

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

**PRELIMINARY DECISION**

of a

**Proposed Land Offering in the Unorganized Borough, Glennallen, Alaska  
Memory Lane Subdivision – ADL 232021**

*AS 38.05.035 (e), AS 38.05.045*

and its

**RELATED ACTION:**

**Proposed Mineral Order #1171 (Closing)**

*AS 38.05.185 and AS 38.05.300*

**PUBLIC COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, JUNE 24, 2015**

**I. Proposed Actions**

*Preliminary Decision: Memory Lane Subdivision - ADL 232021*

*Attachment A: Vicinity Map*

*Attachment B: Area Data Summary Table*

*Attachment C: Public Notice*

*Public is also invited to comment on the proposed related action:*

*Draft Mineral Order MO 1171(Closing)*

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 and Contract Administration (LSCAS) is to offer for sale State-owned land for private ownership within the identified project area. If approved, surveyed parcels will be offered for sale in a future offering (or offerings) under the methods described herein.

Located within DNR's Southcentral Region, approximately 2¾ miles west of the intersection of the Glenn and Richardson Highways in Glennallen, the project area is within section 22 and 23, Township 4 North, Range 2 West, Copper River Meridian, within the Unorganized Borough. The project area consists of approximately 68 acres identified for disposal by this proposed action. See *Attachment A: Vicinity Map* for a depiction of the project area.

In accordance with the Copper River Basin Area Plan (CRBAP) and for the purpose of providing land for settlement, DNR proposes to sell land within the Memory Lane project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may develop a subdivision of no more than 20 parcels varying in size from 2 to 15 acres with allowance for possible larger remainder parcel(s). 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 relevant State of Alaska subdivision standards. The subdivision may be subdivided and offered in multiple stages.

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

### Proposed Related Action:

*Mineral Order (Closing):* DNR proposes a mineral order to close the project area to new mineral entry. Refer to the Reservation of Mineral Estate subsection of this document for more information on this proposed related action. The legal description for the mineral order is the same as the project area. A draft of Mineral Order #1171 accompanies this document.

The related action will be developed separately; however, public notice is made concurrently as described below.

Public Notice of Proposal: In accordance with *AS 38.05.945 Notice*, during a period of at least 30 consecutive days, the public has the opportunity to submit written comment on this proposed project area and mineral order. Public notice of the public comment period for all actions will be 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 the proposal is approved, DNR may issue a Final Finding and Decision.

## **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 [Sale of Land]*.

## **III. Authority**

DNR DMLW has the authority under *AS 38.05.045 Generally [Sale of Land]* 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 under *AS 38.05.035 (e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska states that it is the policy of the State encourage the settlement of its land. 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*.

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

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### IV. Administrative Record

The project file, Memory Lane Subdivision - ADL 232021, constitutes the administrative record for this proposed action. Also incorporated by reference:

- *Copper River Basin Area Plan for State Lands (CRBAP)* adopted December 1986 and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan* (amended October 1998);
- *Alaska Department of Fish and Game 2012 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 September 18, 2014*; and
- DNR case files, access easements, Title documents, and other records contained or referenced within the project file.

### V. Scope of the Proposal

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

### VI. Description

Location: within DNR's Southcentral Region, approximately 2¾ miles west of the intersection of the Glenn and Richardson Highways in Glennallen, approximately 177 road miles east of Anchorage, the project area is mostly south of the Glenn Highway along Memory Lane. 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*: Pursuant to AS 38.05.945(c), notice of the proposed action will be given to the Native Regional Corporation, and any village corporation within 25 miles of the project area. The project area is within the boundaries of the Ahtna regional corporation. Public notice or courtesy notice will also be distributed to the following village corporations and councils: Native Village of Cantwell; Cheesh-Na [Christochina] Tribal Council; Chitina Village Council; Gakona Village Council; Gulkana Village Council; Native Village of Kluti-Kaah [Copper Center]; Mentasta Traditional Council; and Tazlina Village Council.

Legal Description: The project area (see Attachment A) is located within the SE1/4SE1/4 and SW1/4SW1/4NE1/4SE1/4 Section 22; and SW1/4SW1/4 Section 23, lying south of the Glenn Highway right-of-way; within Township 4 North, Range 2 West, Copper River Meridian, within the Unorganized Borough, within the Chitina Recording District, Third Judicial District, Alaska.

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Title: Information from Title Report No. 7163, current as of 9/29/2014, indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Alaska Omnibus Act Quit Claim Deed, dated 6/30/1959, issued for the land and mineral estates to the State of Alaska. The applicable State case file is OSL 131. The land is subject to the reservations, easements and exceptions contained in the federal documents and subsequent actions by Public Easements for right-of-way and/or utilities also noted in the Title Report No. 7163. ADL 46286, an old Interagency Land Management Transfer (ILMT) with the Alaska Department of Fish & Game (ADF&G), and ADL 231181 are discussed in this section below under Background and under Hazardous Materials and Potential Contaminants.

*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; and leasable minerals such as oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils.

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

Neither Federal nor State Navigability Determination was addressed in File OSL 131. There appear to be no navigable waters in the proposed project area.

Physical Characteristics and Hazards: *Attachment B*: Area Data Summary Table describes the project area’s physical characteristics. The information about the project area is based on internal research, information received during agency review and a public scoping meeting, and ground field inspections conducted by DMLW Land Sale and Survey staff on July 31 and September 30, 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 individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

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*Geologic Hazards:* There is potential for discontinuous, ice-rich permafrost to be present in local soils. Comments received at the September 30, 2014 Scoping Meeting in Glennallen indicated that the general area may have underlying ice lenses that could be a challenge to stable foundation construction. Siting and design of structures should be carried out in accordance with appropriate building standards that would account for best practices for local geologic conditions. Each site may have micro-conditions that could vary from neighboring parcels. Should any additional geologic hazards be discovered in the future, they will be considered in the project's design and described in the project file and offering materials.

