

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

PRELIMINARY DECISION
El Capitan West Subdivision – ADL 108376

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

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

PUBLIC COMMENT PERIOD ENDS 5:00PM, THURSDAY, SEPTEMBER 27TH, 2018

I. Proposed Action(s)

Preliminary Decision: El Capitan West Subdivision - ADL 108376

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

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

Draft Mineral Order (Closing) MO(C) 1192

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

Located within DNR's Southeast Region, approximately 7 miles northwest of Whale Pass at the north end of El Capitan Passage (also known as El Cap Pass), and approximately 22 miles northwest of Coffman Cove; the project area is within Section 11, Township 66 South, Range 78 East, Copper River Meridian, within the Unorganized Borough. The project area consists of approximately 139 acres, of which approximately 100 acres are identified for disposal by this proposed action. See *Attachment A: Vicinity Map* for a depiction of the project area.

In accordance with the governing area plan and for the purposes of providing land for settlement, DNR proposes to sell land within the El Capitan West project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may develop a subdivision of up to 3 commercial parcels, and no more than 20 parcels for other settlement purposes. Commercial parcels will be a minimum of 5 acres, other settlement parcels will be no smaller than 2.5 acres. LSS has determined that the commercial parcels will be considered commercial land pursuant to *AS 38.05.055 Auction Sale or Sealed Bid Procedures* and bidders are not required to be Alaska residents. Bidders can be businesses or non-residents. This proposed project area is located within the Unorganized Borough and therefore survey, platting, and access to and within the project area will be subject to State

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of Alaska's subdivision standards. The project area may be subdivided and offered in multiple stages.

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

Proposed Related Action(s): The related action will be developed separately, however; public notice is being conducted concurrently.

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

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

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

II. Method of Sale

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

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

III. Authority

DNR has the authority under *AS 38.05.045 Generally* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by *AS 38.05.035(e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska states "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." Pursuant to *AS 38.05.055 Auction Sale or Sealed Bid Procedures*, bidders for commercial land are not required to be Alaska residents. Bidders can be businesses or non-residents. In addition, if it is deemed appropriate, DNR has the authority to develop and offer parcels larger than 5 acres under the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*.

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For related actions, *AS 38.05.300 Classification of Land* and *AS 38.05.185 Generally* allow for mineral orders.

IV. Administrative Record

The project file, El Capitan West Subdivision - ADL 108376, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- *Prince of Wales Island Area Plan (POWIAP), Adopted 1985, Revised 1998, and Amended 2008*; and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan* (amended October 2017 Review);
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *USDA, Natural Resource Conservation Service Custom Soil Report for this project, dated 5/28/2015*; and
- Other plans, files, reports, or documents referenced herein.

V. Scope of the Proposal

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

VI. Description

Location: within DNR's Southeast Region, approximately 7 miles northwest of Whale Pass at the north end of El Capitan Passage (also known as El Cap Pass), and approximately 22 miles northwest of Coffman Cove. See *Attachment A: Vicinity Map* and *Attachment B: Area Data Summary Table* for additional information.

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

Native Regional and Village Corporations: The project area is within the boundaries of the Sealaska regional corporation. There are no villages located within 25 miles of the project area.

Legal Description: Government Lots 1 and 2, and the N½ NE¼ of Section 11, within Township 66 South, Range 78 East, Copper River Meridian. The project area consists of approximately 139 acres, located within the Unorganized Borough, Ketchikan Recording District, First Judicial District, Alaska.

Title: Information from Title Report No. 7964, current as of June 22, 2015 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 50-96-0692, dated September 17, 1996. The applicable State case file is National Forest Community Grant (NFCG) 341. The parcel is subject to the reservations, easements and exceptions contained in the federal patent including:

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- The following Forest Development Roads (FDR) appropriated by the United States, over or upon the lands, together with the right of the United States, its officers, employees, agents, contractees, lessees, permittees, or assignees to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated under the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2442, 43 U.S.C. 1635(1) (1988):
 - a. FDR 20, one hundred (100) feet in width, located within Secs. 11 and 12, T. 66 S., R. 78 E. Copper River Meridian, Alaska
 - b. FDR 15, one-hundred (100) feet in width, located within Sec. 11, T. 66 S., R. 78 E. Copper River Meridian, Alaska
 - c. FDR 1599 sixty-six (66) feet in width, located within Sec. 11, T. 66 S., R. 78 E. Copper River Meridian, Alaska.

State Reservations of Title:

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

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

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

The Bureau of Land Management has determined in a Decision, dated 9/9/1993, all tidal waters within the selection are considered navigable under the Submerged Lands Act of May 22, 1953, Pub. L. 31, 67 Stat. 29. State navigability determination was not addressed in Selection File NFCG 341. Public Waters of El Capitan Passage are abutting the entire portion of the south boundary of this project area.

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

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Physical Characteristics and Hazards: *Attachment B:* Area Data Summary Table describes the project area's physical characteristics. Information about the project area is based on internal research, information received during agency review, and a field inspection conducted by foot on May 12, 2015. This is by no means a complete description of the project area and if this proposal is approved and the area offered for sale, it will be the responsibility of interested parties to inspect individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

Soils: Soils within the project area are primarily of the Maybeso Peat complex (peat, muck, and extremely gravelly sandy loam) and Karta-Wadleigh complex (mucky peat, silt loam, highly organic silt loam, and gravelly silt loam to extremely gravelly silt loam). These soils range from very poorly drained to moderately well drained, and have a very high runoff class. There is no frequency of flooding or ponding for these soil types. The depth to the water table is approximately 0 to 24 inches. DNR Division of Geological and Geophysical Surveys (DGGS) also added that a well-developed delta complex suggests a significant upslope source of sediment.

