

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

PRELIMINARY DECISION

Mankomen Lake Remote Recreational Cabin Sites - ADL 231542

Proposed Land Offering in the Unorganized Borough

AS 38.05.035 (e), AS 38.05.045, AS 38.05.600

RELATED ACTION(S):

Proposed Amendment to the Copper River Basin Area Plan

AS 38.04.065

Proposed Land Classification Order

AS 38.04.065 and AS 38.05.300

Proposed Mineral Order (Closing)

AS 38.05.185 and AS 38.05.300

PUBLIC COMMENT PERIOD ENDS 5:00 PM, WEDNESDAY, AUGUST 8, 2018

I. Proposed Actions

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Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

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

Draft Amendment to the Copper River Basin Area Plan SC-86-030A09

Draft Land Classification Order CL SC-86-030A09

Draft Mineral Order (Closing) MO(C) 1209

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 up to 25 parcels ranging from 5 to 20 acres in this project area, for a maximum of 500 acres of State-owned land for sale within the identified project area under the Remote Recreational Cabin Sites (RRCS) program; and to offer for sale through auction five surveyed, State-owned parcels within US\$ 4059.

Located within DNR's Southcentral Region, approximately 65 miles northeast of Glennallen, approximately 25 miles west-northwest of Mentasta Lake, and 25 miles north of Chistochina, the project area is within Township 14 North, Range 4 East and Township 14 North, Range 5 East, Copper River Meridian, and Township 22 South, Range 16 East, Fairbanks Meridian, within the Unorganized Borough. The project area encompasses approximately 8,350 acres. See *Attachment A: Vicinity Map* for a depiction of the project area.

RRCS Offering: In accordance with the governing area plan and proposed related actions, and for the purposes of providing land for settlement, DNR proposes to sell land within the Mankomen Lake Remote Recreational Cabin Sites (RRCS) project area. In order to offer

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these lands for sale, if approved and deemed feasible, DNR may offer authorizations to stake up to 25 parcels ranging from 5 to 20 acres in this project area, for a maximum of 500 acres sold through this offering under *AS 38.05.600 Remote Recreational Cabin Sites*. Authorizations will be awarded by drawing. When so authorized, entrants may stake a parcel within a defined staking area, lease the staked parcel during the survey, platting, and appraisal process, and convert the lease to a sale at a purchase price established by the appraised value, plus associated fees. Although the total disposal authorized under this proposal will not exceed the stated maximums, the development and offering of the project area may be completed in multiple stages. This proposed project area is located within the Unorganized Borough and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards.

After the staking period closes, DMLW may also identify and survey additional parcels in a staking area known as administrative parcels. Administrative parcels are not restricted to the size requirement for staked parcels. Parcels that are staked but later relinquished, terminated, or expired before converting to sale, and parcels administratively created by the DMLW, will be offered at public auction or by another method under *AS 38.05.045 Generally*. The total number of acres and total number of parcels will not exceed the maximum number specified for sale by this proposal.

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

Surveyed parcels (USS 4059): Located within the boundaries of the Mankomen Lake RRCS project area, the proposed offering includes five previously surveyed parcels; lots 1, 2, 4, 8 and 10 of USS 4059, containing approximately 21.30 acres. See *Attachment A: Vicinity Map*.

In accordance with the governing area plan and proposed related actions, and for the purposes of providing land for settlement, DNR proposes to sell the already surveyed lots through auction. These proposed lots are located within the Unorganized Borough and therefore survey and platting (if necessary), and access to and within the project area will be subject to the relevant subdivision standards. These lots may be 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 these lots. After consideration of public comment, the size and boundaries of the lots will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. Additional adjustments may be made, as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with platting requirements. Although actions under this proposal are limited to the stated maximums, additional offerings may be authorized under future proposals, which could increase the density of privately-owned parcels within, adjacent to, or near the project area.

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

Area Plan Amendment: DMLW proposes to amend the Copper River Basin Area Plan (adopted 1986) to amend the primary designation of Subunit 29B from Public Recreation and Wildlife Habitat to Settlement, and remove Mankomen Lake from the list of recreation lakes in Chapter 2, page 2-41. The amendment will also replace the management intent for Subunit 29B with: Land offering within Subunit 29B is appropriate. Public recreation opportunities shall be preserved around Mankomen Lake by retaining 50% of the lakeshore in State ownership. Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

Land Classification Order: In relation to the Area Plan Amendment, DMLW proposes to reclassify Subunit 29B in a Land Classification Order from Public Recreation/Wildlife Habitat to Settlement. Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

Mineral Order (Closing): DMLW proposes a mineral order to close Subunit 29B area to new mineral entry. Refer to the Mineral Order subsection under Section VI of this document for more information on this proposed related action.

These related actions will be developed separately. However, approval of the proposed actions is dependent upon one another in that one action will not proceed without approval of all actions. Public notice of the public comment period for all actions will be conducted concurrently.

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 and related actions. 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

Remote Recreational Cabin Sites: *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 DMLW offers authorizations to select and stake Remote Recreational Cabin Sites in designated areas during the specified offering period.

After approval of a Remote Recreational Cabin Sites disposal through a Best Interest Finding process such as this, DMLW plans a future announcement of an offering of staking authorizations and the availability of offering 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. Participants submit

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applications and DMLW 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. 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 the cost listed in regulation, 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 expires.

After the staking period closes and lease applications have been received from authorized stakers, DMLW may identify and survey additional administrative parcels in a project area. Additionally, DMLW 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*. Although administrative parcels are not restricted to the size requirements stated for staked parcels, the total number of acres and parcels will not exceed the maximum number specified for disposal under this proposal.

Offering administrative parcels under *AS 38.05.045 Generally* allows DMLW 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 DMLW 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, hinder the marketability of the property, create confusion with the public, and be an inefficient use of staff time and resources.

Surveyed parcels (USS 4059): DNR proposes to offer for sale land within the project area as described herein, through a future offering under *AS 38.05.045 Generally*.

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

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III. Authority

DNR has the authority under *AS 38.05.600 Remote Recreational Cabin Sites* and *AS 38.05.045 Generally* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by *AS 38.05.035(e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska states "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." In addition to *AS 38.05.600 Remote Recreational Cabin Sites*, *11 AAC 67.805 Designating Areas for Remote Recreational Cabin Sites*, and *11 AAC 67.815 Offering Remote Recreational Cabin Sites* apply.

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

IV. Administrative Record

The project file for the Mankomen Lake project area, ADL 231542, constitutes the administrative record for this action. Also incorporated by reference are:

- Copper River Basin Area Plan for State Lands (CRBAP), adopted 1986, and associated land classification files;
- Alaska Interagency Wildland Fire Management Plan, March 2018 Review;
- Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes;
- 1979 *Exploratory Soil Survey of Alaska* and/or a *Custom Soil Report* from the USDA; and
- Other plans or documents that are mentioned, referenced, or required by this action.