*Fire Hazards:* Potential for wild land fire is high in Interior Alaska, and Southcentral Alaska may experience varying degrees of wildfire danger if dry spells occur. The 2013 *Alaska Interagency Fire Management Plan* described the fire management option for this site as Critical – the highest priority for suppression action and assignment of available firefighting resources. It is important to note, however, that DNR Division of Forestry warns that DNR Division of Mining, Land, and Water inform participants there is no guarantee their property will be defended or spared from harm from a wild land fire. Alaska Interagency Coordination Center history showed small fires, 2 acres or less, in an area north of the Glenn Highway in 1951 and 2003. The closest fire protection facility would be the Glennallen Volunteer Fire Department; Glennrich Fire and Rescue Department is located in Copper Center. Landowners with structures are encouraged to follow the Alaska Wild land Fire Coordinating Group *Firewise Alaska* recommendations. DNR provides applicants with information regarding wild land fire prevention and encourages them to locate structures in defensible areas such as hardwood stands with access to water. The general proposed project area is readily accessed by existing roads and would therefore facilitate site improvement work for fire hazard mitigation as well as response of fire suppression equipment.

*Flood Hazard:* No relevant Federal Emergency Management Agency (FEMA) flood information or map data are available for the area. There may be potential for seasonal standing water during break-up or on sites with permafrost, especially in low-lying areas. There is potential for seasonal flooding and erosion of parcels adjacent to water bodies, especially along streams. LSCAS will continue to investigate and consider retaining areas prone to shallow water tables or excessive flooding.

Background: The Glenn Highway right-of-way (ROW) easement passes through and along the project area as does the Memory Lane ROW. Above ground electric power lines are found along/across these ROWs. Private land, ADL 37100, is situated adjacent to the proposed parcel on the north side of the Glenn Highway; it is shown on ASLS No. 72-47 (Plat 72-776) as a 2.5 acre parcel. This parcel was subsequently subdivided and is denoted as Moose Creek Subdivision (Plat 2010-3) with 1.0 and 1.5 acre lots. Just to the east, ASLS No. 79-18 (Plat 79-19), is comprised of seven tracts on both sides of the Glenn Highway; those tracts (and subsequent subdivision of one) north of the highway are not within the project area, but Tracts 5, 6, and 7 do contribute to the proposed project. ADL 48286, an old Interagency Land Management Transfer – ILMT (now known as Interagency Land Management Agreement – ILMA) with Alaska Department of Fish & Game (ADF&G or DFG) regarding buildings and land south of the Glenn Highway ROW and within the project area, is under an up-date study. Boundaries of the ILMT will be changed as part of the study and incorporated into a new survey; this effort will be taken into consideration and coordinated with the development and offering of the proposed Memory Lane Subdivision

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project. Also present on the south side of the highway are a number of easements and existing structures within the project boundaries. ADL 231963 and ADL 226366 are two preference right applications within or near the project boundaries that have structures on them. Unoccupied structures are in varying stages of disrepair, and past trash disposal and remaining debris, including vehicles, were observed at or near these sites during the 2014 field inspections. See Hazardous Materials and Potential Contaminants discussion below. The application for ADL 231963 is currently being adjudicated, and according to the state Land Administration System (LAS) the application for ADL 226366, outside of the proposed development area, was closed. Offering the project area within Section 22 east of Memory Lane will be coordinated with preference rights adjudication action.

ADL 231181, Potential Hazardous Sites, included a number of different potential hazardous sites within portions of sections 22 and 23. Shannon & Wilson, Inc. (SWI) report of August 2013 Site Plan South Side of Glenn Highway map depicted no suspected spots within the proposed subdivision project development area. Another SWI report of September 2014 had no indication of hazardous material south or west of Moose Creek.

Agency review comments revealed that in past years there was an old dump along Memory Lane about 1/3 mile beyond the south boundary of the proposed subdivision. It has not been determined if any hazardous materials or debris, from any source, are actually located within the project area. See Hazardous Materials and Potential Contaminants discussion below.

Memory Lane ROW passes through Spruceview Subdivision (Plat 95-21, Chitina Recording District), south of the project area. This abutting subdivision occupies the NW $\frac{1}{4}$  NW $\frac{1}{4}$  section 26. Plat Note #7 for this subdivision states, in part: "Poor soils and high water table and/or permafrost conditions exist in areas of this subdivision, requiring careful attention to the design of wastewater disposal systems."

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 (CRBAP) adopted December 1986, Glennallen-Gulkana Management Unit 23, Management Subunit 23D. The project area is designated Settlement and classified Settlement under Land Classification Order No. SC-79-010.

Project Development Team members reviewed the area plan's Chapter 2 Areawide Land Management Policies in general. Goals and Management Guidelines specified for Settlement, Public Access, Stream Corridors, Trail Management, and Wetlands, are addressed below, and these considerations will be incorporated into development of this project. Chapter 3 Land Management Policies were also reviewed for Management Unit 23: Glennallen-Gulkana, Subunit 23D regarding this project. Additional details are discussed under appropriate subsections found below.

*Settlement Guidelines:* This project is intended to meet CRBAP goal for year-round residences or community expansion. Management Guidelines A--E have been considered. Public feedback from a local Scoping Meeting on September 30, 2014 in Glennallen indicated interest in making quality State lands available for private ownership. This project offers such an opportunity in accordance with these guidelines. There is no local comprehensive plan or local government entity for this area. Parcels may be offered over time in order to avoid flooding the local real estate market.

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Subdivision design work will incorporate the CRBAP considerations into the development of the project. Lots will be of sufficient size to allow for residential enjoyment, privacy, and construction feasibility accommodating the guidelines above.

