

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

PRELIMINARY DECISION

**Proposed Land Offering in the Unorganized Borough
East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351
*AS 38.05.045, and AS 38.05.600***

**RELATED ACTION(S):
Proposed Mineral Order (Closing)
*AS 38.05.185 and AS 38.05.300***

COMMENT PERIOD ENDS 5PM TUESDAY, MARCH 18, 2014

I. Proposed Actions

Primary Proposed Action(s): The primary proposed action of this Preliminary Decision of the State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water is to offer for disposal State-owned land for sale within the defined project area. This document and the following attachments describe the details of the project area and this proposal, with supporting documentation retained in the case file.

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

Located within the Department's Northern Region approximately 490 miles west of Fairbanks, 40 miles east-northeast of Nome, and 13 miles northeast of Solomon, Alaska along the Nome-Council Road, the project area is within the Unorganized Borough. The project area encompasses approximately 26 square miles (~16,350 acres) in an area generally between the East Fork Solomon and Skookum Rivers, within portions of Township 9 South, Range 27 West, Kateel Meridian.

Pursuant to the management intent contained within the Northwest Area Plan (NWAP) (adopted 2008) and the related Land Classification Order (CL) No. NC-08-001, which classifies the area as Settlement, the Division proposes to offer up to 60 authorizations to stake parcels generally ranging from 5 to 20 acres as described in **Section II. Method of Sale** of this document. While the area plan indicates that the entire project area is appropriate for disposal during the life of the plan, at this time, the Division would dispose of no more than 1,200 acres under this proposal, if approved. In fact, the Division may reduce the actual staking area prior to offering to make adjustments as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with staking instructions. The adjusted project area will be described in the brochure or staking packet.

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Although the total disposal authorized under this proposal will not exceed the stated maximums, the offerings and development may be conducted over time. Further, additional offerings that could increase the density of privately-owned parcels within or near the project area may be authorized through separate future proposals, authorized and conducted as required under statute and regulation. As such, the Division makes no guarantees that the project area will remain remote or that settlement will be dispersed indefinitely and purchasing a parcel created through this offering does not provide any rights to the buyers to deny future disposals and developments.

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

Mineral Order (Closing): No current mineral activity has been identified on these lands.

To minimize potential conflicts between land estate and mineral estate users, the Division proposes a mineral order to close the project area to new mineral entry. Closing the entire area to mineral entry is consistent with the management intent of the area plan. As such, this Related Action would close the entirety of the project area to new mineral entry in accordance with *AS 38.05.185 Generally [Mining Rights]* and *AS 38.05.300 Classification of Land*.

Related Actions, if any, are developed separately from the proposed primary action of this Preliminary Decision. However, approval and succession of the primary proposed action detailed in this Preliminary Decision are contingent on the completion of Related Actions, as described throughout this document. Refer to the Mineral Order subsection of this document for more information on this proposed Related Action.

Notice of the public comment period will be posted in accordance with *AS 38.05.945 Notice* for at least 30 consecutive days. The public is invited to comment on the proposed actions and the comment periods for all actions will be conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. 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 public input the proposed actions are approved, the Department will issue a Final Finding and Decision, which will be sent to those parties that submitted timely, written comments.

II. Method of Sale

AS 38.05.600 Remote Recreational Cabin Sites authorizes the Department to conduct leasing and sale of land for Remote Recreational Cabin Sites. *11 AAC 67.800 - 11 AAC 67.845 Remote Recreational Cabin Sites* and other related regulations describe how the Division offers authorizations to select and stake Remote Recreational Cabin Sites in designated areas during the specified offering period. The Division offered this program annually between 2001 through 2010 and then offered biennially beginning in 2012.

After approval of a Remote Recreational Cabin Sites disposal through a Best Interest Finding process such as this, the Division plans a future announcement of an offering of staking authorizations and the availability of land sales brochures pursuant to *AS 38.05.945 Notice*. The brochures generally describe simultaneous offerings of multiple areas; the relevant application period; and the related procedures, conditions, and eligibility requirements.

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Participants submit applications and the Division conducts a drawing, a method of sale that offers all eligible parties an equal chance at acquiring a staking authorization for an area. Authorizations to stake a parcel of State-owned land within a designated project area during a specified period are awarded to applicants drawn first. Authorized stakers are then issued a staking packet that includes instructions for properly staking a parcel and other information pertaining to the program and specific staking area. Authorized stakers then enter onto the land, stake a parcel of their choice in compliance with the staking instructions, and file a lease application. If approved, a short-term lease is issued and the lessee makes quarterly, prorated payments to cover associated development costs and an annual lease fee of \$100. While under lease, the parcel is then surveyed, platted, and appraised, typically over a three- to four-year period. Upon successful completion of the lease terms and upon completion of the survey, platting, and appraisal, the lessee is given the option to convert from lease to sale at a purchase price based on the appraised value, plus associated fees, with credits given for the survey and platting deposits collected while the parcel is under lease. The lessee's other option is to renew the lease for a second term at a cost of \$1,000 per year, which does not contribute to paying down the purchase price. A lessee in good standing can opt to purchase the parcel at any time during this optional renewal term, but if the lessee does not purchase the parcel by the time the renewed lease term expires, their interest is subject to termination.

After the staking period closes and lease applications have been received from authorized stakers, the Division may identify and survey additional Administrative Parcels in a project area. Additionally, the Division may opt to complete the survey on staked parcels relinquished, terminated, or expired before converting to sale. Such Administrative Parcels would generally be surveyed for future offering under *AS 38.05.045 Generally [Sale of Land]*. Although Administrative Parcels are not restricted to the size requirements stated for staked parcels, the total number of acres and authorizations will not exceed the maximum number specified for disposal under this proposal.

Offering administrative parcels under *AS 38.05.045 Generally [Sale of Land]* allows the Division to offer its surveyed parcels under a uniform set of statutes, administrative regulations, and policies, usually in a statewide offering of varied parcels to increase administrative efficiencies and improve the effectiveness of marketing efforts. Successful buyers may purchase the properties by highest sealed bid or by application at prices based on their appraised value. Appraised values account for the benefits of the surveying and platting. Without the inclusion of this additional method of sale in this proposal, sales of parcels initially developed under *AS 38.05.600 Remote Recreational Cabin Sites* and *11 AAC 67.815 (b) Offering Remote Recreational Cabin Sites* would require purchasers to reimburse the Division for the cost of surveying, platting, and appraising the site within 30 days of being notified of a successful purchase, in addition to the usual minimum down payment. That is to say, that the State would not finance the reimbursable survey, platting, and appraisal costs. To maintain this requirement without allowing for the differing method of sale of subdivided parcels under *AS 38.05.045* would create an unrealistic burden upon purchasers and hinder the marketability of the property.

III. Authority

The State of Alaska, Department of Natural Resources has the authority under *AS 38.05.045 Generally [Sale of Land]* and *AS 38.05.600 Remote Recreational Cabin Sites* 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*.