V. Scope of the Proposal

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

VI. Description

Location: within DNR's Southcentral Region, approximately 65 miles northeast of Glennallen, approximately 25 miles west-northwest of Mentasta Lake, and 25 miles north of Chistochina. 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.

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Native Regional and Village Corporations: The project area is within the boundaries of Ahtna, Inc. regional corporation for. The Village of Mentasta Lake is within 25-miles of the project area; however, the village corporation merged with Ahtna Inc. in 1980. Courtesy notification will be distributed to the Mentasta Traditional Council and Cheesh-Na Tribe.

Legal Description:

- Township 14 North, Range 4 East, Copper River Meridian;
 - Section 1, all;
 - Section 12, all;
 - Section 13, all; and
 - Section 24, N1/2;
- Township 14 North, Range 5 East, Copper River Meridian;
 - Section 7, all, excluding USS 4408;
 - Section 8, all;
 - Section 9, all;
 - Section 16, all, excluding USS 4050, and USS 14280;
 - Section 17, all, excluding USS 4059 lots 3, 5, 6, 7, and 9;
 - Section 18, all, excluding USS 4406;
 - Section 19, N1/2;
 - Section 20, all; and
 - Section 21, excluding USS 14280;
- Township 22 South, Range 16 East, Fairbanks Meridian;
 - Section 12, all; and
 - Section 13, all.

All within the Chitina Recording District, Third Judicial District Alaska.

Title: Information from Title Report RPT #10894, current as of April 30, 2018, indicates the State of Alaska holds tentative approval (#2012-0017, dated 6/28/2012) to the land and mineral estate within Section 1, Sections 12-13 and the N1/2 of Section 24, Township 14 North, Range 4 East, Copper River Meridian. The applicable State case file is GS 2590. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

Information from Title Report RPT #10896, current as of May 22, 2018, indicates the State of Alaska holds tentative approval (#2012-0027, dated 9/6/2012) to the land and mineral estate within Sections 7-9, Section 16 excluding USS 4050 and USS 14280, Section 17 excluding USS 4059 Lots 3, 5, 6, 7, and 9, Section 18 excluding USS 4406, N1/2 Section 19, and Section 20, and Section 21 excluding USS 14280, Township 14 North, Range 5 East, Copper River Meridian; and Patent (#50-2012-0221, dated 9/6/2012) to the land and mineral estates for Lots 1,2,4,8, and 10 of USS 4059. The applicable State case file is GS 2591. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

Information from Title Report RPT #10895, current as of May 2, 2018, indicates the State of Alaska holds tentative approval (#2008-0118, dated 4/17/2008) to the land and mineral estate within Sections 12-13, Township 22 South, Range 16 East, Fairbanks Meridian. The applicable

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State case file is GS 2690. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

State Reservations of Title:

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

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

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

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

Where they exist within the project area, private parcels and State third-party interests will be described in land sales brochures and information included in staking packets distributed to authorized stakers.

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 file research, agency review, and a field inspection conducted by air on May 29, 2014. 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 the project area prior to staking to familiarize themselves with the physical characteristics of the land.

Soils: The majority of the soils within the project area are glacial till or loamy colluvial sediment. Closer to the mountains, the primary soil is stony and gravelly colluvial material over bedrock with some till deposits. Approximately 50-90% of the project area is underlain by permafrost.

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Wetlands: Wetlands are present within the project area. The wetlands primarily consist of isolated pockets of wetlands adjacent to small ponds and creeks, surrounded by upland tundra vegetation. The most prevalent wetlands appear to exist within the northwest corner of the project area, between Canyon Creek and the Middle Fork Chistochina River. LSS has not identified any Class I or II wetlands as defined in the CRBAP.

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

Fire Information: There is no reported history of fires within the vicinity. Potential for wild land fire is high in interior Alaska and other parts of the state. Offering materials encourage stakers to locate parcels within hardwood stands or near water sources to help mitigate fire risk. 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 "Limited." The Operational Guidelines for areas with the "Limited" management option reads, "Limited Management Option fires are assigned the lowest resource allocation priority." The plan also states that there is no guarantee of protection from wildfire in any management option, that response to a wildfire will be based on various factors, and that "Ultimately it is the responsibility of the [landowner] to mitigate and minimize risk to their property before it becomes threatened by a wildfire."

Flood Hazard: Flood Information Rate Maps are not available for the project area; however, 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.

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. Water quality is unknown.

Background: The project area was identified based on a recommendation within the CRBAP. There have been no prior State land offerings within the area; however, there are private parcels along Mankomen Lake from prior federal land transfers. Six parcels were conveyed to private individuals along the southeast end of the lake (USS 4050 and USS 4059) in the mid-1960s; two additional parcels were conveyed to private individuals along the lake in 1972 (USS 4406 and USS 4408). Five additional parcels, lots 1, 2, 4, 8 and 10 of USS 4059, were conveyed to the State in 2012.

Land surrounding the project area is State-owned land, except for a block of federally owned, State-selected land immediately south of the project area. Other than the existing private property and RS 2477 trails, there are no known third-party interests within the project area. CRBAP background information for Management Unit 29 describes that BLM built a small campground on the lakeshore; however, BLM currently does not manage a campground in the

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area, and no records of that campground were found. In order to protect recreational opportunities and access around the lake, LSS proposes to reserve from staking a portion of land at the north end of the lake around Canyon Creek, as well as a portion of the peninsula on the middle of the northeast side of Mankomen Lake. See *Attachment A: Vicinity Map* for the approximate location of these reserved areas.

Mining claims have been staked throughout the adjacent sections east of the project area, with discovery dates in 2010 listed for many of the claims in immediately adjacent sections. Other claims in the area were also filed in 2005. A lone mining claim north of the project area lists a discovery date in 1996. Lands south of the project are federally owned and have been selected by the State, but there is an ANILCA top-filing.

A field inspection was conducted by air on May 29, 2014. Field inspection revealed that trails provide good access to much of the northern side of the lake, and that a fair portion of the private property along the lake has been developed. Although there are low-lying wet areas upland from the lake in many areas, the majority of the area along the lake and the established trail system appears to be suitable for development. The area is in reasonably close proximity to the developed areas of the Copper River Valley, and has both overland and fly-in access. The project area has excellent recreational opportunities, and is suitable for development.

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 Copper River Basin Area Plan for State Lands (CRBAP, adopted 1986): Management Unit 29: Upper Gakona, Chistochina, and Slana River Drainages; Subunit 29B. Lands within this subunit have a primary classification of Public Recreation and Wildlife Habitat and a secondary classification of Settlement under Land Classification Order (CL) No. SC-86-030. The project area consists of the entirety of Subunit 29B.