Wetlands: According to the US Fish and Wildlife Service National Wetlands Inventory, a freshwater forested/shrub wetland exists within the project area. During the field visit, it was observed that the surface substrate was shallow and very rocky which allowed some areas to remain wet. Wetlands exist within portions of the N½ NE¼. Subdivision design will account for areas of wetlands, and may retain portions of wetland areas as appropriate. These wetland areas may be able to accommodate local interest in development mitigation, as discussed in the Background subsection.

Geologic Hazards: Active geologic forces are found throughout all of Alaska. Each site may have micro-conditions that could vary from surrounding tracts. According to information provided by DGGS, there is some fault potential in the area with a suspicious pre-Quaternary lineament extending through the central portion of the map area (the nearest known active fault is the Fairweather which is over 100 miles to the west). Steep slopes in the region also have the potential to be unstable producing landslides and local flooding. Karst is a possible concern regionally, and potentially within in the proposed land sale area. Karst is characterized by sinkholes, caves, and underground drainage systems. DNR DMLW will continue to evaluate geologic conditions through the subdivision design process.

Fire Information: Pursuant to observations from the May 2015 field inspection and information received from the Alaska Interagency Coordination Center, fire risk in the area is likely low. There is no reported history of fires within this area.

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

Fire management options and policies for the area are identified in the Alaska Interagency Wildfire Management Plan available from DNR Division of Forestry. The current fire management option for the project area is "Modified." The guidelines for areas with the "Modified" fire management option reads, "fires occurring within Modified

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will receive priority for allocation of initial action forces after the protection of Critical and Full areas.” It also states that the designation of a fire management option does not ensure protection from wildfire, and that a protection response will be based on various factors. “Ultimately it is the personal responsibility of the [landowner] to mitigate and minimize risk to their property and structures and to be ‘Firewise’.”

Flood Hazard: Seasonal floods could possibly bring coastal surges or heavy rains that may increase runoff in upland gullies. There are no FEMA Flood Insurance Rate Maps available for the proposed project area.

Water Resources: All surface and subsurface waters on all lands in Alaska are a public resource, subject to appropriation in accordance with the Alaska Water Use Act (AS 46.15). No water rights have been identified within the vicinity of the project area. There is no well or water quality information within the area.

Background: The land for this proposal was acquired under statehood entitlement, National Forest Community Grant for the purpose of furthering the development and expansion of communities. The State received patent for the land and mineral estate under this entitlement. The project area was identified based on a recommendation in the Prince of Wales Island Area Plan. The project area is designated as Settlement Commercial, Recreation Commercial, and Public Recreational (developed) in the Prince of Wales Island Area Plan. A field inspection conducted by staff on May 5, 2016, identified the project as appropriate for both commercial parcels and other settlement parcels. The project area consists of undeveloped land with road access. There have been no prior State land disposals within this project area.

The project is bound on both the north and west by the Tongass National Forest, State-owned land to the east, and El Capitan Passage to the south. Much of the State-owned land in the area is part of the Southeast State Forest (SESF). The SESF is a “working forest,” and there is active timber extraction on SESF lands. Research and field inspection did not identify any third-party interests within the project area. There is a US Forest Service (USFS) campground and public recreation area (includes the El Capitan Caves and boat launch) to the west of the project area. Other activities in the vicinity include an easement to USFS for a log transfer site approximately ½-mile west of the project area, and a tideland lease approximately one-mile to the west.

During the field site visit conducted in May 2016, staff observed that El Capitan passage is very narrow and well protected allowing for safe water activities. The project area may be accessed from El Capitan Passage, across State retained lands to the project area; or via the Prince of Wales Island road system via North Island Road. Winter access to the project area may be difficult since road maintenance ends at the Whale Pass intersection approximately 10 miles (by road) south of the project area.

The area consists of old growth forest with mostly dry, well-drained soils. Some areas were wet, but further investigation revealed that the soil mat was shallow with a rocky bottom thus contributing to poor drainage. The south half of the project area has moderate slopes with some rock outcropping, and is likely more suitable to commercial development. Slopes are steeper in the northern portion, but more terraced and manageable for other settlement development. Lots will have potential views of El Capitan Passage.

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In order to retain recreational opportunities in the area, and to protect Wolf Creek (a.k.a. Turn Creek), LSS intends to retain in State-ownership that portion of the project area between National Forest Development Road 1599 (FDR-1599) and the easterly boundary of the project area, and that portion between FDR-15 and El Capitan Passage. Additionally, LSS intends to retain a small area in the northern portion of the project area, immediately west of the road.

The parcel size for this project is based on the topography and field investigation. Parcels in excess of 5 acres are appropriate given the topography and the possibility for small scale commercial development. Due to the easy access to this project from North Island Road and well-maintained forestry roads near the project area, this project offers an excellent opportunity for commercial development and other settlement development. Refer to the Access To, Within, and Beyond Project Area for more information.