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In order to facilitate these sales, of State-owned land, the Division is also authorized to close land to mineral location under *AS 38.05.185 Generally (Mining Rights)* and *AS 38.05.300 Classification of Land*.

IV. Administrative Record

The project file for the East Fork Pass project area (ADL 419351), constitutes the administrative record for this action. Also incorporated by reference are:

- Northwest Area Plan for State Lands (NWAP), adopted 2008, and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan*, amended October 1998;
- *2013 Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *1979 Exploratory Soil Survey of Alaska*;
- Public Easement (ADL 411932);
- Material Sale (ADL 418907);
- University of Alaska radio meteorological station (LAS 22433); and
- Reindeer Grazing Permit (LAS 13861)

V. Scope of the Decision

The scope of this proposal, under the statutes and regulations described in **Section III**.

Authority of this document, is limited to the Division's proposal to offer State-owned land within the project area for sale through a future, public Remote Recreational Cabin Sites offering or other method of sale. The Division proposes to open the area for the described number of authorizations to stake parcels under *AS 38.05.600 Remote Recreational Cabin Sites* and *11 AAC 67.800 - 11 AAC 67.845 Remote Recreational Cabin Sites*. The Division may also identify and survey additional parcels in a project area to be sold under *AS 38.05.045 Generally [Sale of Land]*. The Division does not intend to impose deed restrictions to control post-patent land use.

There may be Related Actions with this proposal as described in **Section I. Proposed Actions** of this document. Related Actions, if any, are developed separately from the proposed primary action of this Preliminary Decision. However, approval and succession of the primary proposed action detailed in this Preliminary Decision are contingent on the completion of Related Actions, as described throughout this document.

VI. Description

Location: Located within the Department's Northern Region approximately 490 miles west of Fairbanks, 40 miles east-northeast of Nome, and 13 miles northeast of Solomon, along the Nome-Council Road the project area is within the Unorganized Borough. The project area encompasses approximately 26 square miles (~16,350 acres) in an area generally between the East Fork Solomon and Skookum Rivers, within portions of Township 9 South, Range 27 West, Kateel Meridian. See Attachment A: Vicinity Map for a graphic depiction of the approximate

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location of the project area. See Attachment B: Area Data Summary Table for additional information.

Borough/Municipality: The project area is within the Unorganized Borough and is subject to the State of Alaska platting authority.

Native Regional and Village Corporations: Bering Straits Native Corporation is the regional corporation for the project area. The villages of Solomon, Council, and White Mountain are located within 25 miles of the project area. As such, notification will be distributed to village corporations and councils in Solomon, Council, and White Mountain, and as a courtesy to Golovin whose people potentially pursue traditional uses within the project area.

Legal Description: The project area, depicted in Attachment A: Vicinity Map, encompasses approximately 16,350 gross acres within the Nome Recording District, Second Judicial District, State of Alaska, described as:

- Township 9 South, Range 27 West, Kateel Meridian, the entirety of:
 - Sections 1-5; excluding portions of USS 9782
 - Sections 8-15; excluding portions of USS 9782 and ADL 419949
 - Sections 21-29; excluding ADL 411932
 - Sections 33-36;

Title: Information from Title Report RPT-3777, current as of August 28, 2012, indicates the State of Alaska holds fee title to the land and mineral estate within the project area. These lands were acquired under Statehood entitlement, General Purpose Grant, under the Act of July 7, 1958, 72 Stat. 339 as amended. The State received title under Patent No. 50-2008-0387 dated July 11, 2008. The lands are subject to standard federal reservations as well as a reindeer grazing permit (LAS 13861) issued to Thomas L. Gray on March 21, 2008. This permit was issued by the Bureau of Land Management under the terms of Part IV(A)(1) of the Memorandum of Understanding dated October 9, 2002 and pursuant to the provisions of AS 38.05.850 *Permits*.

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 the State]*, the State retains ownership of the mineral estate that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper, and silver) and leasable minerals (such as oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils).

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 owner of the land estate will be compensated for damages resulting from mineral exploration and development.

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Navigable Waters: Per AS 38.05.126 (b) *Navigable and Public Waters*, “the State has full power and control of all of the navigable or public water of the State, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the State.” This trust is in accordance with the principles of the Public Trust Doctrine, which are included in *Article VIII, Section 14* of the *Alaska Constitution* and also protected in *the United States Constitution*. It is vested in the title to this land, is not transferable, and the State’s title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made and access will be reserved per AS 38.05.127 *Access To and Along Public and Navigable Water*. For more information, refer to the Access To, Within, and Beyond Project Area subsection of this document.

The Bureau of Land Management determined in State Selection File GS 4132 that there are no navigable waters within the affected townships for title purposes. However, the East Fork Solomon River, Skookum River, Klokerblok River, French Creek, Lime Creek, Coal Creek, Offield Creek, Boil Creek, Horton Creek and a few unnamed creeks within the project area appear to meet the definition of a public water body and thus may be used for public access points or public use of the related resources. In addition, the East Fork Solomon River, Horton Creek and Lime Creek are anadromous streams identified within the project area and are considered public. For more information on these streams see the information in the Access To, Within, and Beyond Project Area section.

Private parcels and third-party interests on State lands will be depicted on staking maps in land sales brochures and enclosed in staking packets distributed to authorized stakers.

Physical Characteristics and Hazards: The following paragraphs describe the area’s physical characteristics and hazards. In addition to file research and agency review, a field inspection was conducted by aircraft and highway vehicle on August 29, 2011. See Attachment B: Area Data Summary Table for additional information.

Geologic Hazards: There is potential for seasonal flooding and erosion of parcels adjacent to streams. Some areas contain solifluction lobes, which are indicative of waterlogged, moving soil.

Fire Hazards: The Alaska Interagency Coordination Center Fire information Map does not show any fire history within the vicinity of the project area. Fire risk is low in this region because of vegetation types and the cool, moist climate.

Potential for wildland fire is high in some areas of Alaska. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. The Department provides all entrants with information regarding wildland fire prevention and encourages them to locate parcels in defensible areas such as hardwood stands with access to water, such as those areas along the creeks and ponds and isolated patches remaining after prior wildland fire activity.

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 is “Modified”. The policy on areas with the “Modified” management

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option reads, "Wildland fires occurring within this designation will be allowed to burn under the influence of natural forces within predetermined areas while continuing protection of human life and site-specific values within the management option." A more detailed description of the "Modified" management option can be found at <http://forestry.alaska.gov/fire/fireplans.htm>. It is important to note, however, that the DNR Division of Forestry warns that there is no guarantee property will be spared from harm from a wildland fire, even if the area is designated "Full" fire management option.

Flood Hazard: There is potential for seasonal flooding and erosion of parcels adjacent to water bodies, especially in low-lying areas. Interested parties are encouraged to research this issue and inspect the project area prior to applying. We will continue to investigate and consider reserving areas prone to excessive flooding from staking.