Unit 29 Considerations: Management intent provides that land throughout this unit will be retained in public ownership and managed for multiple use with emphasis on wildlife habitat, hunting, and dispersed recreation. However, management intent provides that a land offering of up to 500 acres is allowed at Mankomen Lake (Subunit 29B), and that Mankomen Lake will be managed as a recreation lake pursuant to Chapter 2 – Lakeshore Management guidelines regarding recreational lakes. Because of the stake-it-yourself nature of the RRCS program, LSS is unable to determine where the authorized stakers will locate parcels; therefore, although the RRCS offering will be limited to 500 acres, the entire project area (Subunit 29B) must have a primary designation of Settlement (currently, Settlement is the secondary designation). LSS is proposing an area plan amendment to change the primary designation of Subunit 29B to Settlement. Additionally, this amendment will remove Mankomen Lake from the list of Recreation Lakes in Chapter 2, page 2-41. The general management intent for recreational lakes will be retained by retaining 50% of the lakeshore in State ownership.

Area-wide Considerations: Guidelines in chapter two of the area plan regarding Settlement; Fish and Wildlife Habitat; Lakeshore Management; Public Access; Stream Corridors and Instream Flow; Recreation, Cultural, and Scenic Resources; and 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 included in the offering brochure and area-specific staking instructions and maps.

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The management guidelines for recreational lakes provide that the majority of the remaining land within 200-feet of the entire shoreline will remain in public ownership, and that some areas near the lake that are beyond this buffer may be sold. Management guidelines for land to be retained provide that at least 50% of all public land within 500 feet of the shore of recreation lakes will be retained in public ownership. LSS proposes an area plan amendment to remove Mankomen Lake from the list of Recreational Lakes in Chapter 2. Removing Mankomen Lake from the list of Recreation Lakes removes the requirement for a 200-foot buffer around the perimeter of the entire lakeshore, which frustrates upland property owners and is overly burdensome to the State as a management remnant. Public recreation opportunities will still be preserved by retaining 50% of the State land around Mankomen Lake, thereby keeping with the original intent of listing the lake as a "recreation Lake." Additionally, parcels will be subject to a 100-foot building setback from Mankomen Lake, pursuant to the CRBAP management intent.

Mankomen Lake has approximately 8.6 miles of total shoreline, of which approximately 1.4 miles (17%) is currently in private ownership. The sale of the surveyed, State-owned USS parcels on Mankomen Lake will increase the privately-owned shoreline by approximately 6%, to approximately 2 miles (23%) of privately owned shoreline. LSS will impose restrictions in the RRCS offering to limit the size and waterfrontage of parcels along Mankomen Lake, to retain a minimum of 50% of the shoreline in public ownership.

Management guidelines for wetlands require that Class I wetlands (wetlands larger than 100 acres and all wetlands with a locatable stream outlet) and Class II wetlands (wetlands between 40 and 100 acres with no outlet) be retained in State ownership, subject to applicable buffers. Based upon field inspection and aerial imagery LSS has not identified any Class I or II wetlands within the project area. If any parcels are staked within or adjacent to wetlands which are determined at the time of survey to be Class I or II wetlands, that parcel will be truncated to approximately 100-feet or 60-feet (respectively) from that wetland.

The proposed offering will be consistent with area-wide land management policies and general management intent of the CRBAP and specific management unit if the related actions are approved in accordance with *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally*. The project area is currently classified with a primary use of Public Recreation and Wildlife Habitat and a secondary use of Settlement. A Land Classification Order is necessary to remove the primary use classifications of Public Recreation and Wildlife Habitat and the secondary use classification of Settlement and classify the land as Settlement only.

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

Area Plan Amendment: LSS proposes to amend the Copper River Basin Area Plan (adopted 1986) to change the primary designation of Subunit 29B to Settlement, and remove Mankomen Lake from the list of Recreation Lakes in Chapter 2, page 2-41. Management intent for Subunit 29B will be replaced with: Land offering within Subunit 29B is appropriate. Public recreation opportunities shall be preserved around Mankomen Lake by retaining 50% of the lakeshore in State ownership.

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Land Classification Order: In relation to the Area Plan Amendment, LSS proposes to reclassify Subunit 29B in a Land Classification Order from Public Recreation/Wildlife Habitat to Settlement.

Mineral Order: No mineral activity has been identified on these lands. Mineral Closing Order 511 closed the bed of the East Fork Chistochina River to mineral entry, including a small portion of the project area. The entirety of the project area (approximately 8,350 acres) will be closed to new mineral entry if the Mineral Order 1209 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 management intent of the CRBAP.

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

Mining activity for locatable minerals would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. Area plan guidelines for subsurface resources describe that DNR generally finds mining to be incompatible with land sales. Management guidelines provide that lands scheduled for subdivision sale will be closed to mineral entry prior to sale. This section also provides specific management guidelines pertaining to Homesteading areas; however, these guidelines will also pertain to this RRCS project area. If a significant portion of the allotted parcels are not staked in this offering, this area may be reoffered in the future. The mineral order to close the mineral estate will remain in place until after any reoffers are completed, or it is determined that the area will not be reoffered.

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

Traditional Use Finding: The project area is within the Unorganized Borough, and a traditional use finding is therefore required under *AS 38.05.830 Land Disposal in the Unorganized Borough*. Information obtained from CRBAP and prior research indicates the lands within Management Unit 29B are currently used for settlement, hunting, trapping, and camping. There are existing privately-owned parcels within the project area. 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 new private-property owners. Impacts on existing resource users will be minimized by protecting public access along trails and public and/or navigable water bodies, reserving the shoreline and identified areas from staking, and by limiting the number of parcels and acreage to be offered within the large project area. 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: Primary access to the area is by plane to Mankomen Lake within the project area. Overland access is available via the Mentasta-Slate Creek trail (RST 440) from Mentasta, and via the Chistochina-Mankomen trail (RST 437) from Tok-Cut-off. Both of these trails are reserved by 17b easement across Ahtna lands. The Mentasta-Slate Creek trail crosses through the project area, entering east of Mankomen Lake, generally following north of the northeast shore, and exiting through the north of the project area east of Canyon Creek. The Chistochina-Slate Creek trail (RST 48) also provides access west of the project area. There are several trails within the project area, primarily along the easterly and northerly portion of the lake. LSS intends to reserve a 50-foot staking setback from the approximate centerline of Mentasta-Slate Creek trail (RST 440). LSS also intends to reserve a 30-foot staking setback from the approximate centerline of the main trail through the project area connecting to the Mentasta-Slate Creek trail (RST 440). The staking map will identify trails which may not be staked across. Parcels staked across other trails not identified on the staking map, which are determined to be active and in use at the time of staking, may be subject to an easement for those trails. Refer to the Setbacks, Reserved Areas, and Easements subsection of this document for additional information.