LSS proposes to offer up to 3 commercial parcels and up to 20 smaller parcels for non-commercial uses. LSS has determined that the commercial parcels will be considered commercial land pursuant to *AS 38.05.055 Auction Sale or Sealed Bid Procedures*. Commercial parcels do not require the bidder for the parcel to be an Alaska resident for one year prior to the date the sale. *AS 38.05.055 Auction Sale or Sealed Bid Procedures* state in part: "...To qualify to participate under this section in a public auction or sale by sealed bid of state land that is other than commercial, industrial, or agricultural land, a bidder shall have been a resident of the state for at least one year immediately preceding the date of the sale..."

However, DNR does not pursue zoning or post patent restrictions of land once sold. A purchaser of other settlement land may use that parcel for commercial purposes at their discretion.

A Public Scoping Meeting was held in Craig on January 12th and Whale Pass on January 13th, 2016. Information about the project area including potential parcel size and numbers were shared with the community. There was a general concern over the State offering commercial property in the El Capitan Area, especially since it is open to non-Alaskan residents. Many community members felt that the commercial parcel size (proposed minimum of 9 acres) was too large. The residents of Whale Pass stressed an interest in having more residential land disposals closer to Whale Pass. Other concerns mentioned by community members included wetland mitigation, having a road constructed through the subdivision prior to sale, and the difficulty of accessing the area in the winter due to the lack of road maintenance. This information received has been considered and used in the development of this proposal.

Planning and Classification: The general management intent of the area plan and management subunit were reviewed for consistency with the proposed offering. The project area is within the Prince of Wales Island Area Plan (POWIAP, adopted June 1985; revised October 1998), Unit 4- El Capitan, Subunit 4a - El Capitan North. The primary designations for this subunit are: Sc (Settlement Commercial), Rc (Recreation Commercial), and Rd (Public Recreation, developed). The designations Sc and Rc convert to the Settlement classification, and Rd converts to Public Recreation land; under Land Classification Order No. CL SE-98-001. The intent of these designations is met through the proposed offering of

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commercial parcels, parcels for other settlement purposes, and the retention of the land between FDR-15 and El Capitan passage. The project area consists of a portion of the management Subunit 4a, approximately 139 acres, located in the northern part of Unit 4 - El Capitan.

Unit 4 – El Capitan, Subunit 4a – E Capitan North: General management intent and guidelines for Subunit 4a provides that the primary management considerations for the subunit are to retain options for siting future public, private and commercial recreation developments, and saltwater access facilities. General management intent also provides that low-density residential uses may also be developed.

Recreation: Management intent provides that State lands in El Capitan Passage will be managed for public recreation and private recreational services appropriate to the road junction location and for potential water access on the west side of the island. Other appropriate uses can take place, including settlement and timber harvest under appropriate site and design considerations. Options for siting a boat launch, dock, and campground will be preserved when authorizing other activities. LSS is proposing to retain that portion of the project area between FDR-15 and El Capitan Passage. These retained lands will allow for a dock, boat launch, campground, and/or other public recreation or private recreational services, should such activities be authorized.

Settlement: Management intent for the El Capitan Passage specifies limited commercial disposals with dispersed recreation lots. The intent is to avoid creating an independent community in El Capitan Passage. A land disposal can avoid this through the project size, and the number of lots offered. This project meets this intent as the project size is small with up to 3 commercial parcels, and no more than 20 parcels for other settlement purposes. Management intent also notes that no residential land disposal is planned within the El Capitan Passage area for the next twenty years, and generally recommends land disposals be prioritized near Whale Pass. The plan was adopted in 1985 and revised in 1998. It has been 20 years since the plan was revised, and DNR has sold land at Whale Pass since that time.

Management intent and management guidelines provide that residential activities in Sections 11 and 12 will be located above the road; settlement activities at the “corner” of El Capitan Passage should minimize visual impacts from the water and protect aesthetic and recreational qualities of the area; and that areas should be reserved, generally along the waterfront, for public recreation facilities and water dependent activities, such as a dock. The land to be retained between FDR-15 and El Capitan Passage meets this management intent both to minimize visual impact and to provide land for public recreation facilities on the waterfront. This proposal also meets the intent of the POWIAP for development at an easily accessible location.

Areawide Considerations: LSS reviewed the area plan’s guidelines in Chapter 2 Areawide Land Management Policies regarding Coordination and Public Notice; Cultural Resources; Fish and Wildlife Habitat and Harvest Areas; Forestry; Material Sites; Recreation, Tourism, and Scenic Resources; Settlement; Shorelines and Stream Corridors; Subsurface Resources; and Trail and Public Access Management. These

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considerations will be incorporated into the design and development of the project. Lands to be retained in public ownership, conditions, and reservations will be included on the plat and in offering materials as appropriate. Specific areawide management intent and management guidelines affecting this proposal are discussed below.

Chapter 2, Areawide Land Management Policies, Introduction states that all State uplands [within this plan] are within the coastal zone, and all activities on tidelands, submerged lands, and uplands within the coastal zone must be consistent with the Alaska Coastal Management Program (ACMP). However, in the wake of the sunset of the ACMP program on July 1, 2011, the body of regulations regarding or referring to the ACMP has been repealed or revised. Such regulation changes that went into effect on December 27, 2012 are included in the January 2013 regulations supplement.