Background: This proposed project is a new offering. The area was identified as East Fork Pass and is classified Settlement through the Northwest Area Plan, adopted 2008. This Unit is considered appropriate for disposal during the planning period. The project area was selected for offering pursuant to a review of available land offerings in the Northern Region. Additional research and preparation for the proposed area was initiated in 2010 with Agency Review in August and September 2009. Aerial and ground inspection of the proposed project area was completed in August 2011.

Current land surface uses include two private parcels within the project area (USS 9782), a Department of Transportation ROW easement (ADL 411932), a material sale (ADL 418907), and a University of Alaska radio meteorological station (LAS 22433). DNR will impose staking setbacks or reserved areas from these existing surface uses as appropriate. Refer to the Setbacks, Reserved Areas, and Easements subsection for more information. The project area is within an existing reindeer grazing permit (LAS 13861). The proposed development should not fall into conflict with the grazing permit because the low-density nature of the program will likely not impede reindeer movements and habitat use

The area is in a remote location with little or no infrastructure and the amount of contiguous, high-quality acreage suitable for a large number of adjacent sites is low due to variable topography. The Remote Recreational Cabin Sites program offers the opportunity for entrants to choose individual sites within the staking area that suit their needs.

Planning and Classification: The general management intent of the area plan unit and subunit were reviewed for consistency with the proposed offering. The project area is within the Northwest Area Plan for State Lands (NWAP, adopted 1989, updated 2008) Management Subunit W-5E. Lands within this unit are classified Settlement under Land Classification Order (CL) No. NC-08-001.

Guidelines in Chapter 2 of the area plan regarding Cultural Resources, Fish and Wildlife Habitat, Grazing, Instream Flow, Recreation, Tourism, and Scenic Resources, Stream Corridors, Settlement, Public Access, other land and resources uses were reviewed and will be incorporated in the development of this project. Lands to be retained in public ownership, conditions, and reservations will be issued in the land sale brochure and area-specific staking instructions and maps.

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The proposed offering is consistent with area-wide land management policies and general management intent of the NWAP and specific management unit. The unit is designated Settlement and State lands within the unit are appropriate for disposal, including sale, during the planning period. NWAP provides for up to 1,600 acres to be conveyed into private ownership within Subunit W-5E. The maximum parcel size allowed by this offering is 20 acres. The offering of 60 authorizations provides a maximum 1,200 acres conveyable through this offering, which is less than the total conveyable acreage allowed by NWAP. Management intent is to close Settlement areas to mineral entry prior to sale; therefore, the related action will close the entirety of the proposed project area to mineral entry.

Mineral Order: No current mineral activity has been identified on these lands. There were previously 6 mining claims within sections 13, 14, and 24, that were staked in 2009, however these claims were abandoned in 2010. The DMLW Mining section noted that this area does not conflict with any known mineral resources or claim locations. The East Fork Pass project area will be closed to new mineral entry.

Mineral orders that close an area to mineral entry, where they have been established, close that area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. Such mineral orders do not apply to non-locatable minerals, including oil and gas leasing, coal leasing, shallow gas leasing, or exploration licensing for such, nor do they preclude reasonable land estate access to these resources. However, *AS 38.05.130 Damages and Posting of Bond* stipulates that the land estate owner will be compensated for damages resulting from exploration and development.

Mining activity would be incompatible with the proposed land disposal. To allow new mineral location within the boundaries of the parcels encompassed by this decision, even under an LLO, could create serious conflicts between land estate and mineral estate users. Area plan mineral estate management policy states that, in general, areas scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between land and mineral estate users. When appropriate, land sales brochures generally note mineral activity identified in the vicinity of an offering.

To minimize potential conflicts between land estate and mineral estate users, the Division proposes a mineral order to close the project area to new mineral entry. Closing the entire area to mineral entry is consistent with the management intent of the NWAP. As such, this Related Action would close the project area (~16,350 acres) to new mineral entry in accordance with *AS 38.05.185 Generally [Mining Rights]* and *AS 38.05.300 Classification of Land*.

Reservation of Mineral Estate: In accordance with *Section 6(i) of the Alaska Statehood Act* and *AS 38.05.125 Reservation [of Rights to Alaska]*, the State, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing, and producing the reserved mineral resources. Exploration and development, that could occur, would be consistent with *AS 38.05.130 Damages and Posting of Bond* and any other applicable statutes and regulations, which provide that the land estate owner be compensated for damages resulting from mineral exploration and development.

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Local Planning: Where they exist, local zoning and related ordinances govern any land use restrictions, as with other private land. The entirety of the project area is within the Unorganized Borough and subject to the State of Alaska platting authority. The Division does not intend to impose deed restrictions to control post patent use.

Coastal Issues: Notification of this proposal will be distributed to Native Regional and Village entities and comment received during the public comment period will be considered.

Traditional Use Finding: In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a traditional use finding is required. Information obtained from NWAP and prior research indicates the lands within Management Subunit W-5E are primarily used for recreation, hunting bear and caribou for personal use, and trapping. The Division invites comment on uses of State-owned land in the project area during the public comment period and we will address information received in a subsequent Final Finding and Decision, if one is issued.

Offering this project area may lead to changes in hunting, fishing, and recreational uses of the area. However, the Division does not anticipate changes in the types of traditional uses of the land. The change in pressure on resources is minimized by offering opportunity for low-density settlement over a large project area; proximity to retained, State-owned lands; and protection of riparian and lakefront habitat with setbacks and easements along public and navigable water bodies. Impacts on existing resource users will be minimized by protecting public access along public or navigable water bodies and by limiting the number of staking authorizations and acreage to be disposed.

Access To, Within, and Beyond Project Area: Primary access during the summer to the area is by highway vehicle on the Nome-Council Road. The project area is between approximately Miles 52 and 57 of the Nome-Council Road. Winter access to the area is by snow machine or ski-plane with access through the area by foot, ATV, or snow machine. We located two trails within the project area which appeared to be active during the August 2011 field inspection. Parcels adjacent to these or any other trails will be subject to an easement as described in the Setbacks, Reserved Areas, and Easements subsection of this document. Refer to the Setbacks, Reserved Areas, and Easements subsection of this document for additional information.

Review of the title report and land status records indicates there are no easements issued by the Division in the area, nor are there any RS 2477 trails listed under *AS 19.30.400 Identification and Acceptance of Rights-of-Way* in the area, i.e. rights-of-way listed in Department land records as "RST" routes. Parcels staked along existing trails will be subject to an easement as described in the Setbacks, Reserved Areas, and Easements subsection of this document.

Additional legal access to, within, and through the project area is via travel across unreserved State land, along section line easements, or other easements reserved in conveyances to third parties. Access across unreserved State land without a permit, along with pertinent restrictions, is governed by *11 AAC 96.020 Generally Allowed Uses*.