The project area parcel located on the north side of the Glenn Highway is bound by native or State Tentatively Approved lands on the north and west and by private lands to the east; the main part of the proposed subdivision development is bound on its north by the Glenn Highway and Moose Creek with most of the lands between the creek and highway to be retained in State ownership. Spruceview Subdivision abuts to the south along with University land on the south, and private land to the east and west. The entire southern boundary for the proposed subdivision is an east-west section line. Existing ROWs will be retained and incorporated into the layout design. Continued access to other lands or uses does not appear to be inhibited by this proposed subdivision. Where appropriate, lands to be retained in public ownership, conditions, and reservations will be shown on the plat and considered in the land sale brochure preparation.

*Public Access:* The proposed subdivision project will incorporate the CRBAP guidelines with regard to public access. It is anticipated that the N-S section-line easements within the project area will be formally vacated under *AS 19.30.410 Vacation of Rights-of-Way* and *11 AAC 51.065 Vacation of Easements* in order to optimize the layout design; constructed equal or better alternate access will remain should this process be approved. The E-W section-line easements will be retained. Memory Lane ROW is currently being up-dated by Southcentral Regional Office (SCRO) action as discussed at VII Agency Comments below and will allow primary access from the Glenn Highway. Plat design will be developed in conjunction with Department of Transportation and Public Facility (DOT/PF) and SCRO coordination. Offering the proposed parcels will not inhibit or prevent public access to other public or private lands beyond this location.

*Stream Corridors and Instream Flow:* Due to the course of Moose Creek along and through the proposed subdivision, CRBAP guidelines regarding stream corridors and instream flow have received particularly close consideration in the design process. Although not anadromous, this important stream is viewed as administratively qualified as a public water body. See *Access To Navigable or Public Water* and *Access To, Within, and Beyond Project Area* below for more discussion. Chapter 3 management intent for subunit 23D (page 3-153) states that a public recreation corridor will be retained along Moose Creek to protect fishing, swimming, and greenbelt values. Chapter 2, Stream Corridors and Instream Flow, Management Guidelines for Stream Corridors, page 2-47, D Establishing Widths of Publicly Owned Buffers, Easements, and Building Setbacks in Stream Corridors has been considered. Under D2 and based on the specific local site configuration and parcel design needs, along with consultation with ADF&G, DNR will, in this individual case, reserve a 100-foot wide public recreation corridor along both sides of Moose Creek within the project area at the same time allowing for the following situation. The area within Section 22 east of Memory Lane under preference rights application will be withheld from offering until the preference rights application matter is adjudicated. Such action may necessitate area plan modification to address the public recreation corridor discussed above. These steps will adequately allow for continued public enjoyment of fishing, swimming, and greenbelt values for that portion of Moose Creek that passes along and through the proposed subdivision, and they are consistent with the management intent and parameters stated

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in the area plan above. See further discussion on ADF&G recommendations under VII. Agency Comments below.

*Trail Management:* There are no RS2477 trails within the project boundary. RST 565, Copper Center – Nelchina Trail, is located about 1/2 mile south. No ATV or pedestrian paths were found within the project area, but two old cleared east-west lines from Memory Lane to the creek were observed during the 2014 field inspection. Project team staff found no discernable sign of on-going public use of the old lines due to their being overgrown and littered with much windfall material.

*Wetlands Management:* There were no discernable wetlands found within the proposed project boundaries.

The proposed offering is consistent with area-wide land management policies and general management intent of the CRBAP and specific management unit. The unit is designated Settlement, and State-owned lands within the unit are appropriate for disposal, including sale.

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

*Mineral Activity and Order(s):* No mineral activity has been identified on these lands. The entire 68 acre project area will be closed to mineral entry if the related action is approved in accordance with *AS 38.05.185 Generally* and *AS 38.05.300 Classification of Land* for a land disposal. Closing the entire area to mineral entry is consistent with the management intent of the CRBAP.

Mining activity would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. Area plan mineral estate management policy states that, in general, areas scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between land estate and mineral estate users.

Mineral closing orders, where established, close an 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.



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Local Planning: Where they exist, local zoning and related ordinances govern private land use. The project area is within the Unorganized Borough and platting actions are subject to State platting authority.

Traditional Use Finding: The project area is within the Unorganized Borough, and a traditional use finding is therefore required under AS 38.05.830. Information obtained from the CRBAP, research, agency review, public meetings, and site inspection indicates that the project area appears to be used for occasional, mostly local, recreation activity along Moose Creek. Pursuant to CRBAP, a public recreation corridor will be established along Moose Creek. DNR is aware of general regional traditional use but does not have knowledge of other specific traditional use pursued within the project area. Therefore, information specific to this site regarding current or traditional use is welcomed and can be given during the public comment period. 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. If this proposal is approved, comments will be addressed in a subsequent Final Finding and Decision if issued.

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 probable increase in the various traditional activities that may be practiced by new private-property owners.

Access To, Within, and Beyond Project Area: Access to the project area is via Glenn Highway and Memory Lane, historically possibly also known as Pilcho Drive or Old Dump Road. Beyond the south boundary of the project area, Memory Lane is a dedicated public ROW (Plat 95-21). Information submitted by DNR Southcentral Regional Office (SCRO) concerning Memory Lane ROW status has been received and considered in this decision. ADL 218306 was issued as a Right-of-Way Permit in 1987 for a 50' wide public access road. In order to comply with current requirement calling for a 60' wide easement, ADL 231846 is presently being processed by SCRO; this action is for road access from Glenn Highway southeast to section line common to sections 23 and 26 connecting to Memory Lane dedication in Spruceview Subdivision (Plat 95-21). This covers essentially the same ROW easement location as ADL 218306 but increases the width to 60'. Final approval and mylar recording of Engineering Plat File (EPF) 2014-22 survey documenting the 60' wide public ROW is pending. SCRO has explicitly stated that, "...the preliminary survey document is reliable for the purpose of progressing the development of subdivision plans currently described for ... Memory Lane Subdivision." Furthermore, should the proposed subdivision project advance to fruition, a subdivision plat will formally dedicate that portion of Memory Lane within the proposed subdivision as a public ROW.