Coordination and Public Notice: Management guidelines state that as required by statute, public notice will be given for decisions involving disposal of land. Notice will be given to parties known or likely to be affected, including upland land owners. In addition, DNR will review any local comprehensive plans, and State subdivisions will comply with borough platting requirements. Public notice for this action is being conducted in accordance with *AS 38.05.945* as described.

Cultural Resources: Chapter 2 management guidelines provide that cultural resource surveys should be conducted prior to offering in areas the State Office of History and Archaeology (OHA) determines have high potential to contain important cultural sites and that information available is inadequate to identify and protect these sites. Agency review for this project included OHA. OHA identified two reported cultural resource sites in the vicinity, but outside of the area proposed for development. OHA does not expect these sites to be adversely impacted. Should any such sites be discovered by LSS during the development of this project, OHA will be notified. LSS will include information in offering materials that a purchaser should notify OHA of any discovery of cultural resources.

Fish and Wildlife Habitat: Management intent and guidelines within this section are specific to areas designated as Habitat or Harvest areas. However, LSS intends to minimize impact to fish and wildlife habitat by retaining those lands between the El Capitan Passage and the FDR-15 forestry road, and retaining the land along Wolf Creek (a.k.a. Turn Creek).

Forestry: Management guidelines provide that timber harvest may be appropriate within areas designated Settlement, and that in some cases timber harvest may be used to support subdivision development. LSS is not currently proposing any timber harvest in advance of or concurrent with the development of this project.

Material Sites: Management guidelines provide that if a settlement area contains sand and gravel deposits, rock sources, or other similar high-value material resources, a pit area should be identified during subdivision design and retained in public ownership for future use. LSS has not identified any high-value material resources within the project area.

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Recreation, Tourism, and Scenic Resources: This section provides management guidelines for the authorization and location of Public Recreation Facilities and Commercial Recreation Facilities on State lands. This proposal, if approved, will allow for the transfer of State land for both settlement and commercial uses. In accordance with the management intent for Subunit 4a, the land proposed to be retained along El Capitan Passage and along Wolf Creek may be appropriate for public Recreation facilities and/or commercial recreation facilities if so authorized.

Settlement: Management guidelines pertaining to settlement include planning and coordination with private markets and local government entities over time; handling of isolated parcels of State land; protection, management, and enhancement of other resources; and design. These guidelines have been considered in the development of this proposal. LSS is proposing to reserve areas for recreation, wildlife habitat, and protection of scenic features. Access will be reserved through subdivision design, and subdivision design will account for site limitations and the preservation and enhancement of the natural setting and recreational opportunities.

Shoreline and Stream Corridors: Guidelines provide the retention of State-owned buffers adjacent to waterbodies such as retaining a minimum of 100 feet on each side of anadromous streams in State ownership. Building setbacks and easements should also be used to provide public access. These guidelines will be considered in the subdivision design. LSS intends to retain the shoreline along El Capitan Passage, and land along Wolf Creek. There are no other identified public or navigable water bodies within the project area. If any other public or navigable water bodies are identified within the project area, they will be subject to the applicable reservations. Refer to the *Easements, Setbacks, and Retained Lands* section for more information.

Subsurface Resources: Management guidelines provide that State mining law stipulates that mining must be determined to be in conflict with significant surface uses before an area(s) can be closed to mineral entry. In the planning area, mining was determined to be in conflict with areas proposed for disposal. The El Capitan West project area was not closed when the POWIAP was adopted; however, the El Capitan West project area was not being proposed for sale at that time. Because the POWIAP has generally identified mining to be in conflict with areas proposed for disposal, the related mineral order (closing) is consistent with management intent.

Trail and Public Access Management: Management guidelines provide that prior to disposal of State lands, the need for public access will be assessed and DNR will improve or maintain access across State lands through retaining access sites, corridors, or easements. There are no trails identified in this project area. However; the State will retain public access and utility easements as appropriate in order to maintain access through and within the project. Access and utility easements will be reserved in accordance with the applicable regulations. See [Access To, Within, and Beyond Project Area](#) for more information.

The proposed offering is consistent with areawide land management policies and the general management intent of the POWIAP and specific management unit. The unit is designated Settlement Commercial, Recreational Commercial, and Public Recreation.

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State-owned lands within the unit are appropriate for disposal, including sale, during the planning period. This proposal meets the management intent by allowing for commercial parcels, parcels for other settlement purposes, and the retention of land available for public recreation and recreational facilities.

Mineral Activity and Order(s): No mineral activity has been identified on these lands. The entirety of the project area (approximately 139 acres) will be closed to new mineral entry if the mineral order is approved in accordance with *AS 38.05.185 Generally* and *AS 38.05.300 Classification of Land* for a land disposal. The proposed mineral order, if approved, will close the area to new mineral entry only and will not affect current existing mining claims. Closing the entire area to mineral entry is consistent with the general management intent of the POWIAP.

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

Mining activity for locatable minerals would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. Area plan subsurface resources management guidelines generally finds mining to be in conflict with areas proposed for disposal. Closing the project area to mineral entry prior to sale will minimize potential conflict between land estate and mineral estate users.