The Division will, at its discretion, reserve an easement centered on existing trails that have not been assigned an ADL or RST number, or otherwise serialized, through or along any staked

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site. Section line easements will be reserved on each side of surveyed or protracted section lines that are within or along staked sites. Stakers will be instructed not to stake across surveyed section or township lines or across trail easements that have been assigned an ADL or RST number. Easements along interior parcel lines will also be reserved in order to ensure access between staked parcels. Lastly, a survey easement will be reserved to control monuments within parcels in order to allow for access to recover monuments of record for the purposes of surveying and establishing property boundaries in the vicinity of a parcel.

The Division will continue to research the location and status of access to and through the project area throughout the public comment period and up through the parcel survey. The reader is referred to the Setbacks, Reserved Areas, and Easements subsection of this document for more detailed information.

Access To and Along Public or Navigable Water. In accordance with AS 38.05.127 *Access to Navigable or Public Water*, the Division will determine if a body of water or waterway is a navigable or public waterway and will establish easements or right-of-ways as necessary to ensure unobstructed access to and along the body of water.

For the purposes of reserving access to public or navigable water under AS 38.05.127 *Access to Navigable or Public Water* and in accordance with its associated regulations, 11 AAC 51.035 *Determination of Navigable and Public Water* - 11 AAC 51.045 *Easements to and Along Navigable and Public Water*, a continuous easement extending upland from the OHW mark will be reserved within parcels along waters determined to be public or navigable. An alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult.

Lakes larger than 50 acres in size or streams larger than 50 feet in width are navigable and lakes larger than 10 acres in size or streams larger than 10 feet in width are public for purposes of AS 38.05.127 *Access to Navigable or Public Water*. In addition, waters may be determined public or navigable water consistent with AS 38.05.965 (18) *Definitions [General Provisions]*.

Attachment A: Vicinity Map identifies water bodies determined to be public or navigable for the purposes of this proposal. If, at the time of field survey, a water body not depicted or identified on Attachment A is determined to be public or navigable, and within or adjacent to a parcel, a public access easement will be reserved upland from the OHW mark, in accordance with AS 38.05.127 *Access to Navigable or Public Water* and 11 AAC 51.035 *Determination of Navigable and Public Water*. If a water body determined to be public is located entirely within a parcel, a public use access easement from the parcel boundary to and along the water body will be reserved and dedicated at the time of field survey. This is unlikely to occur given that staked parcels can only be up to 20 acres in size. However, as administrative parcels may be larger than 20 acres and water bodies smaller than 10 acres in size may be administratively determined public if they contain important public resources, it is possible that this type of public use access easement may be reserved.

If at the time of survey, a water body depicted or identified on Attachment A is determined to not be public or navigable, the public access will be extinguished. However, if public access is required, a public access easement in accordance with 11 AAC 51.015 *Standards for*

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Public Easements will be imposed on or adjacent to the water body. Refer to the Setbacks, Reserved Areas, and Easements subsection and Agency Comments section of this document for additional information.

The Division will continue to research the location and status of navigable and public waters within the project area throughout the public comment period and up through the parcel survey. The public is invited to comment on use of water resources in the project area to aid in making the navigable and public water determination.

For the purposes of reserving access to public or navigable water under *AS 38.05.127 Access to Navigable or Public Water* and in accordance with its associated regulations, *11 AAC 51.035 Determination of Navigable and Public Water - 11 AAC 51.045 Easements to and Along Navigable and Public Water*:

- a continuous easement extending upland from the OHW mark, where practical, will be reserved within parcels along waters determined to be public or navigable (an alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult).

Setbacks, Reserved Areas, and Easements: The Division may identify building setbacks, staking setbacks, reserved areas (including sites for public use and access), and easements at any time before staking instructions are issued. In addition, the Division may continue to research and identify easements throughout the staking and survey period. Of note, *staking* setbacks differ from *building* setbacks in that staking setbacks leave an area of land in State ownership, while building setbacks and easements place development restrictions on land that will be conveyed to the buyer. Restrictions and encumbrances will be identified in the staking instructions, depicted on staking maps, and noted in the brochure, where possible.

Staking Setbacks and Reserved Areas: Staking setbacks and Reserved areas may be designated for public use, access, or to protect valuable resources. Staking will not be allowed within these areas. The following staking setbacks and reserved areas will apply to this offering:

- 200-foot staking setback from the edge of the Nome-Council Road;
- 200-foot staking setback from ADL 41932 (DOT easement);
- 100-foot staking setback from the East Fork Solomon River, French Creek, Trap Creek, Lime Creek, and Horton Creek;
- minimum 70-foot radius reserved area around University of Alaska Fairbanks radio and meteorological station in Section 15, Township 9 South, Range 27 West, Kateel Meridian;
- reserved area over and around material site ADL 418907, to be determined prior to staking; and
- reserved areas to protect any ecologically sensitive, historic, or archeological sites located within the project area

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The Division may identify additional staking setbacks and reserved areas until staking instructions are issued.

Building Setbacks From Public or Navigable Water. The Division proposes placing a note on the final survey plat describing a building setback, upland from the OHW mark of public and navigable water, to preserve access, conserve fish and wildlife habitat, and protect personal property from wakes, flood, erosion, or ice build up. Structures and subsurface sewage disposal systems would not be permitted within the building setback. Exceptions to this restriction include utilities, water-dependent structures whose purpose is access to or across the stream or lake, or minor accessory structures for permitted uses that must be in or adjacent to the water body in order to function. The building setback is proposed as follows:

- 100-foot building setback from the OHW mark of all water bodies determined to be public or navigable

These restrictions would apply to all parcels created under this offering throughout all stages, from staking through lease, contract, and patent. The public is invited to comment on the proposed plat note and the Division will continue to develop and apply criteria as needed.

Easements: Parcels may be subject to a variety of easements, both during the lease period and after sale. This may include, but is not limited to, existing trails (with or without assigned ADL numbers), rights-of-way, section-line easements, and public access and utility easements. Throughout the staking period and survey process, the Division will continue to research the status, location, and condition of access routes and additional easements may be identified. Final width and location of easements and reservations will be determined as part of the platting process. Easements will be noted on the plat. Parcels created through this offering could be subject to the following easements:

- 50-foot continuous easement extending upland from the OHW mark, where practical, will be reserved within parcels along waters determined to be public or navigable (an alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult);
- 60-foot access easement centered on existing trails that are not assigned an ADL or RST number (or otherwise serialized) through and along staked parcels;
- 100-foot easement centered on any surveyed or protracted section lines;
- 30-foot public access and utility easement along all interior parcel lines; and
- 5-foot easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius of 5 feet around the control monument, and as applicable, a 5-foot wide direct line-of-sight easement from the control station to an azimuth mark or other control monument.

Hazardous Materials and Potential Contaminants: Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land. The State of Alaska makes no representations and no warranties, express nor implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or

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Proposed Land Offering in the Unorganized Borough
East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351
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pollutants on the land here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances be eventually found.

There are no known environmental hazards present within the project area. The Division recognizes there are potential environmental risks when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the State of Alaska, Department of Environmental Conservation. Given that this land was specifically designated for settlement and disposal, and given the high degree of interest from both the legislature and citizens in the sale of State-owned land, the Division is of the opinion that the benefits outweigh the potential risks.