SCRO also made recommendations regarding location of utility easements and coordination of subdivision development along this portion of Memory Lane. It is intended that any new utility easements will be separate from and outside of reserved or dedicated public access routes through the subdivision project. Subsequent communication from SCRO Material Unit and DOT/PF regarding access to material sites in the area indicated no objection to the Memory Lane Subdivision project. LSCAS Project Development Team will continue to coordinate with SCRO and DOT/PF regarding any concerns about development along Memory Lane ROW or Glenn Highway ROW. Further public access is provided by east-west section-line easements along the southern boundary of the subdivision. Subdivision design will take into account topography, vegetation, stream course, and access to lands beyond the project area. The project area is within the Unorganized Borough. Approval of

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platting actions and dedication of rights-of-way is subject to the platting authority of the State of Alaska.

*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 right-of-ways as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or right-of-ways 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*.

It appears that Moose Creek has traditional public recreational use and, although not listed as anadromous, is of sufficient size and importance to the general region to be administratively declared a public water body. Pursuant to CRBAP, a public recreation corridor 100 feet wide will be established along both sides of Moose Creek as discussed above at *Stream Corridors and Instream Flow*. Any additional water bodies in the project area identified as public or navigable prior to completion of survey will be subject to AS 38.05.127 easement.

*Building Setbacks From Public or Navigable Water:* If subdivision is deemed feasible, there will be no need for special easements or setbacks from Moose Creek because the 100 foot wide public recreation corridor will be retained in State ownership.

*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. Final width and location of easements and reservations will be determined as part of the State platting process.

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

- a public access and utility easement along interior parcel boundaries and outside of any ROW 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 11 AAC 51.025 *Section-line Easements* unless vacated under AS 19.30.410 *Vacation of Rights-of-Way* and 11 AAC 51.065 *Vacation of Easements*;
- a 100-foot public recreation corridor retained on both sides of Moose Creek allowing for factors discussed above at *Stream Corridors and Instream Flow*;

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- a minimum 50 foot building setback from wetland areas as appropriate if any are discovered prior to platting; 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' 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: Title Report No. 7163 specifically called attention to ADL 231181, Potential Hazardous Sites within possible portions of the project area and to the 2010 Preliminary Assessment and Clean Up Planning Report from Shannon & Wilson, Inc. (SWI). Reference to SWI report, in particular August 2013 Site Plan, South side of Glenn Highway, Figure 3, did not indicate any concerns within the proposed subdivision development area. A follow-up May 2015 consult with SCRO revealed that a SWI report of September 2014 also made no indication of contamination sites within the project area south or west of Moose Creek. During ground field inspection conducted on September 30, 2014 DMLW field staff did observe some possible environmental hazards located essentially within the preference rights application ADL 231963 parcel. That 5 acre plot abutting the Glenn Highway within the northcentral portion of the overall project area is undergoing adjudication concerning application for a preference right. Junk cars, a deteriorating house trailer, an abandoned structure and outhouse, and assorted trash may or may not impose potential impact beyond this 5 acre plot, including along the creek near the highway. The area within Section 22 east of Memory Lane under preference rights application will be withheld from offering until the matter is adjudicated. Such action may necessitate area plan modification to address the required public recreation corridor.

Agency Review comments from Division of Forestry in Glennallen (see Section VII. Agency Comments below) expressed concern regarding a long-used old dump along Memory Lane. Data provided showed the old dump site to be located at least 1/3 mile south and downstream of the closest boundary of the proposed subdivision.

There are no other known environmental hazards present within the project area; however, the State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid submittal or applying to purchase.

DNR DMLW recognizes there are potential environmental risks when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the State of Alaska, Department of Environmental Conservation. Given the high degree of interest from both the legislature and citizens in sale of State-owned land, DNR DMLW is of the opinion that the benefits outweigh the potential risks.

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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 after an approved Final Finding and Decision authorizes the project to move into that stage.

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. Sale of project area parcels in multiple offerings over time will mitigate "flooding" the local market; the two year appraisal requirement must still be followed.

## **VII. Agency Comments**

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from December 22, 2014 through February 5, 2015. 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.

### Division of Oil and Gas (DOG) Comment:

DOG recommends that LSCAS make potential bidders aware the State reserves oil, gas, coal, minerals, fissionable material, geothermal resources, and fossils and reserves the right to enter, explore, develop, and produce such resources in or upon lands offered for sale; and notes that the proposed mineral order closing the area to mineral entry will not apply to leasable mineral resources. DOG also commented that there are no DOG authorizations or pending applications for exploration licenses or oil and gas leases in the vicinity of the proposed land disposal, however; State-owned lands in the area are available for exploration licensing under Division of Oil and Gas Exploration Licensing Program.

### DNR DMLW LSCAS Response:

LSCAS routinely includes information in the auction brochure explaining the reservation of the mineral estate for locatable and leasable minerals, and the application of closing lands to mineral entry. Also see discussion above under Title and at Reservation of Mineral Estate in Section VI above.

### Office of History and Archaeology (OHA) Comment:

OHA reported "The Alaska Heritage Resources Survey (AHRS) database indicates that there are no recorded cultural resource sites within the proposed subdivision area." However, only a small portion of the state has been field surveyed for cultural resources. Therefore, "...should inadvertent discoveries of cultural resources occur during the duration of the project, our [OHA] office should be notified so that we [OHA] may evaluate whether the resources should be preserved in the public interest (as specified at Section 41.35.070[d])."

## **Preliminary Decision**

Memory Lane Subdivision – ADL 232012

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### DNR DMLW LSCAS Response:

LSCAS concurs with the comments provided, and routinely includes this information in public offering documents.