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

Traditional Use Finding: The project area is within the Unorganized Borough, and a traditional use finding is therefore required per *AS 38.05.830 Land Disposal in the Unorganized Borough*. Information obtained from the POWIAP, research, Agency Review, site inspection, and comments received during public scoping indicates that the only uses pursued within the project area appear to be hunting and recreation. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a possible increase in the various traditional activities which may be practiced by private-property owners. Impacts on existing resource users will be minimized by retaining a portion of land between El Capitan Passage and FDR-15, and retaining the land along Wolf Creek (a.k.a. Turn Creek). LSS is proposing to offer approximately 100 acres of the approximately 139-acre area. Additionally, the project is generally surrounded by public lands in State or USFS ownership. Additional information on traditional use is welcome during the public comment period and if this proposal is approved, LSS will address the information received in a subsequent Final Finding and Decision, if one is issued. See the **Section VIII Submittal of Public Comments** at the end of this documents and *Attachment C: Public Notice* for details on how to submit comment.

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Access To, Within, and Beyond Project Area: Access to the project area is primarily by North Island Road to forestry road FDR-15. The USFS and Alaska DOT (Department of Transportation) have completed extensive improvements to the North Prince of Wales road system, including paving the road to the Whale Pass turnoff. The road north of Whale Pass to the project area is a gravel road that is not maintained in the winter months. A primitive gravel road (FDR-1599) crosses through the eastern portion of the project area from FDR-15 northerly, and continues to the northwest of the project area on USFS lands. The USFS is responsible for maintaining USFS roads. Access to individual parcels will be from platted rights-of-way and/or easements reserved through subdivision design. Any lots accessing directly onto USFS roads may require driveway permits. No RS2477 or other trails have been identified within the proposed subdivision. Additional access to the proposed subdivision is available by float plane and small watercraft to El Capitan Passage, then across State-owned land to the subdivision. A primitive boat launch into El Capitan Passage is located west of the project area. Subdivision design will take into account topography and access to lands beyond the project area boundaries.

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

For the purposes of AS 38.05.127:

- navigable waters are generally lakes larger than 50 acres in size or streams larger than 50 feet in average width;
- public waters are generally lakes larger than 10 acres in size or streams larger than 10 feet in average width; and
- waters may be determined public or navigable consistent with AS 38.05.965 (18) *Definitions*.

El Capitan Passage is a navigable waterbody. Wolf Creek (AWC #105-42-10100, a.k.a. Turn Creek) has been determined to be public and flows through the eastern portion of the project area and into El Capitan Passage. Chum, Coho, and Pink salmon are present, and the creek is also a rearing area for steelhead trout. LSS intends to retain in State-ownership that portion of the project area between FDR-15 and the easterly boundary of the project area, encompassing lands along Wolf Creek. If any other public water bodies are discovered, parcels will be subject to access reservations in accordance with AS 38.05.127 *Access to Public or Navigable Water*, and a 25-foot building setback adjacent to the public access easement along the water body in accordance with the POWIAP.

Building Setbacks From Public or Navigable Water: If the subdivision is deemed feasible, DNR DMLW proposes to place a note on the final survey plat describing a building setback upland from the OHW of public or navigable water to protect access, fish and wildlife habitat, and personal property. Except for utilities, water-dependent structures whose purpose is access to or across the stream or lake, or minor accessory structures for uses that must be in or adjacent to the water body in order to function,

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El Capitan West Subdivision – ADL 108376

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structures and subsurface sewage disposal systems will not be permitted within the building setback.

Easements, Setbacks, and Retained Lands: Subdivision design may include a variety of easements, setbacks, and retained lands, which will be identified on the subdivision plat and included in related informational documents.

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

- public access easements;
- utility easements;
- a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with *AS 19.10.010 Dedication of Land for Public Highways* and *11AAC 51.025 Section-line Easements*; section-line easements may be vacated under *AS 19.30.410 Vacation of Rights-of-Way* and *11AAC 51.065 Vacation of Easements* as part of the subdivision development;
- a 50-foot continuous easement upland from the OHW of public or navigable water bodies in accordance with *AS 38.05.127 Access To Navigable or Public Water*;
- a minimum 25-foot building setback adjacent to the public access easement along public or navigable water bodies, in accordance with the area plan; and
- a 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument.

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

Hazardous Materials and Potential Contaminants: During an on-ground field inspection conducted on May 5, 2016, field staff did not observe any environmental hazards within the project area. The State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal.

DNR DMLW recognizes there are potential future environmental risks when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the State of Alaska, Department of Environmental Conservation. This risk is no greater than when vacant private land undergoes development. Given that this land was specifically designated Settlement for transfer into private ownership, and given the high degree of interest from

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both the legislature and citizens in transferring State-owned land into private ownership, DNR is of the opinion that the benefits of offering the land outweigh the potential risks.

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

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

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

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

VII. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from November 3, 2015 through December 3, 2015; concurrently with other separate, proposed projects. Comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

DNR DMLW LSS received brief comments of non-objection from the following agencies: Mental Health Trust Land Office; DNR Division of Parks and Outdoor Recreation; and DNR Division of Agriculture.

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

Department of Fish and Game (ADF&G) Comment: ADF&G has no objection to the development of this subdivision; however, recommends DNR consider using FDR-1599 as the eastern boundary and FDR-15 as the southern boundary of the project area to avoid all impacts to Wolf Creek, the creek estuary, and to maintain a vegetated shoreline.

DNR DMLW LSS Response: The proposal at time of Agency Review included the area along Wolf Creek for development, wherein parcels would be subject to a 100-foot building setback and a 50-foot easement along Wolf Creek. LSS is now proposing to retain this portion of the project area. Although the project area includes land along Wolf

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Creek and uplands adjacent to El Capitan Passage, the area proposed for development includes only those lands north of FDR-15 and west of FDR-1599.