The airstrip on the east end of Mankomen Lake is on private property; use of this airstrip will require property owner permission. There is an apparent rustic airstrip within the northeast corner of section 17, township 14 North, Range 5 East. LSS will impose a 100-foot staking setback from the approximate centerline of this airstrip, and extending 500-feet on either end. DNR does not maintain this airstrip, nor does DNR warranty the suitability or fitness of this airstrip. Use of this airstrip is solely at the discretion and liability of the user (*AS 09.65.093 Civil Liability Relating to Aircraft Runways, Airfields, and Landing Areas*).

Review of the title reports and land status records indicates there are no easements issued by DMLW in the area; however, an RS 2477 trail (RST 440) listed under *AS 19.30.400 Identification and Acceptance of Rights-of-Way* exists in the area, i.e. a right-of-way listed in Department land records as an "RST" route. Parcels staked along trails will be subject to an easement or setback 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-owned land, along section line easements, or other easements reserved in conveyances to third parties. Access across unreserved State-owned land without a permit, along with pertinent restrictions, is governed by *11 AAC 96 Provisions for General Land Use Activity*.

DMLW 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 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 lines or township lines, across trail easements that have been assigned an ADL or RST number, or other trails or access routes identified within the staking area. Easements along interior parcel lines will also be reserved in order to ensure access between staked parcels. Additionally, a survey easement will be reserved to control monuments within parcels in order to

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allow for access to recover monuments of record for the purposes of surveying and establishing property boundaries in the vicinity of a parcel.

Project design will take into account topography and access to lands beyond the project area and within 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*. In general, a continuous easement extending upland from the ordinary high water 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.

For the purposes of *AS 38.05.127*:

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

Parcels will be subject to public access reservations in accordance with *AS 38.05.127 Access to Public or Navigable Water* of usually 50 feet, and a 100-foot building setback in accordance with the Copper River Basin Area Plan, from the OHW of the water bodies described, as well as any additional water bodies identified as public or navigable prior to completion of survey.

Attachment A: Vicinity Map identifies water bodies determined to be public or navigable for the purposes of this proposal. If, at the time of survey, a water body not identified as public on *Attachment A* is determined to be public or navigable and is located within or along a staked parcel, a public access easement will be reserved upland from the ordinary high water 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 identified as public 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 Easements, Setbacks, and Reserved Areas subsection for additional information.

The East Fork Chistochina River, Mankomen Lake, and Canyon Creek are water bodies determined to be public or navigable for the purposes of this proposal. 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.

Easements, Setbacks, and Reserved Areas: The project area may include a variety of easements, setbacks, and reserved areas, which will be identified in offering materials, staking instructions, and related informational documents. DMLW will continue to research and identify easements, setbacks, or reservations throughout the staking and survey period as necessary to protect resources, third party interests, public use, or access. Of note, staking setbacks differ from building setbacks in that staking setbacks leave an area of land retained in State ownership, while building setbacks and easements are on land conveyed to the staker and place development restrictions thereon. Restrictions and encumbrances will be identified in the staking instructions, depicted on staking maps, and noted in the brochure, where possible.

Building Setbacks From Public or Navigable Water: If the offering 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, structures and subsurface sewage disposal systems will not be permitted within the building setback. Parcels under lease will also be subject to this building setback. In accordance with the Copper River Basin Area Plan the following building setback will apply to lots 1, 2, 4, 8 and 10 of USS 4059; and staked parcels created through this offering:

- a 100-foot building setback from the OHW of all public or navigable water bodies, in accordance with the area plan.

Staking Setbacks and Reserved Areas: Reserved areas and staking setbacks may be designated for public use, access, or to protect valuable resources. Staking may not be allowed within these areas. Staking setbacks and reserved areas will be described in offering information and staking instructions. DMLW may identify additional staking setbacks and reserved areas as necessary throughout the staking period. The following staking setbacks and reserved areas will apply to this offering:

- 200-foot staking setback from the OHW of the East Fork Chistochina River on each side;
- 100-foot staking setback from the approximate centerline of the rustic airstrip within the northeast corner of section 17, township 14 North, Range 5 East, on both sides and 500-foot staking setback at each end;
- 50-foot staking setback from the centerline of the Mentasta-Slate Creek Trail (RST 440) on each side;
- 30-foot staking setback from the approximate centerline of the main trail through the project area connecting to the Mentasta-Slate Creek trail (RST 440) on each side;

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- A reserved area at the northwest end of Mankomen Lake around Canyon Creek at the inlet to Mankomen Lake;
- A reserved area on the peninsula on the middle of the northeast side of Mankomen Lake; and
- A reserved area upon lots 1, 2, 4, 8, and 10 of USS 4059.

Easements: RRCS 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, DMLW 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 may be subject to a variety of reservations or restrictions where appropriate, such as:

- 100-foot access easement centered on RST 440: Mentasta – Slate Creek Trail (50 feet on each side);
- 100-foot access easement centered on any surveyed or protracted section lines (50 feet on each side);
- 60-foot access easement centered on existing trails that are not assigned an ADL or RST number through and along staked parcels (30 feet on each side);
- 30-foot public access and utility easement along all interior parcel lines;
- 50-foot continuous public access easement, upland from the ordinary high water mark of public or navigable water bodies per *AS 38.05.127 Access to Navigable and Public Waters*; and
- 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius of 5 feet around the control monument, and as applicable, a 5-foot wide direct line-of-sight easement from the control station to an azimuth mark or other control monument.

Lots 1, 2, 4, 8 and 10 of USS 4059 may be subject to a variety of reservations or restrictions where appropriate, such as:

- a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with *AS 19.10.010 Dedication of Land for Public Highways* and *11 AAC 51.025 Section-line Easements*; section-line easements may be vacated under *AS 19.30.410 Vacation of Rights-of-Way* and *11 AAC 51.065 Vacation of Easements* as part of the subdivision development;
- 15 to 50-foot public access and/or utility easement along interior parcel lines per 11 AAC 51.015(d)(1)(A) as appropriate;
- a 15 to 30-foot utility easement along each side of a section line or other public access easement per 11 AAC 51.015(d)(1) as appropriate;
- 50-foot continuous public access easement, upland from the ordinary high water mark of public or navigable water bodies per *AS 38.05.127 Access to Navigable and Public Waters*; and
- 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius of 5 feet around

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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: During aerial field inspections conducted on May 29, 2014, field staff did not observe any environmental hazards within the project area. There are no known environmental hazards present within the project area; however, the State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to staking.