Staking Instructions and Lease: The Remote Recreational Cabin Sites program authorizes applicants drawn first to stake a parcel within a project area and issue leases to successful applicants while the parcels are surveyed, platted, and appraised, in accordance with *11 AAC 67.800 - 11 AAC 67.845 Remote Recreational Cabin Sites*. Letters awarding staking authorizations to enter onto the land and staking instructions will be issued in accordance with *11 AAC 67.820 Staking Instructions*. These staking instructions will include general requirements for staking a parcel of land, specific requirements for individual staking areas, and staking maps depicting existing parcels, reserved areas, staking setbacks, and access routes, where known and practical.

To preserve their interest in the staked parcels and continue in the process to eventual ownership, stakers must apply for a lease after staking a parcel. Upon issuance, the lease authorizes the lessee to enter and enjoy exclusive, private, recreational use the property between staking and purchase while the survey, platting, and appraisal are completed. During the term of the lease the leasehold may not be used for commercial purposes or as a permanent residence. Lessees will be allowed to construct buildings on the property, but will be warned of the risks of constructing prior to survey completion solidifying the location of the property boundaries. Noncompliance with zoning requirements (if there are any) or mislocation of the parcel or improvements does not vest any preference right to the land improperly entered.

Survey, Platting, and Appraisal: Survey, platting, and appraisal of staked and Administrative Parcels will be completed prior to sale. The Division proposes to issue survey contracts to conduct the survey and the costs will be prorated by acreage for each parcel.

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting Division standards will be required within two years of the date fixed for the sale of parcels developed under this proposal.

In accordance with *11 AAC 67.825 Lease Application; Priority*; *11 AAC 67.835 (4) Lease Conditions*; and *11 AAC 67.840 Deposits, Refunds, and Credits*; lessees will be required to pay a deposit for the cost of surveying, platting, and appraising a staked and leased Remote Recreational Cabin Sites parcel. Current regulations provide two options for the survey: the lessee could either make quarterly payments or, if the Division determines it would be in the State's best interest, place a cash performance bond of \$1,000 to ensure the lessee's completion of survey, platting, and appraisal of the site on their own.

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Proposed Land Offering in the Unorganized Borough
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Generally, it would not be cost-effective for either the Division or applicants to allow individual surveys in the same staking area where State-issued survey contracts are active. For this reason, the Division has not determined the cash performance bond to be in the State's best interests at this time. However, if a project area received so few applications that a State-issued survey contract would not be cost-effective or if a separate survey contract is required to resolve platting issues, the Division may opt to offer the second option to lessees at the time of survey.

Other Constraints: The project area covers a large geographic area encompassing approximately 16,350 acres. All or a portion of the project area may be offered for staking and the public is invited to comment on which sections within the project area to offer for staking. Lands surrounding the proposed project area are State-owned, with the exception of land to the southwest and east owned by the Bering Straits Native Corporation (BSNC) and Solomon Village. State-owned lands are primarily used for hunting, trapping, and other recreational pursuits.

There are no other known constraints at the time of this Preliminary Decision. The Division will continue to research and identify constraints throughout the public comment period and up through the point of offering.

VII. Agency Comments

To gather comments and additional information, we conducted agency review of several projects simultaneously from August 17, 2009 through September 24, 2009. All comments pertaining to the East Fork Pass project area received during this period are addressed in the paragraphs below.

DNR Division of Coastal and Ocean Management (DCOM) Northern Region Comment: DCOM provided comment before their program sunset in 2011. DCOM stated that this project falls within the Coastal Zone and LSCAS will be responsible for coordinating a review of the project area for consistency with the Alaska Coastal Management Program (ACMP).

DNR DMLW LSCAS Response: The ACMP ended in 2011 leaving no review process for projects in Coastal Management Zones. This project is also outside any organized borough; therefore, we will send a Public Notice to the City of Nome, the Bering Straits Native Corporation, and other communities within the vicinity of the project area as part of the Public Review process.

DNR Division of Geological & Geophysical Surveys (DGGS) Comment: DGGS stated that there they have no comment on geological hazards for this area.

Response: We appreciate your response.

DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology, State Historic Preservation Office (SHPO) Comment: SHPO concurs with the finding that no historic properties will be affected by this proposed area.

Response: We appreciate your response.

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Proposed Land Offering in the Unorganized Borough
East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351
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DNR State Pipeline Coordinator's Office (SPCO) Comment: There are no conflicts with any existing or proposed pipeline AS 38.35 Pipeline Right-of-Way leases within the proposed project area.

Response: We appreciate your response.

Mental Health Trust Land Office (TLO) Comment: TLO has no comments or objections to this proposal.

Response: We appreciate your response.

Department of Fish and Game (ADFG), Division of Sport Fish (DSF) Comment: ADFG provided the following general comments pertaining to all project areas:

ADFG DSF Comment: ADF&G is concerned that an increase in private remote cabins leads to an increase in incidents of trespass as well as damage to fish and wildlife habitat and water quality. Poorly planned off-road vehicle (ORV) access routes will result in ever-widening trails and unnecessary crossing of streams and wetlands. They also diminish recreational values and make access to public trust resources more difficult. It has been ADF&G's experience that private property owners will attempt to access their cabins throughout the year. This can lead to numerous poorly planned trails that degrade fish and wildlife habitat. ADF&G recommends the following:

- Access points and trails should be identified and reserved prior to staking, if possible.
- DNR should continue to work with affected boroughs, community groups, and ADFG to develop consistent and legally established access both to and within staking areas.
- All easements and legal access should be noted and depicted on staking material, conveyance documents, plats, and maps.

Response: DNR DMLW recognizes that an increase in private property ownership could lead to an increase in backcountry travel and resource usage. As noted in the Access to, Within, and Beyond Staking Area and Access To and Along Public Waters sections of this document, some access across unreserved State land is anticipated, it is beyond the scope of this decision to restrict access across unreserved State land beyond *Generally Allowed Uses* (11 AAC 96.020). DNR DMLW will continue to identify, and where feasible, reserve access across State lands within the project area. DNR DMLW will accept public comment during the public comment period, including information on existing and proposed access. The offering brochure, staking map, staking packet, and supplementary information will describe any identified access routes, and provide information about conditions and limitations, where available. Easements and reservations for individual parcels will be depicted on the survey plats

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The DNR DMLW does not anticipate significant impacts to habitat quality and water quality as we will protect riparian and shoreline habitat with building setbacks from all public or navigable water bodies, and limit the number of authorizations allowed to fewer than the number allowed under the 2008 NWAP. Impacts on public access will be minimized by protecting public access along existing trails, to and along public water bodies, and along private parcel boundaries. See the Setbacks, Reserved Areas, and Easements subsection of this document for more information.

The Department of Fish and Game (DFG), Division of Sport Fish (DSF) provided the following general comments pertaining to the Remote Recreational Cabin Sites project areas distributed for simultaneous agency review:

DFG DSF Comment: We recommend scheduling staking periods at times that do not overlap with open hunting seasons in the staking area.