DNR Division of Forestry (DOF) Comment: DOF noted that the eastern boundary of the El Capitan West Subdivision parcel is adjacent to the SESF 1,528-acre El Capitan North unit, and Wolf Creek provides a natural buffer between the two land uses. DOF recommends the presence of the adjacent SESF unit be noted in the subdivision offering materials. Potential buyers need to be aware this State forest unit is next door and is being managed as a 'working forest' with timber management being its primary purpose. DOF wishes to minimize potential future complaints about adjacent land use.

DNR DMLW LSS Response: LSS appreciates your comment. LSS will place an advisory in the offering materials that the project is in close proximity to the SESF and that it is managed as a working forest.

DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA) Comment: The Alaska Heritage Resources Survey indicates that there are two reported cultural resource sites within the proposed subdivision. OHA expressed that if only that portion of State land north of the FDR-15 forestry road will be available for development, they do not expect the proposed subdivision would adversely impact the cultural resource sites. OHA also noted a recent cultural resource survey was conducted in the vicinity but has not been finished. El Capitan West area is considered to be moderate-high potential for the presence of previously unidentified cultural resource sites, therefore, a cultural resource survey would be recommended in the area; however, LSS is encouraged to check back in with OHA as the survey results from the survey may be available and alter this recommendation.

DNR DMLW LSS Response: LSS appreciates your comment. Currently, it does not appear that there are any cultural sites of concern within the project area. LSS will continue to consult with OHA regarding results of the cultural resource survey. If any cultural or historical sites are discovered during subdivision development, OHA will be notified.

DNR DGGGS Comment: There is some fault potential in the area (the nearest known active fault is the Fairweather which is over 100 miles to the west). Steep slopes in the region have the potential to be unstable producing landslides and local flooding. Subsidence associated with karst development is a potential hazard and karst is a known issue regionally. Historic orogenic gold and polymetallic veins prospects are present on Kosciusko Island 3.2 Km south of the proposed subdivision. The subdivision appears to be underlain by Silurian Heceta Limestone, the same as the historic and currently active Calder Limestone Quarry located 11 km west of the proposed subdivision. There is no identified mineral resource potential in the proposed subdivision, and no potential conflict with mineral development in the foreseeable future.

DNR DMLW LSS Response: LSS appreciates your comment. This information has been included in this proposal, and will be included in offering materials as appropriate.

DNR Division of Oil and Gas (DOG) Comment: DOG noted that the project area is in an area with no oil and gas resource potential, and there are no application or pending

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authorizations in the immediate vicinity. DOG recommended that LSS make potential applicants aware the State reserves oil, gas, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells in accordance with Section 6(i) of the Alaska Statehood Act and Alaska Statute 38.05.125. The State also reserves the right to enter the land for the purposes of exploring for, developing, and producing these mineral resources. Proposed mineral orders closing the proposed disposals to locatable mineral entry will not apply to leasable mineral resources.

DNR DMLW LSS Response: LSS appreciates your comment. This information has been included in this proposal, and will be included in offering materials as appropriate.

The following agencies or groups were included in the agency review but did not submit comments:

- Department of Commerce, Community & Economic Development
- Department of Environmental Conservation;
- Department of Transportation and Public Facilities;
- Department of Natural Resources;
 - Office of Project Management and Permitting;
 - State Pipeline Coordinator's Section;
- Alaska Association of Conservation Districts; and
- Southeast Soil and Water Conservation District

VIII. Submittal of Public Comments

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

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

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

LSS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision or draft mineral order, 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 draft mineral order including any deletions, minor changes, and summary of comments and LSS responses will be issued as a subsequent Final Finding and Decision and Mineral Order No. 1192 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

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Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision and Mineral Order 1192. 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.

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

DEADLINE TO SUBMIT WRITTEN COMMENT IS 5:00 PM, THURSDAY, SEPTEMBER 27TH, 2018

X. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 3 commercial parcels, and no more than 20 parcels for other settlement purposes. Parcels will be no smaller than 2.5 acres, with a minimum of 5 acres for commercial parcels. The development and offering of these parcels may be completed in multiple stages. This proposal includes the mineral order.

Alternative 2: (Status Quo) Do not offer this project area for private ownership. Retain the land in State ownership.

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

Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute, and maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. This proposal, if approved in a subsequent Final Finding and Decision, will allow DNR DMLW to create and design a subdivision which will provide for the best use and development of the land and financial return to the State. Alternative 1 provides the greatest opportunity for more Alaskans to purchase land within this area. The project area is in a unique location with access to the protected waters of El Capitan Passage, and to the Prince of Wales Island road system. The area offers recreational opportunities, and the offering of parcels for settlement and commercial purposes could enhance private and recreational opportunities in the area. This proposal meets the intent of the POWIAP through offering of commercial parcels and parcels for other settlement purposes, and the protection of scenic resources and habitat. Alternative 1 is preferred.

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El Capitan West Subdivision – ADL 108376

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Alternative 1 includes closing the project area to mineral entry. The primary action and related actions are dependent upon one another, and if DNR DMLW does not approve the project, the related actions will not be processed.