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 for Settlement for transfer into private ownership, and given the high degree of interest from both the legislature and citizens in transferring State-owned land into private ownership, DNR is of the opinion that the benefits 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. Survey, platting, and appraisal of staked parcels will be completed prior to sale. DMLW proposes to issue survey contracts to conduct the survey, and the survey costs will be prorated by acreage for each parcel. DMLW may also identify and survey additional parcels in a project area to be sold under *AS 38.05.045 Generally*. The number of staked and additional surveyed parcels will not exceed the total number of parcels offered, nor total number of acres to be sold.

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 of sale based on the date of entry of any parcel developed under the RRCS offering, and within two years of the date of sale for Lots 1, 2, 4, 8 and 10 of USS 4059.

In accordance with *11 AAC 67.825 Lease Application: Priority* and *11 AAC 67.835 Lease Conditions*, lessees will be required to make payments during the lease period toward the cost of survey, platting, and appraisal.

DMLW is in process of updating regulations pertaining to the Remote Recreational Cabin Sites program. If the applicable regulations change prior to the offering, staking, or lease issuance of this proposed project, the new regulations may apply.

Staking Instructions and Lease: The Remote Recreational Cabin Sites program authorizes winning applicants to stake a parcel within a project area and issues leases to successful applicants while the parcels are surveyed, platted, and appraised, in accordance with

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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 of 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 and setbacks. 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.

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 May 28, 2013 through June 28, 2013 concurrently with other separate proposed projects. Comments pertinent to this proposed action received during agency review have been considered and addressed below. LSS will be providing an opportunity for additional agency comment concurrent with the Public Notice for the proposed offering. 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 Division of Oil & Gas (DOG) Comment: DOG provided the following general comments pertaining to all project areas:

DNR DOG Comment: As in the past, DOG recommends LSS make potential applicants aware the State reserves oil, gas, coal, 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, and the proposed mineral order closing the area to mineral entry will not apply to these mineral resources.

DNR DMLW LSS Response: Thank you for your response. See the *Mineral Order* and *Retained Interest* subsections of this document for more information. Similar information is routinely included in offering brochures.

DOG provided the following comments specific to the Mankomen Lake project area.

DNR DOG Comment: Currently there are no authorizations or pending applications for exploration licenses or oil and gas leases in this project area. However, State-owned lands in the area are available for exploration licensing under Division of Oil and Gas Exploration

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Licensing Program. Details are available at

<http://dog.dnr.alaska.gov/Programs/ExplorationLicensing.htm>.

Please be aware DOG is preparing a Best Interest Finding (BIF) for the Southcentral Regional Exploration License Determination Area. An October 5, 2012 invitation to provide information on the area was sent to the Director of DMLW. The invitation explains the purpose of the determination, to allow DOG to develop proposal-specific oil and gas or gas only exploration license findings by referencing the regional determination. The boundary of the Southcentral Regional Exploration License Determination Area may change as the project progresses. Currently, Mankomen Lake project area is within the Southcentral Regional Exploration License Determination Area. Please contact Division of Oil and Gas prior to offering for status on issuance of the BIF or a proposal-specific BIF.

DNR DMLW LSS Response: Thank you for your comments. LSS will request updated information on the exploration license determination, and include information in offering materials as needed.

DNR Division of Geological and Geophysical Surveys (DGGS) Comments: The Mankomen Lake remote cabin area is in the Chisna mining district belt which is being actively explored (Corvus Gold, 2012). Eagle Creek is a historically productive placer gold mine (ARDF locality MH358); platinum and native copper is also reported from the placer concentrates. Mining claims in the Eagle Creek Drainage held by Northwest Mining, LLC and Raven Gold Alaska, Inc. immediately adjoin the east side of the remote cabin area. There could conceivably be placer gold deposits under the east side of the remote cabin staking area. Although it is unlikely that metallic lode deposits are present in the remote cabin area, there will likely be ongoing lode exploration for porphyry copper-gold and polymetallic deposits on State land in the mountains immediately northeast of Mankomen Lake.

The proposed staking area is in the zone of discontinuous permafrost, meaning that permafrost underlies 50-90 percent of the landscape. Area is approximately 25 km south of the trace of the West Muldrow-Alsek section of the Denali fault, which has had earthquake activity within the last 150 years.

DNR DMLW LSS Response: Thank you for your comments. Potential purchasers will be advised of this information in the offering brochure.

DNR State Pipeline Coordinator's Office (SPCO): SPCO has no concerns about the Mankomen Lake proposed project. There are no AS 38.35 pipeline rights-of-way or AS 38.35 pipeline rights-of-way applications in this area.

DNR DMLW LSS Response: Thank you for your response.

Alaska Department of Fish and Game (ADF&G) Comments: ADF&G provided the following general comments pertaining to the Remote Recreational Cabin Sites project areas distributed for simultaneous agency review:

ADF&G Comment: ADF&G expressed concerns with an increase of privately-owned cabins creating an increase of trespass incidents and damage to fish and wildlife habitat and water quality through poorly planned trails and access routes. These poorly planned routes often lead to widening trails and unnecessary crossing of streams and wetlands.

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DNR and ADF&G share a common goal to provide access while protecting fish and wildlife habitat. In working with DNR, ADF&G has several recommendations:

- Access points and trails be identified and reserved prior to staking, if possible.
- DNR should continue to work with affected boroughs, community groups, and ADF&G 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 recognizes that an increase in private property ownership will likely lead to an increase in backcountry travel and resource use. Impacts on existing resources will be minimized by protecting public access along public or navigable water bodies, protecting riparian and shoreline habitat with building setbacks along water bodies determined to be public or navigable, reserving public access sites, and limiting the number of authorizations.

DNR will identify and reserve access across State-owned lands within the project area as needed. We will continue to research, identify, and where feasible, reserve existing and proposed access routes throughout the public comment period and up through the parcel survey. Moreover, DMLW will identify and reserve sites for public access to assist in mitigating these shared concerns. The offering brochure and staking information will describe any identified access routes, and provide information about conditions and limitations, where available. Setbacks, reserved areas, and easements for individual parcels will be depicted on survey plats. Refer to the Access To, Within, and Beyond Project Area and Easements, Setbacks, and Reserved Areas sections of this document for more information. Access across unreserved State-owned land is anticipated and is subject to conditions in *11 AAC 96 Provisions for General Land Use Activity*. Restrictions on general land use, including restricting access across unreserved State-owned land, is beyond the scope of this decision.

Comment: ADF&G noted that any work conducted below the OHW mark of anadromous streams 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 equipment in the bed of creeks will require a Fish Habitat Permit from the appropriate Division of Habitat Office.

Response: The offering brochure generally addresses activities that may require a Fish Habitat Permit and directs potential applicants to the ADF&G Division of Habitat for more information. Additionally, authorized stakers are provided with the Generally Allowed Uses on State Land Fact Sheet, which indicates some uses that may require additional permits and encourages users to research these requirements.

Comment: ADF&G suggested that DNR DMLW schedule the staking period so as not to coincide with open hunting periods.

