraisal process and will provide a list of approved appraisers. The Division’s Appraisal Unit will provide appraisal instructions to an approved appraiser and must approve the appraisal. The applicant bears the cost of appraisal. The valuation date of the appraisal will be set as the date of inspection by the appraiser.

**Agency Review:** Information and comments received by the Division prior to and during agency review have been considered and included in the preparation of this Preliminary Decision. Agency review was conducted from January 4 through January 18, 2018. The proposal at the time was a competitive land sale, as the MOA’s public and charitable sale application was received subsequent to the agency review. This change is not considered significant enough to warrant another agency review period.

Comments pertinent to this proposed action received during agency review are 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.

The Division received brief comments of non-objection from the following agencies: the Mental Health Trust Land Office, DNR Division of Forestry, and DNR Division of Agriculture.

ADF&G Comment: The proposal appears to present no adverse effects to fish, wildlife, or public access. ADF&G has no objection to the proposed land sale. ADF&G does not want to retain any management interests for the in-water structures remaining from the former hatchery operation.

Division Response: Your feedback on the proposal is appreciated.



DNR Division of Oil and Gas Comment: DOG has no objections to the proposed land sale and recommends informing potential applicants that the property is in an oil and gas lease sale tract in the Cook Inlet Areawide. The land is currently not leased, but the lease sale tract is subject to annual offerings of oil and gas leases.

Division Response: The Division will provide information about the oil and gas lease sale tract to the MOA.

DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA) Comment: The office has determined that no historic properties are affected by the proposed land sale.

Division Response: Your feedback on the proposal is appreciated.

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

- Alaska Railroad;
- Department of Environmental Conservation;
- Department of Natural Resources;
  - Division of Parks and Recreation, Field Operations;
  - Office of Project Management and Permitting; and
  - State Pipeline Coordinator's Office; and
- Department of Transportation and Public Facilities.

**Submittal of Public Comments:** Pursuant to *AS 38.05.945*, the Division is issuing public notice inviting comment on this Preliminary Decision and the proposed related action.

In accordance with *AS 38.05.946(a)*, 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.

The Division will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision or proposed related action, additional public notice for the affected lands will 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 and proposed related action, including any deletions, minor changes, and summary of comments and Division responses will be issued as a subsequent Final Finding and Decision and Mineral Order 1207 without further notice. The related action

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 the Division receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision and Mineral Order 1207. Upon approval and issuance of these actions, a copy of the decision and order 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.

The Department 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 the attached Public Notice.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS  
5:00 PM, TUESDAY, SEPTEMBER 11, 2018**

**Stipulations:** The applicant will be required to comply with the following stipulations to complete the proposed land sale:

1. If reimbursable public notice costs were incurred, within six months from the date of the notice of a signed Final Finding and Decision the applicant must submit to the Division reimbursement for the public notice costs as described in the notice. Public notice costs must be paid before the applicant will be authorized to proceed to the next stage in the process.
2. Within two years from the date of the notice to proceed to appraisal, the applicant must hire an appraiser, the appraiser must apply for appraisal instructions issued by the Division, and then must submit to the Division a completed fair market value appraisal in accordance with appraisal instructions issued by the Division.
3. Upon approval of the appraisal, a notice to proceed to purchase will be issued to the applicant. Within the time period specified in this notice, the applicant must submit to the Division the following:
  - A completed and signed Declaration of Intent Form;
  - Payoff amount plus \$265 for patent application and recordation fees OR minimum 5% of the purchase price as deposit plus \$405 for land sales contract application and recordation fees.

**Alternatives:** The following alternatives were considered.

Alternative 1: Sell

Offer the subject parcel for sale as proposed in this decision. If it is in the best interest of the State, AS 38.05.810 allows a qualified applicant to purchase State land if the relevant statutory requirements are met.

The sale of parcel and improvements will alleviate the State's burden in owning and maintaining the property. All of the buildings are at relatively high risk for trespass given that the State has no active use of the property. The largest building requires maintenance of heat and electricity; some of the buildings within the parcel are dilapidated and contain hazards. A public and charitable sale to the MOA would further minimize the State's liability by reducing the potential for the property returning to State ownership. Finally, a public and charitable sale will require less State time and resources to conduct relative to a competitive sale. Therefore, it is in the best interest of the State to sell the parcel. This is the preferred alternative.

Alternative 2: Retain

The Department will take no action and retain the subject parcel. The State would need to expend resources managing the land and improvements, while forgoing the income that could have been generated by a sale. The property no longer serves a State function and there is no established mechanism for appropriately maintaining the property. Retaining the property would serve as a unnecessary liability and burden to the State. Retaining the subject parcel in State ownership is not in the best interests of the State. This alternative is not preferred.