Response: DNR recognizes that the staking period will be concurrent with some big game and small game hunting seasons. Due to the long duration of multiple overlapping hunting seasons, limiting the staking period to exclude those periods when hunting occurs would greatly decrease the opportunity for entrants to access the project area and stake a parcel. A longer, continuous staking period provides summer, fall, and winter access, and increases the ability to access the area and successfully stake a parcel.

DFG DSF Comment: Many of the proposed staking areas have streams in the Anadromous Waters Catalog (AWC). Proposed developments along these streams could adversely impact fish and wildlife resources and habitats. Any work conducted along these streams that occurs below the ordinary high water (OHW) mark that may use, divert, obstruct, pollute, or change the natural flow or bed of a specific river, lake, or stream, or any activity that uses wheeled, tracked, or excavation vehicles or machinery in the bed of unnamed creeks will require a Fish Habitat Permit from the appropriate DFG Division of Habitat office.

Response: As is generally typical for our offerings, DNR will implement staking and building setbacks where recommended to protect anadromous stream habitats. We also include in the staking material the conditions that require a Fish Habitat Permit.

DFG DSF Comment: Fire management is also a concern whenever there are remote, dispersed structures. DNR should review the *Alaska Interagency Wildland Fire Management Plan* for appropriate fire management options for various lands and include that information in the staking brochure.

Response: Wildfire management is an important concern in the development of areas for settlement. As is generally typical for our offerings, DNR provides the *Firewise Alaska* brochure to all successful applicants and presents *Firewise Alaska* information in staking workshops. We currently include information concerning fire management options for each specific area in the staking brochure.

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East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351
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DFG provided the following comments specific to the East Fork Pass project area:

DFG DSF Comment: There are several anadromous streams within this area that support populations of rearing Dolly Varden: Township 9 South, Range 27 West, Kateel Meridian, within the Unorganized Borough and encompassing approximately East Fork Solomon River and its tributaries, French Creek, Lime Creek, and Trap Creek. Because these streams are anadromous, DFG recommends a 100-foot staking setback from each of these streams, as well as Horton Creek which is also identified as anadromous. These setbacks will provide a riparian buffer to maintain natural vegetation and support fish and wildlife habitat and water quality as well as prevent erosion. DFG also recommends a 50-foot public access easement be reserved along each of these streams to ensure adequate sport fishing and public access opportunities.

Response: We agree that these streams should be protected, and as a matter of standard practice, DNR will comply with pertinent statutes, regulations, and management intent in area plans, including riparian considerations. Refer to the Access To, Within, and Beyond Project Area subsection and Attachment B: Area Data Summary Table for the specific staking and building setbacks, including widths, proposed for these purposes.

Department of Commerce and Community Development (DCED) Comment: DCED noted that the area is currently open to mineral entry and there are several mining claims within the area. DCED opposes this offering based on the above points and believes that further investigation is needed to identify the mineral potential of this area.

Response: The mining claims have been closed. We will issue a Mineral Order (Closing) as a Related Action before offering the area for staking. Refer to Mineral Order subsection of this document for more information.

Other Agencies: The following agencies or groups were invited to participate in agency review but we did not receive any comments in response:

- State of Alaska;
 - Department of Natural Resources;
 - Division of Agriculture;
 - Division of Forestry (Northern Region);
 - Division of Oil and Gas;
 - Division of Parks and Recreation; and
 - Office of Project Management and Permitting;
 - Department of Environmental Conservation;
 - Department of Transportation and Public Facilities;
- Fairbanks Soil and Water Conservation District; and
- University of Alaska Land Office.

Preliminary Decision

Proposed Land Offering in the Unorganized Borough
East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351
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VIII. Submittal of Public Comments

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

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

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

The Division will consider all timely, written comments. If the comments indicate the need for significant changes to the Preliminary Decision or any Related Actions, additional public notice for the affected lands will be given before a Final Finding & Decision is issued. Reducing the amount of land offered and making minor changes to the proposal will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and our responses, will be issued as a subsequent Final Finding and Decision without further notice. Related Actions, if any, are developed separately from the proposed primary action of this Preliminary Decision. However, approval and succession of the primary proposed action detailed in this Preliminary Decision are contingent on the completion of Related Actions, as described throughout this document.

Only persons from whom the Department receives timely, written comment during the identified comment period will be eligible to file an appeal of a Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision will be made available online at <http://landsales.alaska.gov> and sent to any party who provides timely written comment.

DEADLINE TO SUBMIT WRITTEN COMMENT IS: 5PM MARCH 18, 2014

IX. Alternatives and Discussion

The Division is considering the following alternatives:

1. Offer this project area, or a portion of the project area, for dispersed settlement staking under the Remote Recreational Cabin Sites program as proposed. Offer additional surveyed parcels identified by the Division after the staking period closes or staked parcels that were not converted from lease to sale under *AS 38.05.045 Generally [Sale of Land]*, if deemed feasible. The number of staked and additional surveyed parcels will not exceed the total number of authorizations offered, nor total number of acres to be sold.
2. Do not offer the project area for staking under the Remote Recreational Cabin Sites program. Survey parcels as a planned subdivision prior to offering at auction.
3. Do not offer the area at this time. Retain the land in public ownership.

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Proposed Land Offering in the Unorganized Borough

East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351

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Article VIII, Section 1 of the Alaska Constitution states, in part, that "...it is the policy of the State to encourage the settlement of its land..." Furthermore, *AS 38.05.045* has placed this charge with the Commissioner of DNR. *Alternative 1* is the alternative that maximizes public interest. In accordance with the approved area plan, this area is designated Settlement. This offering provides a desirable opportunity to obtain remote property. There are very few opportunities to obtain private land in the vicinity of this offering.

Allowing additional parcels and parcels that are not converted from lease to sale to be surveyed and sold under *AS 38.05.045 Generally [Sale of Land]* will maximize the opportunities for the transfer of State-owned land into private ownership under a uniform set of conditions. Dispersed, low-density staking is the best alternative for this settlement area since it is a remote location with little or no infrastructure; the amount of contiguous high-quality acreage suitable for a large number of adjacent sites is low due to varying topography; and under the Remote Recreational Cabin Sites program, entrants may choose individual sites within the staking area that suit their needs.

Alternative 2 is not preferred. High-quality sites suitable for individual settlement are discontinuous within the project area. There are few large areas with contiguous and high-quality acreage that could accommodate large numbers of adjacent parcels with suitable building sites and consolidated access.

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

Recommendation follows.

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Proposed Land Offering in the Unorganized Borough
East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351
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X. Recommendation

This Preliminary Decision for the proposed actions described throughout this document and its attachments are consistent with the overall management intent for State-owned land; potential changes to public resources and the public interest as a result of the proposal are acceptable; and these proposed actions are in the best interest of the State. It is hereby recommended to proceed to public notice.