Response: DNR recognizes that the staking period will be concurrent with some hunting seasons for big and small game. Due to multiple, overlapping hunting seasons of long duration, limiting the staking period to periods where there is no open season is not feasible,

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as it would greatly decrease the opportunity for entrants to access the area and stake a parcel. A longer, continuous staking period that may overlap open hunting seasons provides entrants greater opportunity to access the area and successfully stake a parcel. In general, a longer staking period should minimize conflicts among surface users as pressure to access an area and stake a parcel is less acute. Furthermore, due to the expense of travel to Remote Recreational Cabin Sites, some applicants may wish to combine staking and hunting activities in a single trip. LSS does not believe this option should be restricted by separate entry periods.

ADF&G provided the following comments specific to the Mankomen Lake project area.

ADF&G Comment: As noted in the Copper River Basin Area Plan (CRBAP), this area is popular for fishing and hunting as well as general public recreation associated with the trails and lake. The CRBAP recognizes the importance of the area to the public and guides DNR to manage Mankomen Lake as a recreational lake. The recreational lakes guidelines state that at least 50 percent of all public land within 500 feet of the shore shall be retained in public ownership. Of those retained lands, 50 percent must be actual shoreline.

ADF&G concurs with the recreational guidelines outlines in the CRBAP. This will protect fish and wildlife habitat as well as continue to provide fishing, hunting, and other recreational opportunities to the public. We also concur with the reservation of building setbacks and public access easements on parcels along the lake. Additionally, ADF&G recommends language be added to note that Revised Statute 2477 reserved trails to a width of 100 feet, and no staking should occur within this 100-foot right-of-way regardless of the current width of the existing trail.

DNR DMLW LSS response: Thank you for your response. Although LSS proposes an amendment to remove Mankomen Lake from the list of recreational lakes, management intent will be retained by retaining a minimum of 50% of the lakeshore (including uplands) in State ownership. Staking will not be permitted over the identified RS2477 trails. Please see the *Setbacks, Reserved Areas and Easements* subsection for more information.

Alaska Mental Health Trust Authority (MHTA) comments: The proposed action for ADL 231542 does not impact Alaska Mental Health Trust Authority lands (The Trust has no parcels in these or adjacent sections), therefore the Trust has no objections to the proposed Remote Recreational Cabin Sites with C014N004E, C014N005E, and F022S016E near Mankomen Lake, AK.

DNR DMLW LSS response: Thank you for your response.

VIII. Submittal of Public Comments

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

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

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

LSS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision, draft area plan amendment, draft land classification order, or draft mineral order, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the Preliminary Decision, draft area plan amendment, draft land classification order, and draft mineral order including any deletions, minor changes, and summary of comments and LSS responses will be issued as a subsequent Final Finding and Decision, CRBAP Amendment No SC-86-030A09, Land Classification Order CL SC-86-030A09, and Mineral Order 1209 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision, CRBAP Amendment No SC-86-030A09, Land Classification Order CL SC-86-030A09, and Mineral Order 1209. Upon approval and issuance of these actions, a copy of the decision, orders, and amendment will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the request for reconsideration process to any party who provides timely written comment.

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

DEADLINE TO SUBMIT WRITTEN COMMENT IS 5:00 PM, WEDNESDAY, AUGUST 8, 2018

IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Offer up to 25 parcels ranging from 5 to 20 acres in this project area, for a maximum of 500 acres of State-owned land for sale within the identified project area under *AS 38.05.600 Remote Recreational Cabin Sites*; and to offer for sale through auction five surveyed, State-owned parcels within USS 4059. DNR DMLW may also identify and survey additional parcels in a staking area, up to the maximum number of parcels/maximum acreage listed above. The development and offering of the project area may be completed in multiple stages. This proposal includes the amendment to the CRBAP, land classification order, and mineral order.

Alternative 2: Do not offer the project area under the RRCS program. Survey parcels prior to offering to the public under *AS 38.05.045*.

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

Article VIII, Section 1 of the Alaska Constitution states “It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.” Furthermore, *AS 38.05.045 Generally* and *AS 38.05.600 Remote Recreational Cabin Sites* 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 help meet the obligations laid out in the Constitution and statute, and maximizes public interest. This offering provides a unique opportunity for Alaskans to obtain remote property in a desirable area. Alternative 1 provides the greatest opportunity for Alaskans to purchase land within this area which suits their needs.

Dispersed, low density staking is the best alternative for this 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. Under designated parameters, entrants may choose individual sites within the staking area that suit their needs. Allowing additional parcels and parcels that are not converted from lease to sale to be surveyed and sold under *AS 38.05.045 Generally* will maximize the opportunities for the transfer of State-owned land into private ownership under a uniform set of conditions. Offering surveyed parcels within USS 4059 provides an excellent opportunity for Alaskans to purchase a limited number of highly desirable parcels within this unique area. The area plan amendment is necessary to amend the designation from a secondary designation for settlement to a primary designation of settlement. Additionally, the area plan amendment will allow for the removal of the 200-foot setback from the lakeshore, while maintaining public recreational opportunities around the lake by retaining a minimum of 50% of the lake shore. Alternative 1 is preferred.

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. The area is better suited to dispersed settlement, and allowing entrants to select individual locations to suit their needs.

Alternative 3 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR DMLW from meeting its Constitutional, statutory, and legislative goals. Not offering the project area would deny many Alaskans the opportunity to obtain land in an area that is suited to settlement. The related actions are necessary to allow for the offering of the project area. The primary action and related actions are dependent upon one another, and if DNR DMLW does not approve the project, the related actions will not be processed.

Recommendation follows.

Preliminary Decision

Mankomen Lake Remote Recreational Cabin Sites Project Area - ADL 231542

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X. Recommendation

This Preliminary Decision for the proposed disposal of State lands, CRBAP Amendment No SC-86-030A09, Land Classification Order CL SC-86-030A09, and Mineral Order 1209 described throughout this document and its attachments are consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative because it provides the maximum opportunity for offering State land to the public, and helps meet the mission of the land sales program. The Preliminary Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of State lands, CRBAP Amendment No SC-86-030A09, Land Classification Order CL SC-86-030A09, and/or Mineral Order 1209. If the decision is approved, CRBAP Amendment No SC-86-030A09, Land Classification Order CL SC-86-030A09, and Mineral Order 1209 will accompany and precede any Final Finding and Decision issued.

