

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

of a
**Proposed Land Offering in the Matanuska-Susitna Borough
Dog Sled Subdivision – ADL 231738
AS 38.05.035(e), AS 38.05.045**

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

This Final Finding and Decision (FFD) complements, modifies, and updates the Preliminary Decision (PD) dated February 18, 2014. The PD and related action have had the required public review.

The Preliminary Decision is considered a part of this FFD and is hereby attached.

Attachment 1: RST 536 and ADL 231738 (illustration)

I. Recommended Actions

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales and Contract Administration Section (LSCAS) recommends offering for sale State-owned land for private ownership within the Dog Sled Subdivision project area (ADL 231738), as described in the PD as modified herein. Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally [Land for Sale]*.

The PD has been modified by this FFD as described at section VI below.

This FFD also reemphasizes, as acknowledged in the PD, that the existing RST 536 within or adjacent to the project area is to be located and preserved by an as-built survey in conjunction with the formal subdivision plat to be submitted should this project move forward to that stage.

For the purpose of providing land for settlement in DNR's Southcentral region of Alaska, if deemed feasible, DNR may develop a subdivision of no more than 12 parcels of at least 3.0 acres each to be located in approximately 60 acres of the western portion of the settlement area. This represents a reduced number of parcels from that originally proposed in the PD and a reduction of proposed project area to only 62% of the overall settlement area. That portion of the K-10 settlement unit east of RST 536 will be retained by the state under separate ADL 231927; it is the recommendation of LSCAS that this remainder portion be incorporated into the abutting K-11 state lands designated Wr (water resources) under the Southeast Susitna Area Plan (SSAP) classification. The project area is located within the Matanuska-Susitna Borough (MSB) and therefore survey, platting, and access will be subject to the relevant subdivision

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standards. MSB processing includes public comment opportunity. The project may be subdivided and sold in more than one offering over time.

There is one related action with this project:

Mineral Order: DNR DMLW proposes to close the project area to new mineral entry.

Public notice for this related action was conducted concurrently with the notice for the primary action's Preliminary Decision.

II. Authority

The State of Alaska, Department of Natural Resources (DNR) 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 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 mandates that the state promote the settlement of its land into private ownership.

For related mineral order action, *AS 38.05.185 Generally [Mining Rights]* allows for closing lands to mineral entry.

III. Public Participation and Input

All state requirements for public notice and public comment input have been met as covered in detail in Section V below. Further research, evaluation of agency and public input, and ongoing development study may reveal new data for consideration with concept and design of the proposed project. Should this project move forward with State approval, final subdivision design and survey will be completed by an Alaska licensed surveyor. After DNR review, the surveyor will submit a platting application including a preliminary plat to the local platting authority prior to survey. In an organized borough the subdivision design must be submitted for approval in accordance with local ordinances and codes. At that point the public will have opportunity at the local level to provide additional comment and feedback on the preliminary plat prior to final establishment of lot corners and monuments.

Subdivision design will be submitted to the MSB for review in accordance with Title 43 of their Administrative Codes:

Title 43.10.060(A) Platting Board Procedure: "The platting board shall act on an application for preliminary plat ... only after holding a public hearing on the application."

Title 43.10.065 Notice: Public Hearing: This section details the parameters required for public hearing notification by the MSB.

IV. Traditional Use Findings

In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a traditional use finding is required for project areas located within the Unorganized Borough. This project area is within an organized borough; therefore no Traditional Use Finding is required.

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V. Summary of Public Notice and Comments

Pursuant to AS 38.05.945 Notice, public notice inviting comment appeared on the State of Alaska Online Public Notices website at <http://notes.state.ak.us/pn/> and was posted on the DNR DMLW LSCAS website at http://dnr.alaska.gov/mlw/landsale/public_notice/ for the entire public notice period which started February 18, 2014 and ended April 1, 2014. Notification and decision copies were sent directly to area state legislators and to multiple state agencies, surrounding landowners, and to other interested entities; additionally, parties were notified via the subscribers list for public notice and subdivision offering by email. Information was also posted to Twitter, and Facebook. Notices were mailed to the Matanuska-Susitna Borough per AS 38.05.945 (c) (1), CIRI native regional corporation per AS 38.05.945 (c) (2)-(3), and local and state Soil and Water Conservation Districts per AS 41.10.130 and 11 AAC 67.029. Additionally, notices, Attachment A map, and a request to post for 30 days were sent to 5 postmasters and 4 librarians in the vicinity of the offering and to the City of Houston.