### Department of Transportation & Public Facilities (DOT/PF) Comment:

DOT/PF Northern Region stated that access to the subdivision will be via public access easement within the plat. If additional access is required from the Glenn Highway or any DOT/PF ROW, a driveway permit must be obtained before access is constructed. Additional information received from DOT confirmed that, DOT Material site, MS 42-3-012-5 is in section 26 and will not be affected by this project. DOT indicated that so long so access to this material site is not adversely affected they have no comments or concerns.

### DNR DMLW LSCAS Response:

LSCAS concurs with the comments provided. Refer to the *Public Access* section of this document for more information.

### Alaska Department of Fish & Game (ADF&G) Comment:

ADF&G noted that Moose Creek provides fishing for Arctic grayling and rainbow trout. ADF&G concurs with the proposal to retain a corridor along Moose Creek, and recommends the corridor be 150 feet in width along both sides of Moose Creek.”

### DNR DMLW LSCAS Response:

The Copper River Basin Area Plan management intent for Subunit 23D states, “A public recreation corridor will be retained along Moose Creek to protect fishing, swimming, and greenbelt values.” Chapter 2 Management Intent regarding Stream Corridors and Instream Flow provides that, “a standard minimum buffer width of 200 feet should generally be established landward from the ordinary high water mark on each bank. This width may be reduced to a minimum of 100 feet on each bank in individual cases when consistent with the management objective of the stream corridor.” Additional communication with ADF&G in May 2015 led to checking with the Glennallen area biologist, and the responding habitat biologist confirmed that they would have no objection to a 100 foot wide buffer on each side of Moose Creek in this individual case. LSCAS has considered the above coordination and guideline in an effort to comply with the CRBAP corridor requirement and concluded that due to desired parcel size, topography, and boundary line limits, a 100 foot wide corridor on each side of Moose Creek on that portion that passes through the proposed project area would be appropriate. As a practical matter, a 150 foot width simply would not be reasonable for optimum subdivision of lands bounding the creek. The management objective to protect fishing, swimming, and greenbelt values will be achieved, and DMLW asserts the above action meets the spirit and letter of the corridor provision and is consistent with the management objectives for a stream corridor.

### DNR Southcentral Region Office (SCRO) Comment:

A lengthy and detailed account of the permitting history of Memory Lane was provided, including an up-to-date confirmation that this 60-foot wide public ROW will be documented by State Engineering Plat File (EPF) 2014-22 in support of the easement for Memory Lane (ADL 231846), which is anticipated to facilitate a potential future land sale further south titled Pilcho Avenue Subdivision (ADL 231755). SCRO specifically expressed no objection to the

## **Preliminary Decision**

Memory Lane Subdivision – ADL 232012

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Memory Lane project and that pending recording action for the EPF, there should be no reason to impede progressing the proposed Memory Lane Subdivision. SCRO did recommend locating exterior utility easements separate from and adjacent to (not co-located within) dedicated public access routes. Also requested was on-going coordination with the Permitting Unit regarding SCRO-managed material site (ADL 231655) and DOT/PF's use of the same. A separate comment submitted by the SCRO Material Unit confirmed no objections to the proposed Memory Lane Subdivision.

### DNR DMLW LSCAS Response:

The thorough review and submitted comments are welcome and appropriate. LSCAS has and will continue to consider and apply SCRO's recommendations as part of the on-going subdivision design effort should this project advance to final authorization. See discussion at Access To, Within, and Beyond Project Area above for details regarding specific points in the submitted comments. The land sale project will be coordinated and designed taking into account SCRO concerns and DOT/PF standards. See also DOT/PF comments and LSCAS response above.

### Division of Forestry (DOF) Comment:

DOF indicated no timber management concerns with the proposed subdivision. DOF encouraged that Firewise engineering be detailed into the design of the subdivision, recommended Firewise compliance for any structures built within the subdivision area, and expressed concern regarding the location of the proposed subdivision and the "old Glennallen dump that used to be situated along Memory Lane.

### DNR DMLW LSCAS Response:

The Firewise recommendations are welcome and are taken into account with parcel design, specifically with regard to slope, ingress, egress, and parcel size. Potential land sale participants are specifically advised of Firewise guidance in the offering publications, and wildfire hazard is discussed in this preliminary decision under Physical Characteristics and Hazards above. DMLW concurs with DOF that prudent land owners should conscientiously apply Firewise principles with their structures. There is, however, no practical way, nor is there authorization, for DNR to enforce compliance with the guidelines.

Upon further communication and research, DOF was able to submit more specific details on the likely location of the old Glennallen dump. From the data provided, it appears the old dump was located at least 1/3 mile south and downstream of the closest boundary of the proposed subdivision. DMLW again concurs with concerns about potential contamination from such old and all but forgotten sources. The Alaska Department of Environmental Conservation was invited to provide agency review comment on the Memory Lane potential subdivision project, but no input was received from that office. LSCAS has called this old dump site to the attention of the DNR Southcentral Regional Office (SCRO), as they are in charge of permitting such uses on state lands. SCRO Permitting Unit has indicated interest in follow-up within budgetary and man-power constraints. LSCAS also recommended that an Alaska Division of Lands (ADL) number be assigned and entered into the Land Administration System (LAS) in order to alert those seeking information about the area to this past historical use. Unfortunately, it is beyond the scope of this decision to bring about further action regarding the old dump site. LSCAS appreciates local knowledge on each of our projects and encourages all citizens and agencies to pursue further effort on subjects of

## **Preliminary Decision**

Memory Lane Subdivision – ADL 232012

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concern with the appropriate agencies. Any additional public or agency factual information relating to the proposed subdivision is welcomed during the public comment period.

The following agencies all responded with comments of non-objection:

Alaska Railroad Corporation (ARRC)

Division of Agriculture (DOA)

Department of Commerce, Community, & Economic Development (DCCED)

Mental Health Trust Land Office (MHTLO)

State Pipeline Coordinator's Office (SPCO)

Kenny Lake Soil & Water Conservation District (KLSWCD)

Division of Geological & Geophysical Surveys (DGGS)

DNR DMLW LSCAS Response

The time taken to send a response is appreciated.