Alternative 2 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR DMLW from meeting its Constitutional, statutory, and legislative goals. Not offering the project area would deny many Alaskans the opportunity to obtain land in an area that is suited to settlement and consistent with the POWIAP intent.

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

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IX. Recommendation

This Preliminary Decision for the proposed disposal of State lands and Mineral Order 1192 described throughout this document and its attachments is consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative because it provides the maximum opportunity for offering State land to the public, and helps meet the mission of the land sales program. The Preliminary Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of State lands, and Mineral Order 1192. If the decision is approved, Mineral Order 1192 will accompany and precede any Final Finding and Decision issued.

Signature on file

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

August 24, 2018

Date

Attachment A: Vicinity Map El Capitan West Subdivision - ADL 108376



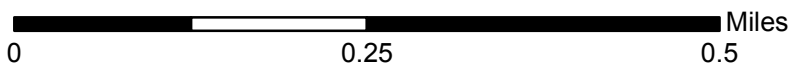
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Source: Esri, DigitalGlobe, USDA, USGS, A...

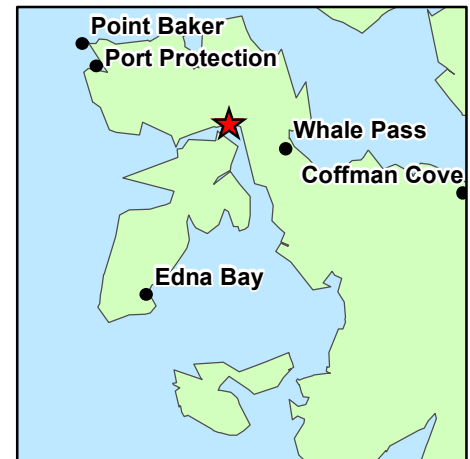
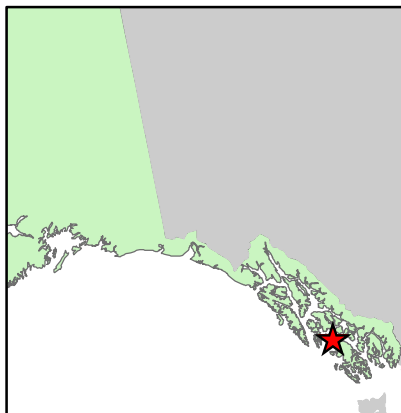
TAS 7/9/2018

Legend

- Project Area
- Retained Land
- Sections
- Anadromous Stream



Section 11, Township 66 South, Range 78 East, Copper River Meridian



USGS QUAD 1:63,360
 Petersburg A-4
 For more information contact:
 Alex Lawrence
 Department of Natural Resources
 Division of Mining, Land and Water
 Land Sales Section
 Phone 907.465.3442
 Fax 907.465.3886
 Email: land.development@alaska.gov

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

ATTACHMENT B: AREA DATA SUMMARY TABLE

for a
**Proposed Land Offering in the Unorganized Borough
El Capitan West Subdivision – ADL 108376**

Offering Information	
Proposed Number of Parcels	Up to 3 commercial parcels, and no more than 20 parcels for other settlement purposes.
Proposed Parcel Size	Commercial parcels will be a minimum of 5 acres, other settlement parcels will be no smaller than 2.5 acres.
Proposed Related Actions	Mineral Order (Closing) No. 1192
Project Area	
Location	The project area is on Prince of Wales Island, approximately 7 miles northwest of Whale Pass and 22 miles northwest of Coffman Cove, at the north end of El Capitan Passage (also known as El Cap Pass). The area is approximately 65 road miles from the Klawock Airport, and 90 miles from the Hollis Ferry Terminal.
Project Area Acreage	Approximately 139 acres, of which approximately 100 acres are proposed for disposal.
USGS Topography Map	USGS Quad Petersburg A-4
Legal Description	Gov. Lots 1 and 2 and the N½ NE¼ of Section 11, within Township 66 South, Range 78 East, Copper River Meridian.
Title	Patented State-owned land (Patent No. 50-96-0692)
Area Plan and Classification	Prince of Wales Island Area Plan (POWIAP) (adopted June 1985; revised October 1998), Management Subunit 4a; El Cap North. Lands are designated Sc (Settlement Commercial), Rc (Recreation Commercial), and Rd (Public Recreation, developed). The designations Sc and Rc convert to the classification of Settlement; Rd converts to the classification of Public Recreation Land.
Mineral Orders	The project is currently open to Mineral Entry and will be closed prior to offering if MO 1192 is approved.