The public notice stated that written comments were to be received by 5:00PM, April 1, 2014 in order to ensure consideration and eligibility for reconsideration. For more information, refer to the Preliminary Decision, Attachment C. In response to the public notice, DNR DMLW LSCAS received timely comments from 9 state agencies and 9 public sources. As noted on page 1 above, the PD has been modified; see VI. Modification to Decision below. All comments received during the public comment period are summarized below in chronological order received, grouped by agencies first.

Division of Mining, Land and Water (DMLW) Comments:

Four agencies within DMLW submitted short comments of non-objection.

DNR DMLW LSCAS Response:

All comments are appreciated. Any brief specific items were either already confirmed in the PD or are incorporated in this FFD.

Mental Health Trust Land Office (MHTLO) comment:

This project does not impact MHT Lands, and therefore MHTLO "... has no objections to the proposed Dog Sled Subdivision ..."

DNR DMLW LSCAS Response:

The comment is appreciated.

Alaska Association of Conservation Districts (AACD) comment:

Expression was offered in concurrence to the comments made by the Upper Susitna Soil and Water Conservation District (USSWCD) for this project in the PD. An additional suggestion was made: "...there is a soil classification included in this land disposal that could possibly be of agriculture value to some degree. Since the public has requested more small sized (10 to 20 acre) parcels be put up for agricultural use as farmer's market producing plots, I would state that the Alaska Association of Conservation Districts would ask that this type of land be used for this purpose when possible."

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DNR DMLW LSCAS Response:

Agency Review USSWCD comments have helped guide the processing of this proposed subdivision. Although the total number of lots to be offered in this project may be fewer than originally anticipated, DNR desires to present a variety of lot sizes in order to accommodate the range of interest likely for the area. From our research and these comments and those submitted by DNR Division of Agriculture, we are aware of good Capability Class III soils comprising most of the project area. We intend to include this information in the offering brochure should this decision be approved and move forward to sale. As other project areas come up for study, this soil feature will be considered as requested. Note: for parcels to be sold as agriculture offerings, the minimum sized required by statute is 40 acres.

State Pipeline Coordinator's Office (SPCO) comment:

SPCO reported it had, "...reviewed the Proposed Dog Sled subdivision project, ADL231773, and has no concerns. There are no AS 38.35 pipeline rights-of-way or AS 38.35 proposed pipelines in the area."

DNR DMLW LSCAS Response:

Thank you for the time to review the project and verify there are no conflicts with your agency responsibilities.

Division of Agriculture comment:

"The Division of Agriculture appreciates the inclusion of information regarding soils with agriculture potential and the potential offering of 10-20 acre parcels."

DNR DMLW LSCAS Response:

Data and comments provided by the Division of Agriculture have assisted in the project planning process and will continue to be taken into account. Within area plan, financial, and other constraints influencing this subdivision project, we anticipate offering a range of lot sizes to include several suitable for potential small size agriculture purposes.

Department of Fish and Game (ADF&G) Comment:

After review of the Preliminary Decision, ADF&G wrote: "We appreciate DNR reserving and maintaining access on RST 536, and we would like add that bears are known to fish and concentrate along Montana Creek upstream of the bridge. Anyone wishing to purchase one of these lots should be aware of the potential for bear interactions. ADF&G has no additional recommendations or concerns at this time."

DNR DMLW LSCAS Response:

All comments are appreciated, and LSCAS will keep the information about bears frequenting the area in mind during preparation of the offering brochure.