Signature on file

Tim Shilling
Natural Resource Manager II
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

July 6, 2018

Date

Signature on file

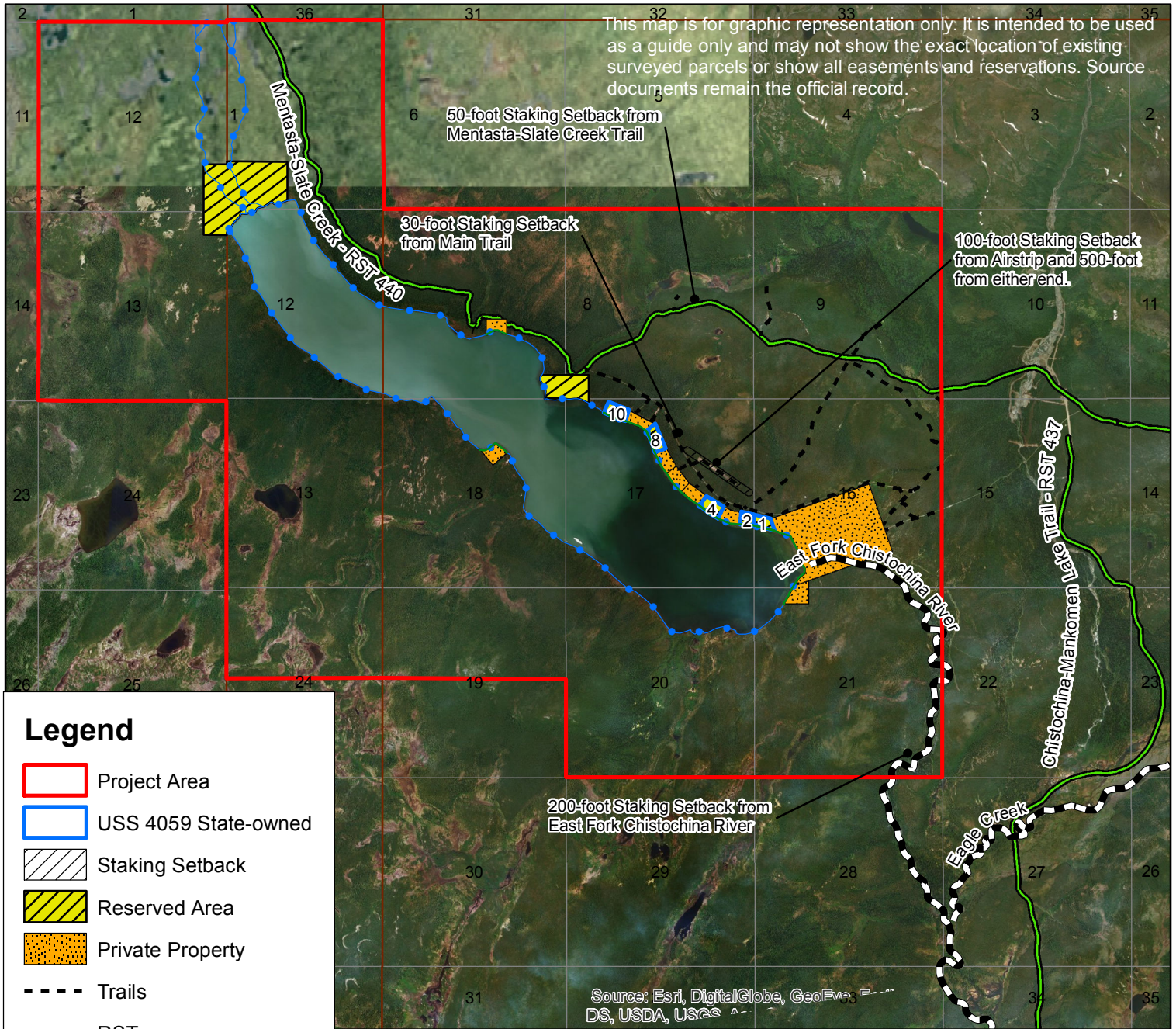
Approved by Kathryn Young
Section Manager
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

July 6, 2018

Date



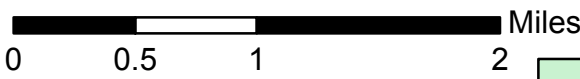
Attachment A: Vicinity Map Mankomen Lake RRCS ADL 231542



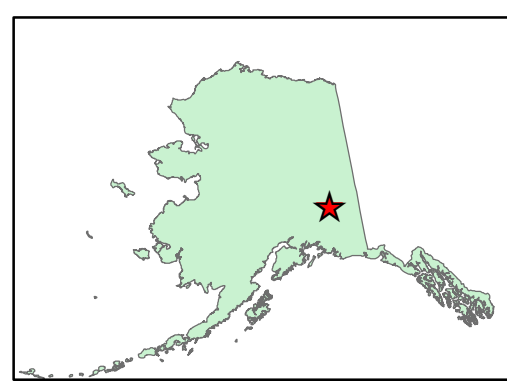
Legend

- Project Area
- USS 4059 State-owned
- Staking Setback
- Reserved Area
- Private Property
- Trails
- RST
- Anadromous Stream
- Public Water

USGS QUAD 1:63,360
 Mt. Hayes A-1, A-2; Gulkana D-1, D-2
 For more information contact:
 Colin Craven
 Department of Natural Resources
 Division of Mining, Land, and Water
 Land Sales & Contract Administration Section
 Phone 907.451-2730
 Fax 907.451-2751
 Email: land.development@alaska.gov



TAS 7/3/2018



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

ATTACHMENT B: AREA DATA SUMMARY TABLE

to the
Preliminary Decision

for a
**Proposed Land Offering in the Unorganized Borough
Mankomen Lake Remote Recreational Cabin Sites – ADL 231542**

Offering Information	
Proposed Number of Parcels	25 RRCS parcels, and 5 previously surveyed parcels
Proposed Parcel Size	5 to 20 acres
Net Offering	Up to approximately 521 acres
Proposed Related Actions	Area Plan Amendment to CRBAP, Land Classification Order, Mineral Order (Closing)
Project Area	
Location	The project area surrounds Mankomen Lake, approximately 65 miles northeast of Glennallen, approximately 25 miles west-northwest of Mentasta Lake, and 25 miles north of Chistochina. It is located between the Chistochina and Slana Rivers.
Project Area Acreage	8,350 acres, more or less
USGS Topography Map	Gulkana A-1, A-2 Mt. Hayes A-1, A-2
MTRS	Sections 1, 12-13, and 24, C014N004E; Sections 7-9, and 16-21, C014N005E; and Sections 12-13, F022S016E
Title	Tentatively Approved State-owned land
Area Plan and Classification	Copper River Basin Area Plan for State Lands (adopted 1986), Management Unit 29: Upper Gakona, Chistochina, and Slana River Drainages, Subunit 29B. Lands have a primary classification of Public recreation and Wildlife Habitat and a secondary classification of Settlement.
Mineral Orders	MCO 511 closed the bed of the East Fork Chistochina River to mineral entry. The entirety of Subunit 29B will be closed to mineral entry prior to offering if MO 1209 is approved.
Physical Characteristics	
Access	Fly-in access to Mankomen Lake. Overland access is possible from Chistochina and Mentasta Lake.
Terrain and Major Features	The project area appears to be relatively flat, but is just south of the Alaska Range. It also has high ridges, long foothills, and small outwash plains. There are many lakes, streams, and some scattered muskeg. Hilly alpine plateaus and sharp ridges are present closer to the mountains.