/s/

Blair French
Natural Resource Specialist II
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

February 10, 2014

Date

/s/

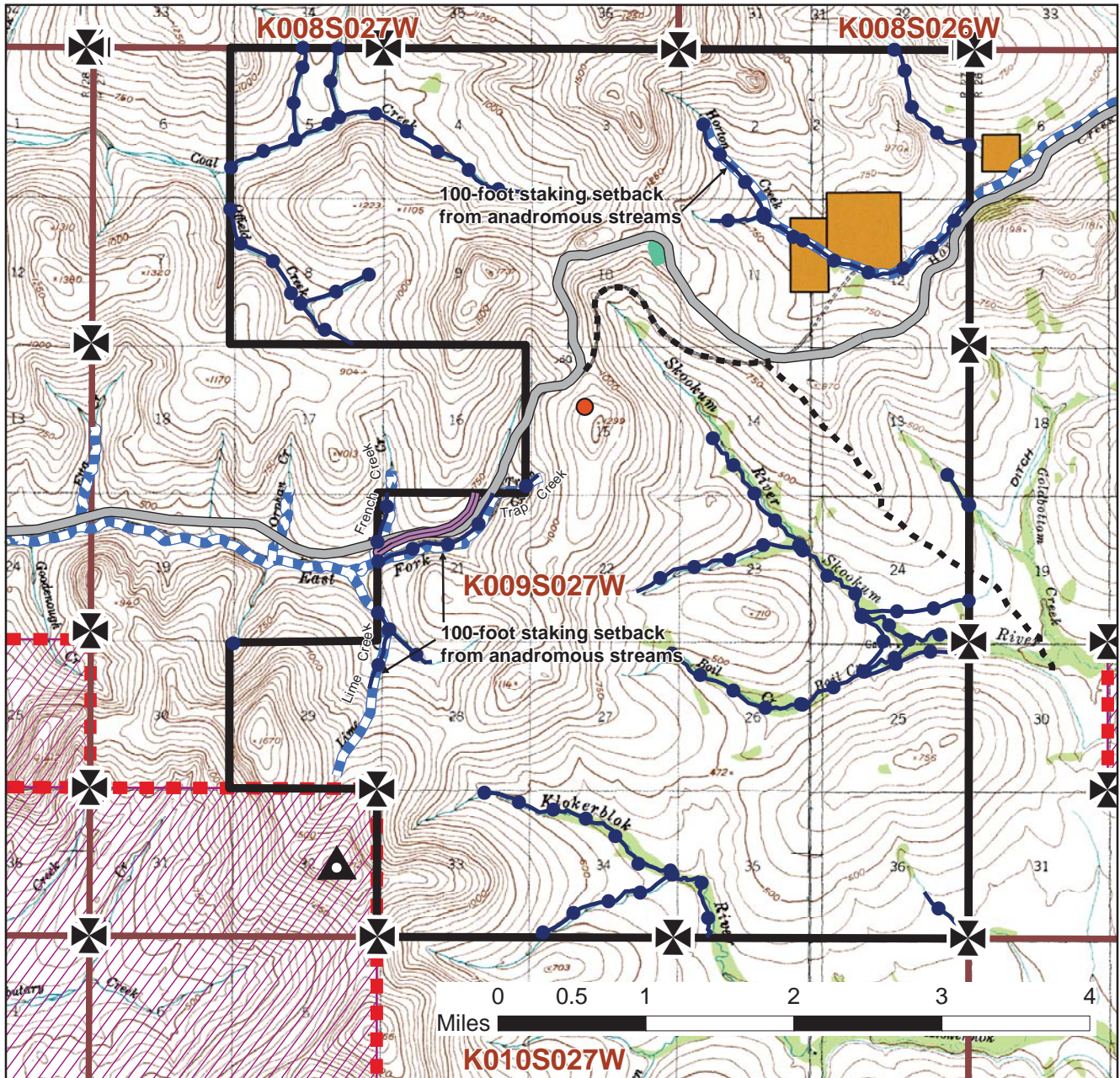
Approved by Kathryn Young
Section Manager
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

February 10, 2014

Date



Attachment A: Vicinity Map - East Fork Pass



hbt 2/10/2014
East_Fork_Pass_PD.mxd

- BLM Monuments
- UAF Meteorological Site
- East Fk Pass trails
- Public Water
- Anadromous Streams
- ADL 411932 - (ROW Easement)
- Nome - Council Road
- Resource Sale
- Private Parcels
- Native Land
- East Fork Pass RRCS

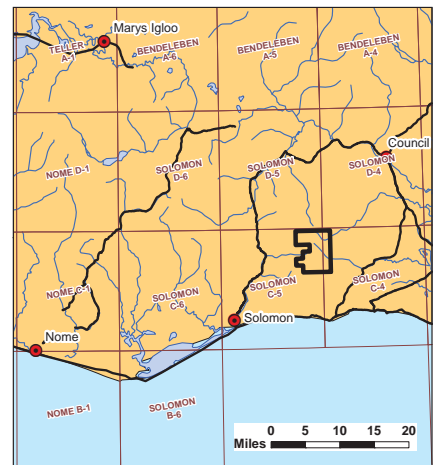
N
Magnetic Declination
12.5 Degrees East
July 2013

USGS QUAD 1:63,360 Solomon C-4, C-5 Township 9 South, Range 27 West Kateel Meridian

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing private parcels or show all easements and reservations. Source documents remain the official record and should be reviewed prior to staking.

Maximum parcel size: 20 acres Minimum parcel size: 5 acres
Staking authorizations: 60

For more information contact: Blair French - 907-451-3011
or call the Fairbanks Public Information Office - 907-451-2714



**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 Lake and Peninsula Borough
East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351
AS 38.05.045, and AS 38.05.600**

Offering Information	
Number of Authorizations	60 authorizations
Parcel Size	5 to 20 acres each
Net Offering	up to 1,200 acres
Proposed Related Action(s)	Mineral Order (Closing) for entirety of the project area
Project Area	
Location	Northern Region, within Unorganized Borough 490 miles west of Fairbanks 40 miles east-northeast of Nome 13 miles northeast of Solomon between the East Fork Solomon and Skookum Rivers
Gross Project Area	16,350 acres, more or less
USGS Topography Map	Solomon C-4 and C-5
MTRS	Township 9 South, 27 West, Kateel Meridian
Title	General Purpose Grant, under the Act of July 7, 1958, 72 Stat. 339 as amended, fee title under Patent No. 50-2008-0387 dated July 11, 2008, subject to standard federal reservations as well as a reindeer grazing permit issued to Thomas L. Gray on March 21, 2008 issued by the Bureau of Land Management under the terms of Part IV(A)(1) of the Memorandum of Understanding dated October 9, 2002
Area Plan	Northwest Area Plan for State Lands (NWAP), adopted 2008, Southwest Seward Peninsula Region, Unit W-5E Classified Settlement through CL-NC-08-001
Mineral Orders	None currently The project area will be closed to mineral entry prior to offering as a related action
Physical Characteristics	
Access	Nome-Council Road, Miles 52 through 57 Overland by foot or off-road vehicle, fly-in on ski plane, or snow machine 2 trails known to exist in the project area, providing access to the central and southern portions of the area