Individual Comments:

Nine public comments were received: 2 from Dog Mushing Clubs (Montana Creek Dog Musers Association and the Aurora Dog Musers Club Inc.), 1 from the Willow Trail Committee, 1 from

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a state senator staff member, and 5 from other individuals. All of these basically opposed the project based on essentially the same topic – the RST 536 trail and great concern about the long existing dog mushing trail and connecting networks that run through or close to the project area. Because comments were all so similar, and in some cases referred to the same statements of other writers, the following is a summary of mutual concerns with unique or special points broken out separately.

Trail History comments: Comments were submitted explaining the background and some history of the subject trail for dog mushing and races. Typically, snow conditions are more favorable and last longer than in other locations; trails were created and are maintained by clubs for use by mushers of every mushing level from local and international origins. Thousands of dollars and much time are expended to groom trails to an even and firm surface during each winter season. Decades of past and current use by dog mushers of all levels makes this area of great interest to mushing fans. Dog mushing is the state sport as pointed out in the "... recent passage of HCR24 'Right to Mush' resolution by the Alaska Legislature."

DNR DMLW LSCAS Response:

LSCAS appreciates the importance of the trail and associated connections and loops to the dog mushing community and has taken this background into consideration in arriving at the modifications made in this FFD. Indeed, this is a feature that lends a special quality to this proposed project along with other desirable points. In addition to the name itself Dog Sled Subdivision, under the spirit of the state House Concurrent Resolution (HCR) No. 24, introduced 3/3/14 "Recognizing, honoring, supporting, and encouraging dog mushing and dog mushers in the state", would offer a unique opportunity for Alaskans to personally enjoy the dog mushing heritage of our state.

Mushing trails may be destroyed or rendered unsafe comments:

This topic elicited a good deal of passionate comments indicating its high level of importance to the writers. Most responses submitted expressed concern that the subdivision project would result in the trail system being destroyed or eliminated. Many comments purported that the addition of private property ownership would result in on-trail collisions with other users, injuries to people or dogs, equipment damage from collisions or snow berms at driveways, and trail damage due to increased usage of the trail. Further, it was noted that any addition of driveways, homes, people, pets, ancillary development, etc. would be incompatible with the existing use and maintenance of the trail.

DNR DMLW LSCAS Response:

Most of the comments appear to reflect a misunderstanding regarding the RST 536 trail status in relation to the proposed ADL 231738 project. The current RST trail is found on public land; as such it is a multi-use trail available to the general public. RST trails are not private pathways belonging to only select users. Matanuska-Susitna Borough Recreational Trails Plan ... Updated August 2008, p 6-14, and Map 10 show trail #60 in and around the project area. The "Trails and Parks Master Plan for the Mat-Su Area, July 2013" simply listed Montana Creek dog-mushing trails in a table in Appendix A, Page 5. It appeared to be one of a number of projects that the MATSU Trails & Parks Foundation wants to support to "continue to improve and protect." The PD acknowledged (p. 6 & 8) the existence of the Montana Loop dog mushing trail(s) and stated (page 9) the subdivision design will be subject to a number of reservations or

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restrictions including a 100' wide public access easement along the RST trail. Nowhere in the PD was it intended or even suggested to seek any action to remove or eliminate the trail; hence the trail will remain. See below for further discussion on trail location and legal and physical protection.