**Recommendation:** The proposed action, Alternative 1, is believed to be in the overall best interest of the State and is consistent with the requirements of AS 38.05.810. Alternative 1 provides valuable real estate to the MOA that will improve their operational efficiency and will generate revenue for the State.

After public notice, the subsequent review process may result in changes to the preferred alternative. A Final Finding and Decision will address any significant issues or concerns raised during the public review process.

The State does not guarantee the condition or usefulness of the subject land. The land is offered "as is" with no guarantees, expressed or implied, as to its suitability for any planned or potential use, or as to the availability of any public purpose.

If conditions for which this application was made change before the proceeding to purchase, either by contract or payment in full, an amended decision, including further public notice, may be required prior to the completion of the purchase.

If the applicant is unable to complete the stipulations in the timeframe specified above, the Division may decide to close this purchase application or require an amended

decision, including further public notice, prior to the completion of the purchase unless the delay and extenuating circumstances are pre-approved by the Division.

**Proposed Action Approved for Public Review:**

The proposed action may be in the best interests of the State and the Preliminary Decision is hereby approved to proceed to Public Notice in accordance with AS 38.05.945.

Prepared by:

Signature on file  
Colin Craven, Natural Resource Specialist III  
Land Sales Section  
Division of Mining, Land and Water

August 10, 2018  
Date of Signature

This Preliminary Decision is hereby approved to proceed to public notice in accordance with AS 38.05.945.

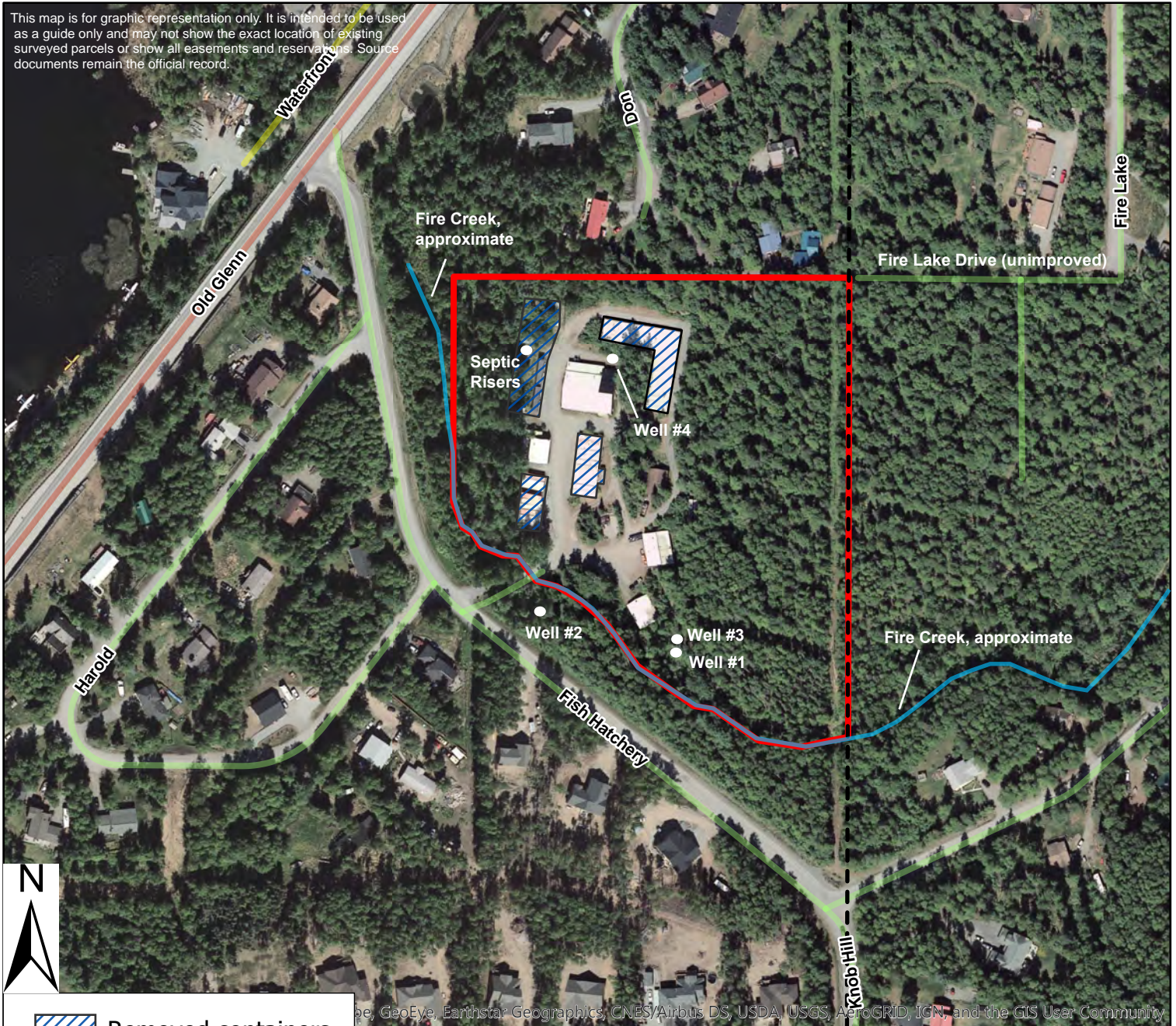
Signature on file  
Kathryn Young, Section Manager  
Land Sales Section  
Division of Mining, Land and Water