Attachment B: Area Data Summary Table

Mankomen Lake Remote Recreational Cabin Sites Project Area - ADL 231542

View	Lake front and views of the Alaska Range to the north.
Climate	The Mankomen recording station reports an average high temperature in July of 63.9F and an average low temperature in January of -15.1F. Average annual precipitation is 23.65 inches with an average annual snowfall of 92.2 inches.
Soils	A majority of the soils within the project area are glacial till or loamy colluvial sediment. Closer to the mountains, the primary soil is stony and gravelly colluvial material over bedrock with some till deposits. Approximately 50-90% of the project area is underlain by permafrost.
Wetlands	Intermittent wetlands are present within the project area. Parcels may not be staked over Class I or II wetlands. Dredging or filling of wetlands may require a permit from the US Army Corps of Engineers.
Vegetation	Some sparse white spruce forests are present; however, most areas exhibit tundra vegetation with dwarf birch, low shrubs, and mosses.
Water Source	Ground water depth and quality is unknown. Surface water quality is unknown.
Anadromous Waters	East Fork Chistochina River
Local Management Information	
Fire Management Option	The project area is located within a Limited Fire Management Option boundary. See the <u>Fire Information</u> subsection for more information.
Game Management Unit	13C
Local Authority	The project area is within the Unorganized Borough and is subject to the State of Alaska platting authority.
Flood Zone	Flood Insurance Rate Maps are not available for the staking area.
Utilities	No known services exist within or near the project area.
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. No solid waste disposal facilities are available within or near the project area.
Setbacks, Reserved Areas, Easements, and Conditions	
Allowed Uses	No commercial use or permanent residence is allowed for RRCS parcels while under lease. Once the parcel is under purchase contract or conveyed into private ownership these restrictions no longer apply. These restrictions do not apply to parcels sold under AS 38.05.045.
Building Setbacks	Parcels are subject to a 100-foot building setback from the ordinary high water mark of water bodies determined to be public or navigable per CRBAP (see below). Water-dependent structures may be allowed within the building setback.

Attachment B: Area Data Summary Table

Mankomen Lake Remote Recreational Cabin Sites Project Area - ADL 231542

Staking Setbacks	Staking will not be allowed within: <ul style="list-style-type: none">• 200-foot staking setback from the OHW of the East Fork Chistochina River on each side;• 100-foot staking setback from the approximate centerline of the rustic airstrip within the northeast corner of section 17, township 14 North, Range 5 East on both sides, and 500-foot staking setback from either end;• 50-foot staking setback from the centerline of the Mentasta-Slate Creek Trail (RST 440); on both sides and• 30-foot staking setback from the approximate centerline of the main trail through the project area connecting to the Mentasta-Slate Creek trail (RST 440) on both sides
Reserved Areas	Staking will not be allowed within reserved areas imposed prior to or during the staking period, including reserved areas to avoid locating parcels within or near a specific resource or third-party interest, or to reserve areas for public use. <ul style="list-style-type: none">• A reserved area at the northwest end of Mankomen Lake around Canyon Creek at the inlet to Mankomen Lake;• A reserved area on the peninsula on the middle of the northeast side of Mankomen Lake; and• A reserved area upon lots 1, 2, 4, 8, and 10 of USS 4059 Additional reserved areas may be imposed up to or during the staking period as necessary.
Easements	Staked parcels may be subject to the following: <ul style="list-style-type: none">• 100-foot access easement centered on RST 440: Mentasta – Slate Creek Trail (50 feet on each side);• 100-foot access easement centered on any surveyed or protracted section lines (50 feet on each side);• 60-foot access easement centered on existing trails that are not assigned an ADL or RST number through and along staked parcels (30 feet on each side);• 30-foot public access and utility easement along all interior parcel lines;• 50-foot continuous public access easement, upland from the ordinary high water mark of public or navigable water bodies per <i>AS 38.05.127 Access to Navigable and Public Waters</i>; and• 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius of 5 feet around the control monument, and as applicable, a 5-foot wide direct line-of-sight easement from the control station to an azimuth mark or other control monument.
Public or Navigable Water Bodies	The East Fork Chistochina River, Mankomen Lake, and Canyon Creek have been determined to be public or navigable. 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.

Attachment B: Area Data Summary Table

Mankomen Lake Remote Recreational Cabin Sites Project Area - ADL 231542

Additional Information	
Native Regional Corporations	Ahtna, Inc.
Villages and Tribal Councils	The Village of Mentasta Lake is within 25-miles of the project area; however, the village corporation merged with Ahtna Inc. in 1980. Courtesy notification will be distributed to the Mentasta Traditional Council and Cheesh-Na Tribe
Oil and Gas Activity	None known. State-owned lands available for exploration licensing.
Mining Activity	None within the project area, but State mining claims are present immediately adjacent to the eastern boundary of the project area and throughout the surrounding sections.
Comments	Research indicates the lands within the project area are primarily used for settlement, hunting, trapping, and camping. There are existing privately-owned parcels along Mankomen Lake.

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

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
Mankomen Lake Remote Recreational Cabin Sites – ADL 231542

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, AUGUST 8, 2018

This proposed project includes offering for sale Remote Recreational Cabin Sites (RRCS) parcels and 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 Southcentral Region, approximately 65 miles northeast of Glennallen, approximately 25 miles west-northwest of Mentasta Lake, and 25 miles north of Chistochina.

Proposed Offering: up to 25 RRCS parcels, and 5 previously surveyed parcels

To obtain the notice, Preliminary Decision, Mineral Order, Land Classification Order, Area Plan Amendment, or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907.269.8400 (TDD for the hearing impaired: 907.269.8411) or Fairbanks at 907.451.2705 (TDD for the hearing impaired: 907.451.2770), or the Southeast Land Office in Juneau at 907.465.3400 (TDD for the hearing impaired: 907.465.3888), or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, WEDNESDAY, AUGUST 1, 2018

Pursuant to AS 38.05.945 *Notice*, the public is invited to submit comment on either the Preliminary Decision, Mineral Order, Land Classification Order, or Area Plan Amendment for which notice is being conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 5:00PM, WEDNESDAY, AUGUST 8, 2018.** Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be received by fax, email or postal mail. To submit comments or for direct inquiries, contact Colin Craven. fax # 907.451.2751, land.development@alaska.gov. If you have questions, call Colin Craven at 907.451.2730.

If no significant change is required, the preliminary decision, mineral order, land classification order, and area plan amendment 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.