LSCAS acknowledges there may be concerns for the safety of mushers and dogs regarding the on-going use of the RST trail including not only the hazards mentioned in the comments but also such dangers as wind blown debris like trees and drifted snow, soft spots due to springs or thaw and melt conditions, encounters with wildlife such as moose or other wild animals, novice or other mushers that are unskilled in controlling their team, darkness, harsh weather conditions, etc. However, like any activity, especially outdoor sports, each participant has a basic responsibility for his own safety and that of others around him; a deeper discussion of this concept is beyond the scope of this document. Outside of the project area the current RST 536 course, which has no prior recorded easements but is used by many mushers of all levels, already passes along or through a number of private parcels. This FFD has modified the project area to exclude the trail from passing within lots to be offered for sale. There was no evidence presented to establish beyond speculation that having the proposed project occupy space adjacent to a formal 100' wide trail easement will cause difficulties, such as incompatible trail use, destruction of the trail or injury to users. The PD, page 8, clearly stated, "All lots will have direct access from MSB maintained S. Dog Sled Dr. or via 50-foot wide SLEs" [section-line easements]. Thus no other platted or constructed roads are needed or anticipated within the proposed subdivision. Mushing down the existing public S. Dog Sled Rd. (or any other public right of way) has nothing to do with the RST 536 trail whether or not a subdivision is ever developed at that location. With the reduction in area and location of proposed lot development, the issue of road/driveway berms across the trail becomes moot. Likewise, structures of any kind must be situated in compliance with local platting authority setback requirements as listed on page 9 and Attachment B of the PD. One modification made by this FFD proposes to exclude the 60-foot wide public access easements mentioned in the PD; existing section-line easements appear to provide adequate public access to all lots and public lands beyond any proposed project boundaries. Snow machine users can or do already access the open areas via these section-line easements, and no documentation was presented to show there has been or will be insurmountable conflicts with dog mushers and those pursuing generally allowed uses in or around the trail areas on open public state lands in the vicinity.

The RST 536 trail is not correctly located and needs to be protected comments:

Several people pointed out that the PD Attachment A, Vicinity Map, "...does not show the correct location or extent of the trails in the area." Other quotes include all of the following: "As currently planned, the subdivision is actually roughly centered over almost a mile of the existing outgoing trail. It also covers all of the 6 mile crossover as well as portions of other connecting loops and the incoming trail. ... Some lots in the southern portion may be cut by multiple easements." "Looking at the map attached to the public notice, we believe the RST 536 trail does not reflect where the the existing trail is located." "I prefer the 300 foot easement that the Willow Area Plan has for their trails for safety and also to allow for movement of the trail to provide for alternate reroutes due to overflow or other unsafe trail routes. ... By developing a legally established trails system some of the local conflicts resulting from trespass problems are likely to be alleviated." "We request that the State work with us to insure the proper location and extent of trail easements as well as maximum possible resolution of ... practical concerns in the final design." "The MCDMA trails dominate the 96 acre parcel proposed for disposal. DNR's

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proposed disposal parcel overlays not just one trail; it overlays a system of trails. ... The impact of the proposed subdivision (even if it were configured with fewer lots) on this trail system would be enormous and very difficult, and likely impossible, to mitigate.” “If the department persists in going forward with the disposal, at the very least perform the necessary GPS/Surveying required to have the existing dogsled trails qualified and dedicated through the Borough process to assure trail dedication. This needs to be done prior to actually disposing of any of the parcels.”

DNR DMLW LSCAS Response:

The PD and this decision, as well as various plans for the area and communities, all recognize that the RST exists. Since the inception of this potential project, DNR has been and is aware of the need for accurate location of the RST trail. As no source documents have yet been found to establish the physical location of the trail, LSCAS, DNR Survey Section, and Southcentral Region Office Easement Team have been working with MSB Land Management Specialist to coordinate with the Montana Creek Dog Musers Association on the process of determining and formalizing the physical location of the RST 536 trail. On March 26, 2014 field GPS tracking and subsequent initial mapping efforts took place for the trail system at and around the project area (see this FFD Attachment 1). DNR has modified the project area by reducing the size to encompass only that portion west of the to-be-located RST 536. Although that portion of RST 536 adjacent to the proposed subdivision project will be located as part of the subdivision design, the remainder area to the east of the trail within the current settlement unit will still be public lands and may continue to be utilized for access, mushing trails, and other activities in accordance with *11 AAC 96.020 Generally Allowed Uses on State Land*, and other applicable statutes and regulations. Similar to other projects anywhere in the state that might involve location questions for an RS2477 trail, only after final approval and recording of the associated plat with an as-built survey of the route, or with an as-built survey separate from a plat, will the trail be officially “located”. This subdivision project, if approved, will actually facilitate surveying and the legally recorded location of that portion of the trail that is found within or adjacent to the project area. A 100 foot easement for RST 536 will be included on the subdivision preliminary plat application for that portion of RST 536 situated along the project area; this is twice the width noted by the governing Southeast Susitna Area Plan regarding trail width as discussed at pages 2-45 & 2-46. Under commonly accepted procedure, all of this is intended to be accomplished through appropriate state and borough processes prior to any land sale offering.