August 10, 2018  
Date of Signature






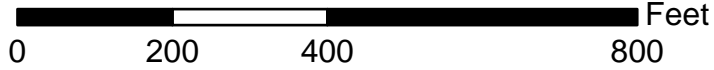
# Former Geologic Materials Center 18205 Fish Hatchery Road, Eagle River, Alaska ADL 233002

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.



Map data provided by GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

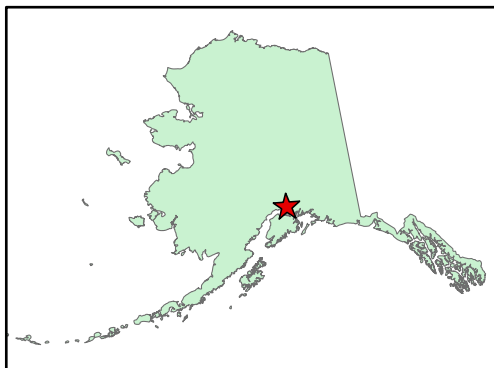
-  Removed containers
-  Project area
-  Section line 36 & 31



CMC  
July 26, 2018

**T15N, R2W, Section 36, SM**  
**USGS QUAD 1:63,360 Anchorage B-7**

For more information contact:  
Colin Craven  
Department of Natural Resources  
Division of Mining, Land, and Water  
Land Sales Section  
907.451.2730  
land.development@alaska.gov



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

**DRAFT  
MINERAL ORDER No. 1207**

  X   **Closing Lands to Mineral Entry**                      \_\_\_\_\_ Opening Lands to Mineral Entry

**I.** Name of Mineral Order: Proposed Non-Competitive Sale to Public and Charitable Applicant, Municipality of Anchorage – ADL 233002

**II.** Reason for Mineral Order: This Mineral Order is based upon the attached *Commissioners' Administrative Finding, applicable statutes*, and the written justification contained in the following:

Preliminary Decision, Proposed Non-Competitive Sale to Public and Charitable Applicant, Municipality of Anchorage – ADL 233002, August 10, 2018 and the subsequent Final Finding and Decision for same Land Sale pursuant to AS 38.05.035(e), AS 38.05.810(a)

**III.** Authority: AS 38.05.185 and AS 38.05.300.

**IV.** Location and Legal Description:

18205 Fish Hatchery Road in Eagle River.  
Tract A, Alaska State Land Survey 2006-3 according to the plat recorded August 26, 2009 as Plat 2009-66 Anchorage Recording District, Third Judicial District, Alaska.

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

Concur:

\_\_\_\_\_  
Brent Goodrum, Director  
Division of Mining, Land and Water  
Department of Natural Resources

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Andrew T. Mack, Commissioner  
Department of Natural Resources

\_\_\_\_\_  
Date

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

**PUBLIC NOTICE**

Requesting Input for Proposed Non-Competitive Sale to:  
**Municipality of Anchorage, ADL 233002**  
**Preliminary Decision and Proposed Mineral Order 1207 (closing)**

**COMMENT PERIOD ENDS 5:00PM, TUESDAY, SEPTEMBER 11, 2018**

This proposed land sale for 9.37 acres is located at 18205 Fish Hatchery Road in Eagle River.

To obtain the notice, preliminary decision, mineral order, or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>.

For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907.269.8400 (TDD for the hearing impaired: 907.269.8411) or Fairbanks at 907.451.2705 (TDD for the hearing impaired: 907.451.2770), or the Southeast Land Office in Juneau at 907.465.3400 (TDD for the hearing impaired: 907.465.3888), or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, Tuesday, September 4, 2018.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on either the preliminary decision or mineral order, for which notice is being conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 5:00PM, Tuesday, September 11, 2018.** 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 Colin Craven, DNR Land Sales, 3700 Airport Way, Fairbanks, AK 99709, fax # 907.451.2751, [land.development@alaska.gov](mailto:land.development@alaska.gov). If you have questions, call Colin Craven at 907.451.2730.

If no significant change is required, the preliminary decision and mineral order, including any minor changes and a summary of comments and responses, will be issued as the final finding and decision 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.