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

El Capitan West Subdivision – ADL 108376

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Physical Characteristics	
Access	The project area is conveniently located northwest of Whale Pass at the north end of El Capitan Passage. The area is accessible primarily by North Island Road to FDR-15. Additional access is available by float plane and small water craft to El Capitan Passage. A primitive boat launch is located just west of the project area.
Terrain and Major Features	Elevations range from sea level to approximately 500 feet. Slope percentages within the project area are mostly below 25%. There are a few locations where the slope is as high as 35%.
View	Possibly views of El Capitan Passage with some tree thinning. Views of El Capitan Passage and surrounding topography from shoreline.
Climate	The maritime (ocean-influenced) climate is cool and moist most of the year. Winter temperatures on Prince of Wales typically range from the mid 30s to low 50s (°F). Summer temperatures range between the mid 40s to low 80s (°F). The island receives between 60 and 220 inches of rain. July is generally the driest month, and November is usually the wettest.
Soils	<p>Soils consist primarily of peat, muck, mucky peat, silt loams, and extremely gravelly sandy loam. These soils range from very poorly drained to moderately well drained. Karst is a possible concern in the area. Karst is characterized by sinkholes, caves, and underground drainage systems.</p> <p>Known soil concerns will influence the project's design and feasibility and such features will be described in the project file and offering materials where relevant.</p>
Vegetation	As observed during a field inspection in April 2015, the area is dominated by western hemlock and Sitka spruce. Sedges, mosses, and shrubs are also in the area. The upland portion of the project area is covered by heavy growth, mostly coniferous rain forest.
Water Source	A common source of water for residents in this area is an on-site water holding tank supplied by either a rainwater catchment system or hauling water. No water utility is currently available in the area. Water quality and well depth is unknown.
Anadromous Waters	<p>Wolf Creek (a.k.a. Turn Creek), AWC# 105-42-10100, flows through the eastern portion of the project area into El Capitan Passage. Chum, Coho, and Pink salmon are present and this is a rearing area for steelhead trout.</p> <p>Should additional streams be identified throughout the design phase, DNR DMLW will evaluate the appropriateness of buffers for such water bodies.</p>

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

El Capitan West Subdivision – ADL 108376

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Local Management Information	
Fire Management Option	Modified Fire Management Option. The project area is not within a municipal fire service area. No fire history was provided for this area.
Game Management Unit	Unit 2
Local Authority	The project area is within the Unorganized Borough and subject to the State of Alaska platting authority.
Flood Zone	Flood Information Rate Maps are not available for the project area.
Utilities	No known services exist within the project area. Alaska Power & Telephone does serve surrounding communities such as Whale Pass.
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. Solid waste disposal is available in some small communities along the Prince of Wales Island road system.
Setbacks, Reserved Areas, Easements, and Conditions	
Building Setbacks	Parcels will be subject to a minimum 25-foot building setback adjacent to the public access easement along public or navigable water bodies, in accordance with the area plan.
Public Access and Utility Easements	Parcels may be subject to the following: <ul style="list-style-type: none"> • public access easements; • utility easements; • a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with <i>AS 19.10.010 Dedication of Land for Public Highways</i> and <i>11AAC 51.025 Section-line Easements</i>; section-line easements may be vacated under <i>AS 19.30.410 Vacation of Rights-of-Way</i> and <i>11AAC 51.065 Vacation of Easements</i> as part of the subdivision development; • a 50-foot continuous easement upland from the OHW of public or navigable water bodies in accordance with <i>AS 38.05.127 Access To Navigable or Public Water</i>; • a 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5' direct line-of-sight easement from the control station to an azimuth mark or other control monument.
Retained Lands	DNR intends to retain those lands south of FDR-15, east of FDR-1599, and a small portion of land in the northeasterly portion of the project area west of FDR-1599.
Public or Navigable Water Bodies	El Capitan Passage and Wolf Creek. If additional water bodies are deemed public or navigable, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

El Capitan West Subdivision – ADL 108376

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Additional Information	
Native Regional Corporations	The project area is within the boundaries of Sealaska Regional Corporation.
Villages and Tribal Councils	None within 25 miles.
Oil and Gas Activity	None.
Mining Activity	None known.
Comments	<p>The proposed development area is north of FDR-15 and west of FDR-1599, containing approximately 100 acres. LSS is proposing to retain in State ownership that portion of the project area between El Capitan Passage and FDR-15, and that portion between FDR-1599 and the easterly boundary of the project area. Additionally, LSS proposes to retain a small area in the northern part of the project area, immediately west of FDR-1599.</p> <p>The project area is situated on moderately steep sloping terrain judged by a DNR Surveyor as suitable for development.</p> <p>El Capitan Cave is the longest mapped cave system in Alaska and a frequent tourist attraction, with the USFS providing tours. El Capitan Pass is very narrow and well protected allowing for safe water activities along 50+ miles of shoreline. The north end of Prince of Wales Island has an existing, very extensive old logging road system (many abandoned) available for hiking, biking and sightseeing activity. This project has the potential to increase tourism and recreation of the area.</p> <p>The project area abuts the Southeast State Forest to the east. The Southeast State Forest is a working forest, and is subject to logging operations and other forest management activities.</p>

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

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
El Capitan West Subdivision – ADL 108376

COMMENT PERIOD ENDS 5:00PM, THURSDAY, SEPTEMBER 27TH, 2018

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

Location: Within DNR's Southeast Region, approximately 7 miles northwest of Whale Pass at the north end of El Capitan Passage (also known as El Cap Pass), and approximately 22 miles northwest of Coffman Cove.

Project size: Approximately 139 acres; approximately 100 acres proposed for development.

Proposed Offering: up to 3 commercial parcels, and no more than 20 parcels for other settlement purposes. Commercial parcels will be a minimum of 5 acres, other settlement parcels will be no smaller than 2.5 acres.

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, Thursday, September 20th, 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, THURSDAY, SEPTEMBER 27TH, 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 Alex Lawrence, PO Box 111020 Juneau, AK, 99811, fax # 907.465.3886, land.development@alaska.gov. If you have questions, call Alex Lawrence at 907.465.3442.

Attachment C: Public Notice

for a Proposed Land Offering in the Unorganized Borough

El Capitan West Subdivision – ADL 108376

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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.