The following agencies were invited to comment but no input was received:

Department of Environmental Conservation (DEC)

University of Alaska (UAA)

DNR, DMLW, Resource Assessment & Development Section (RADS)

## **VIII: Submittal of Public Comments**

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

Pursuant to *AS 38.05.945 Notice*, DNR issues public notice inviting comment on this proposed project and mineral order. If commenting on more than one proposed action, separate comments should be submitted for each.

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

All timely, written comments received by DNR DMLW LSCAS will be considered. All comments should clearly explain the facts on which they are based and how they pertain to the proposed action. If analysis of timely written comments received indicates the need for significant

## Preliminary Decision

Memory Lane Subdivision – ADL 232012

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changes to the proposed project or mineral order, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to either proposal will not be considered significant changes requiring additional public notice.

If both proposals are approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and the DMLW responses, may be issued as a subsequent Final Finding and Decision without further notice. The mineral order and associated documents will be developed separately but approved concurrently with the Final Finding and Decision.

Only persons from whom DNR DMLW LSCAS receives timely, written comment during the identified comment period will be eligible to file an appeal or request for reconsideration on the Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision may be made available online at <http://dnr.alaska.gov/mlw/landsale/> and will be sent with an explanation of the appeal or 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, JUNE 24, 2015**

## **IX. Alternatives and Discussion**

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Develop a subdivision of no more than 20 parcels varying in size from 2 to 15 acres with allowance for possible larger remainder parcel(s), and offer those parcels for sale. The development and offering of these parcels may be done in one or more offerings.

Alternative 2: Do not subdivide the project area prior to offering. Offer the project area as a single, 68-acre parcel.

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

Article VIII, Section 1 of the Alaska Constitution states, in part, that. "it is the policy of the State to encourage the settlement of its land..." Furthermore, *AS 38.05.045 Generally [Sale of Land]* has placed this charge with DNR, and the legislature has provided funding to administer this charge.

Alternative 1 provides a method for DNR to help meet the obligations laid out in the Constitution and statute, and to accommodate interest expressed by local people at the September 2014 scoping meeting to buy high quality parcels near Glennallen. Alternative 1 maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. A subdivision will allow DNR DMLW to create a design that will maximize use of



## **Preliminary Decision**

Memory Lane Subdivision – ADL 232012

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the land and provide a greater number of the public an opportunity to purchase land within this area suitable for settlement. Due to the unique amenities in and around the Glennallen location, and the existence of near-by residential property, the project area is best suited to subdivision action prior to offering.

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

Alternative 3 inhibits DNR DMLW from meeting its Constitutional and legislative obligations. . The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Not offering the project area would deny Alaskans the opportunity to obtain land in an area that is suited to settlement. Alternative 3 is not preferred.

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

Recommendation follows.

**Preliminary Decision**

Memory Lane Subdivision – ADL 232012

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**X. Recommendation**

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

This is a Preliminary Decision and evaluation of subsequent public review may result in changes to the preferred alternative or disapproval of the proposed primary action and/or the accompanying related action. If the decision is approved, the mineral order will accompany any Final Finding and Decision issued.