Preliminary Decision

Proposed Land Offering in the Unorganized Borough

East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351

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Terrain and Major Features	North and west regions relatively steep (>20% grade) and mountainous Southern regions level out, dominated by rolling hills Ridgelines tend to be flat and broad Elevations range from 300 feet to 1,750 feet above sea level Area encompasses a portion of the headwaters of the East Fork Solomon, Skookum, and Klokerblok Rivers
View	Views of surrounding uplands and valleys Western boundary views East Fork Solomon River Valley
Climate	Nearest weather station: Nome Airport (~40 miles southwest of the project area) Average temperatures in January are -2° F to 31° F Average temperatures in June are 45° F to 57° F Average rainfall is 16 inches per year with average snowfall of 63 inches
Soils	Typically poorly-drained, gravelly to stony Generally underlain by shallow permafrost table Soils on ridge tops typically gravelly and well drained Courtesy notice will be sent to the nearest Soil & Water Conservation District
Vegetation	Generally low shrubs, sedge tussocks, mosses, grasses, and lichens Some taller shrubs along waterways
Water Source	Seeps and creeks provide surface water within the proposed project area Water quality is unknown
Anadromous Waters	East Fork Solomon River and some tributaries (French Creek, Lime Creek and Trap Creek) and Horton Creek
Local Management Information	
Fire Management Option	Modified Modified designation provides that fires occurring will be allowed to burn under the influence of natural forces within predetermined areas while continuing protection of human life and site-specific values within the management option.
Game Management Unit	22C
Local Authority	The project area is in the Unorganized Borough and is therefore subject to the State of Alaska platting authority.
Flood Zone	Federal Emergency Management Agency Flood Insurance Rate Maps are not available for the staking area
Utilities	None known
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

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Proposed Land Offering in the Unorganized Borough

East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351

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Setbacks, Reserved Areas, Easements, and Conditions	
Allowed Uses	Remote Recreational Cabin Sites are for recreational use only, no commercial use or permanent residence is allowed while under lease, however, once the parcel is under purchase contract or conveyed into private ownership these restrictions no longer apply
Staking Setbacks	Staking will not be allowed within the following areas: <ul style="list-style-type: none">• 200-foot staking setback from the edge of the Nome-Council Road; and• 200-foot staking setback from ADL 411932 (DOT easement);• 100-foot staking setback from the East Fork Solomon River, French Creek, Trap Creek, Lime Creek, and Horton Creek
Reserved Areas	Staking will not be allowed within reserved areas imposed prior to staking, including reserved areas to avoid a specific resource or authorization identified in the area plan or agency review. <ul style="list-style-type: none">• minimum 70-foot radius reserved area around University of Alaska Fairbanks radio and meteorological station in Section 15, Township 9 South, Range 27 West, Kateel Meridian;• reserved area over and around material site ADL 418907, to be determined prior to staking; and• reserved areas to protect any ecologically sensitive, historic, or archeological sites located within the project area.
Public or Navigable Water Bodies	Waters determined public or navigable water depicted on Attachment A: Area Map. Agency and public comments will be consulted during the decision process to determine which water bodies are public or navigable prior to staking. Additional determinations may be made at the time of parcel survey.
Public Access and Utility Easements	Staked parcels may be subject to the following public access and utility easements: <ul style="list-style-type: none">• 50-foot continuous easement extending upland from the OHW mark, where practical, will be reserved within parcels along waters determined to be public or navigable (an alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult);• 60-foot access easement centered on existing trails that are not assigned an ADL or RST number (or otherwise serialized) through and along staked parcels;

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Proposed Land Offering in the Unorganized Borough

East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419351

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	<ul style="list-style-type: none">• 100-foot easement centered on any surveyed or protracted section lines;• 30-foot public access and utility easement along all interior parcel lines; and• 5-foot easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius of 5 feet around the control monument, and as applicable, a 5-foot wide direct line-of-sight easement from the control station to an azimuth mark or other control monument.
Building Setbacks	Staked parcels may be subject to: <ul style="list-style-type: none">• 100-foot building setback from the OHW mark of all water bodies determined to be public or navigable
Improvements	Prior to construction of any structure or waste disposal system, stakers will be instructed to contact the platting authority for any permits or for required setbacks from water bodies, lot lines, and easements
Additional Information	
Native Regional Corporations	Bering Straits Regional Corporation is the regional corporation for the project area
Villages and Tribal Councils	Council, White Mountain and Solomon are located within 25 miles of the project area
Oil and Gas Activity	None identified
Mining Activity	None identified
Comments	None

ATTACHMENT C: PUBLIC NOTICE

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

PUBLIC NOTICE

Preliminary Decision of Proposed Land Offering:
East Fork Pass Remote Recreational Cabin Sites Project Area - ADL 419202

Proposed Related Actions:
Mineral Order (closing)

COMMENT PERIOD ENDS 5:00 p.m., TUESDAY, MARCH 18, 2014.

The Division proposes to offer authorizations to stake parcels under *AS 38.05.600 Remote Recreational Cabin Sites*. Additional parcels may be surveyed and offered under *AS 38.05.045 Generally [Sale of Land]*.

The East Fork Pass project area is located approximately 490 miles west of Fairbanks, 40 miles east-northeast of Nome, and 13 miles northeast of Solomon, Alaska along the Nome-Council Road. The project area encompasses approximately 26 square miles (~16,350 acres) in an area generally between the East Fork Solomon and Skookum Rivers, within portions of Township 9 South, Range 27 West, Kateel Meridian, within the Unorganized Borough. There are 60 authorizations proposed for this offering. A mineral order closing the area to mineral entry is proposed.

To obtain the notice, Preliminary Decision, or instructions on submitting comment, or to request auxiliary aids, services, or special accommodations, go to <http://notice.alaska.gov> or <http://landsales.alaska.gov>. For assistance in obtaining the documents by an alternative method, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10 AM and 5PM in Anchorage at 907.269.8400 (TDD for the hearing impaired: 907.269.8411) or Fairbanks at 907.451.2705 (TDD for the hearing impaired: 907.451.2770), or the Southeast Land Section in Juneau at 907.465.3400 (TDD for the hearing impaired: 907.465.3888), or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, March 10, 2014.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on these proposed actions for which notice is being conducted concurrently. If commenting on more than one of the proposed actions, separate comments should be submitted for each. **The deadline to submit written comment is 5:00 PM, TUESDAY MARCH 18, 2014.** Only persons from whom DNR DMLW LSCAS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be received by fax, email or postal mail. To submit comments or for direct inquiries, contact Blair French, 3700 Airport Way, Fairbanks, AK 99709 fax # 907.451.2751, dnr.racs@alaska.gov. If you have questions, call 907.451.3011.

If no significant change is required, the preliminary decision, 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 comments and the preliminary decision.

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