/s/

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

5/15/2015

Date

/s/

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

5/15/2015

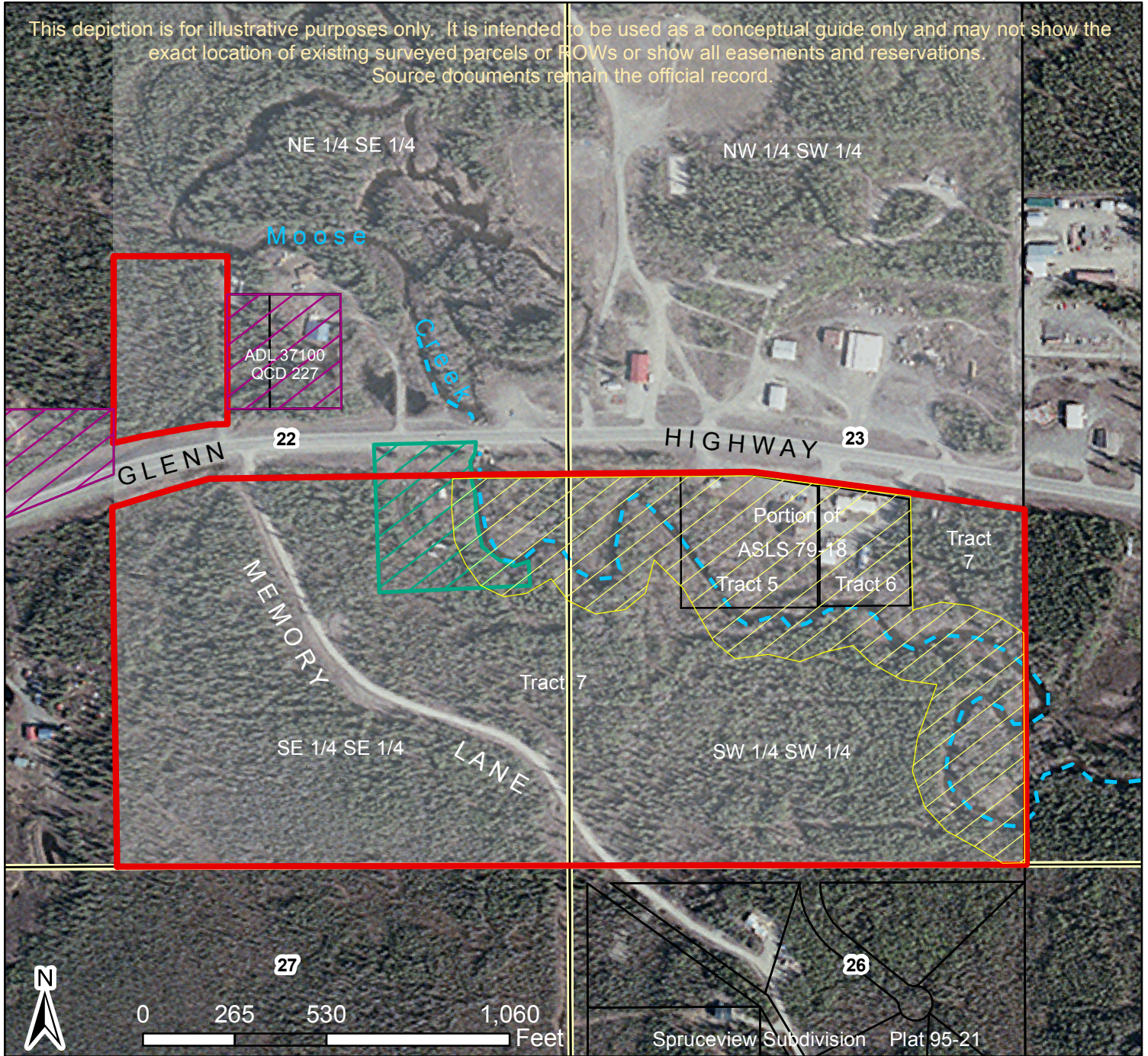
Date



# Memory Lane Subdivision ADL 232021

# Attachment A: Vicinity Map to the Preliminary Decision for a Proposed Land Offering in the Unorganized Borough

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



SE1/4SE1/4 and SW1/4SW1/4NE1/4SE1/4 Section 22,  
and SW1/4SW1/4 Section 23 south of the Glenn Highway,  
Township 4 North, Range 2 West, Copper River Meridian

JWT-LR 5/11/2015

**USGS QUAD 1:63,360**

Gulkana A-4

For more information contact:

Cliff Baker or John Thomas

Department of Natural Resources

Division of Mining, Land and Water

Land Sales & Contract Administration Section

Phone 907.269.8522 or 8591

Fax 907.269.8916

Email [landsales@alaska.gov](mailto:landsales@alaska.gov)

## Legend

ADL 231963

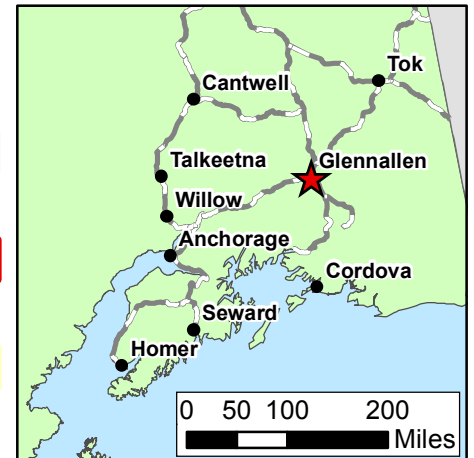
Area Retained by State

ADL 232021 Project Area

Land Disposal - Conveyed

Section Lines

Other State Land



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, Glennallen area**

**Memory Lane Subdivision – ADL 232021**

<b>Offering Information</b>	
<b>Proposed Number of Parcels</b>	Up to 20 parcels
<b>Proposed Parcel Size</b>	Varying in size from approximately 2 to 15 acres, with possible larger remainder tracts
<b>Proposed Related Actions</b>	Mineral Order No. 1171 (Closing)
<b>Project Area</b>	
<b>Location</b>	Approximately 2¾ miles west of the intersection of the Glenn and Richardson Highways in Glennallen
<b>Project Area Acreage</b>	Approximately 68 acres including all areas to be retained in State ownership
<b>USGS Topography Map</b>	USGS Quad Gulkana A-4
<b>Legal Description</b>	SE1/4SE1/4 and SW1/4SW1/4NE1/4SE1/4 Section 22; and SW1/4SW1/4 Section 23, lying south of the Glenn Highway right-of-way; within Township 4 North, Range 2 West, Copper River Meridian
<b>Title</b>	Alaska Omnibus Act Quit Claim Deed, dated 6/30/1959, issued for land and mineral estates to the State of Alaska. State Case File: OSL 131.
<b>Area Plan and Classification</b>	Copper River Basin Area Plan (CBAP) (adopted 1986), Management Region Glennallen/Gulkana, Unit 23D. Classification: Settlement
<b>Mineral Orders</b>	Related Action MO No. 1171 concurrent with this project will close the entire 68-acre project area to new mineral entry
<b>Physical Characteristics</b>	
<b>Access</b>	Primarily via Memory Lane from the Glenn Highway; some individual lots may be accessible via platted internal easements
<b>Terrain and Major Features</b>	Nearly level uplands transected by Moose Creek near the east boundary. Heavily treed ground gently slopes from about 1450 feet elevation on the west to about 1400 feet elevation 1/2 mile to the east.
<b>View</b>	Thick trees preclude potential view of distant Wrangell-St. Elias mountains to the east and southeast and Chugach Mountains to the south and southwest
<b>Climate</b>	Mean January temperature -10°F to July 56°F with extremes -50°F to +80°F; snowfall averages 39 inches with total precipitation of 9 inches

**Attachment B: Area Data Summary Table**

for a Proposed Land Offering in the Unorganized Borough

Memory Lane Subdivision – ADL 232021

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<b>Soils</b>	A USDA Natural Resources Conservation Service (NRCS) Custom Soil Report indicates that the soils are made up mainly of well-drained Gakona silt loam, as well as Klutina-Klutina and the more poorly-drained Kuslina peat. While higher sites appear to be well drained, widespread permafrost and high water tables are common in the Copper River Basin. Some near-by residents have experienced difficulty with permafrost/ice lenses leading to foundation settlement and structural distress. 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.
<b>Vegetation</b>	A July 2014 Field Inspection found abundant, lush white birch, aspen, white spruce to approximately 40 feet in height on uplands, with some black spruce and riparian species near the stream. The understory consisted of common local shrubs and grasses throughout the project area. No evidence was observed of any recent wild land fire.
<b>Water Source</b>	Natural well water can be less than optimum throughout the Copper River Basin. Water quality at this site is unknown.
<b>Anadromous Waters</b>	None. Moose Creek, flowing through portions of the east and northern parts of the project area, is not found in the ADF&G listing for anadromous waters, but ADF&G reports that this creek has Arctic grayling and rainbow trout fishing.
<b>Local Management Information</b>	
<b>Fire Management Option</b>	<i>Alaska Interagency Fire Management Plan</i> described the fire management option as Critical – the highest priority for suppression action and assignment of available firefighting resources. Nonetheless, there is no guarantee of complete protection of land or structures from wild land wildfires. The closest fire protection facility would be the Glennallen Volunteer Fire Department; Glennrich Fire and Rescue Department is located in Copper Center.
<b>Game Management Unit</b>	ADF&G Nelchina-Upper Susitna, Region 4: GMU 13D south of Glenn Highway, and GMU 13A north of the highway
<b>Local Authority</b>	The project area is within the Unorganized Borough and therefore is subject to State of Alaska platting authority. There is no municipality in the area.
<b>Flood Zone</b>	No relevant Federal Emergency Management Agency (FEMA) flood information or map is available for the area. Soil reports indicate no frequency of flooding for any soil type in the project area.
<b>Utilities</b>	This area is currently served by Copper Valley Electric Association; power lines are present along Memory Lane. A piped sewage system is of service to a limited number of homes and businesses in downtown Glennallen approximately 1 mile to the northeast across the Glenn Highway. Most area residents use septic tank systems with sometimes marginal success due to local permafrost or ice lenses. This may necessitate special (above ground) disposal methods. Refuse collection services and a Class II landfill are available.
<b>Waste Disposal</b>	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation; a local land fill is available for solid waste disposal.

**Attachment B: Area Data Summary Table**

for a Proposed Land Offering in the Unorganized Borough

Memory Lane Subdivision – ADL 232021

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<b>Setbacks, Reserved Areas, Easements, and Conditions</b>	
<b>Improvements</b>	Prior to construction of any structure, driveway, or waste disposal system, purchasers should contact the platting authority and/or DEC for any permits or for required setbacks from water bodies, lot lines, and easements.
<b>Building Setbacks</b>	<ul style="list-style-type: none"> <li>• a 50-foot building setback from wetland areas</li> </ul>
<b>Public Access and Utility Easements</b>	<p>Parcels may be subject to the following:</p> <ul style="list-style-type: none"> <li>• public access and utility easements along interior parcel boundaries and outside of any ROWs;</li> <li>• a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with <i>AS 19.10.010 Dedication of Land for Public Highways</i> and <i>11 AAC 51.025 Section-line Easements</i> unless vacated under <i>AS 19.30.410 Vacation of Rights-of-Way</i> and <i>11 AAC 51.065 Vacation of Easements</i>;</li> <li>• 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.</li> </ul>
<b>Public or Navigable Water Bodies</b>	Moose Creek is considered Public Waters (see <u>Access To, Within, and Beyond Project Area</u> above). If any additional water bodies are deemed public or navigable within the project area prior to platting, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.
<b>Additional Information</b>	
<b>Native Regional Corporations</b>	Ahtna, Inc.
<b>Villages and Tribal Councils</b>	Native Village of Cantwell; Cheesh-Na [Christochina] Tribal Council; Chitina Village Council; Gakona Village Council; Gulkana Village Council; Native Village of Kluti-Kaah [Copper Center]; Mentasta Traditional Council; and Tazlina Village Council
<b>Oil and Gas Activity</b>	None known
<b>Mining Activity</b>	None known
<b>Comments</b>	A 100-foot wide public recreation corridor will be retained by the State on both sides of Moose Creek for appropriate areas within the proposed subdivision. Portions of the proposed development area in Section 22 east of Memory Lane ROW involved with ADL 231963, a Preference Rights application currently being considered, will not be offered until that action has completed adjudication. Such action could potentially require an area plan amendment or other action to accommodate or handle the stream corridor issue. See also <u>Background</u> above.

## ATTACHMENT C: PUBLIC NOTICE

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

#### PUBLIC NOTICE

Inviting Input on Proposed Land Offering  
**Memory Lane Subdivision – ADL 232021**  
a Preliminary Decision and its Proposed Related Action  
**Mineral Order No. 1171** (Closing)

**COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, JUNE 24, 2015**

Surveyed parcels will be offered for sale to the public as described in the Preliminary Decision (PD) document. The project may be subdivided and sold in multiple offerings over time. Located within DNR's Southcentral Region, approximately 2 ¾ miles west of junction of Glenn and Richardson Highways (Glennallen) just south of the Glenn Highway about 177 road miles east of Anchorage, the project area is within portions of Sections 22 & 23, Township 4 North, Range 2 West, Copper River Meridian, within the Unorganized Borough. Project size: approximately 68 acres, up to 30 parcels sized from 2 to 6 acres

To obtain a copy of the Preliminary Decision or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, M-F 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. Those requiring special assistance must make request to the Public Information Center in Anchorage no later than 4:00 PM, TUESDAY, JUNE 16, 2015.

Pursuant to AS 38.05.945 Notice, public comment is invited on all actions proposed in this notice. All comments should clearly explain the facts on which they are based and how they pertain to the proposed action. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 5:00PM, WEDNESDAY, JUNE 24, 2015.** Only persons from whom DNR DMLW LSCAS receives written comment by this deadline will be recognized as eligible to file an appeal or request for reconsideration on the Final Finding and Decision and/or the related action. Written comment or inquiries must be received by fax, email, or postal mail at: fax 907.269.8916; [subdivision.sales@alaska.gov](mailto:subdivision.sales@alaska.gov); or DNR Land Sales, 550 W. 7th Ave., Suite 640, Anchorage, AK 99501. For questions, call DNR Land Sales, 907.269.8594.

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