Other Plans designate this as a special area for dog mushing comments:

Three commenters made specific or general reference to the Y Community Council Area Comprehensive Plan (YCCACP) and/or other borough or community plans or trail plans in support of keeping the entire area strictly for dog mushing and not offer land for sale, as illustrated by the following quotes: “I was on the planning team for the [Y] Comprehensive Plan. The Y Community was very clear that they wanted the area to be preserved for Dog Mushing. So the team took the extra step of designating [on page 3-51 of the Plan] the area to be preserved for Dog Mushing. ... I would also like to know why the the status of the land was changed in Southeast Susitna [Area] Plan which came out after the adoption of the Y Comp. Plan. Was the Y comp plan not considered? Does the desires of the community not matter?” “Each of the Community Comprehensive Plans supported existing trails and the need to establish legal easements to protect the trails from conflict. ... Legal access to mushing trails is a necessary amenity if mushers are to avoid trespassing ... Reserving trail rights-of-way during the subdivision process is critical to maintaining the traditional heritage of ... dog mushing ...

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Sufficient legal trails need to be established and trail rights of way need to be preserved to support dog mushing ... Existing mushing trails should be maintained in public ownership.”

DNR DMLW LSCAS Response:

DNR is in agreement with the general concept and value of having dog mushing trails preserved as a public asset that would contribute to options for public recreation. We would emphasize, however, as some of the very comments stated and the referenced documents discuss, that there is often still a need to establish, locate, and formalize the legal status and/or physical location of trails commonly utilized for dog mushing. As addressed under the comments on trail location above, this is exactly what is currently taking place for the specific section of the RST 536 related to the proposed subdivision. The YCCACP, p. 3-49 listed objectives to provide a community recreation system, and item #12 stated: “Identify ‘Special Places’ (see Recreation and Open Space Map) [p. 3-51] and work to provide/maintain public access to these areas.” The Map on p. 3-51 depicted several hash-marked “Special Places”, one labeled Dog Mushing that appeared to include the 96 acre project area as a small part of its outline covering several sections, i.e. perhaps 2,000 acres marked.

The state recognizes and has considered the topics referenced in the various local community and other plans. In DNR’s view, the broader state stewardship must include recognition and provision for multiple trail use regarding the proposed project. Numerous other users that do or will want to be accommodated under those same plans cannot be excluded from the expansive state lands adjacent to and abutting the project east boundary. Those areas are already open for generally allowed uses under *11 AAC 96.020*. Access to those lands was discussed in the PD, p 8-9, and protection of public access and public recreation resources, including the RST trails, has been reinforced by project modifications in this FFD. The creation of the SSAP and subsequent changes to classifications from the 1985 Susitna Area Plan constituted an extended and involved public process where public input was reviewed and addressed. LSCAS asserts that the considerations and evaluations that have been and continue to be part of the on-going refinement action for the development of the proposed land sale project are compatible with the current area plan and with the spirit of the local plans and with sentiments expressed in the submitted comments.

The number and size of lots is of concern comments:

Some of the comments received indicated that the number of proposed parcels was too high and/or the size of proposed parcels was too low. A few comments recommended that the subdivision be restricted to generally west/northwest of the existing trails. One submittal specifically stated that the scope of the subdivision should include only 4 or 5 lots of 20+ acres each. Another writer opined that 3-5 acre sized parcels would be too small to maintain a rural life style, especially with dog kennels.

DNR DMLW LSCAS Response:

As a result of evaluating public and agency input on this topic, this FFD, at Section VI. Modifications, now proposes to offer no more than 12 lots varying in size from 3 acres to approximately 10 acres each to be located west of the RST 536 trail. This change from the PD represents a 38% reduction in acreage and a 45% reduction in the number of lots to be offered. DNR feels this reflects a balanced approach for extending an opportunity to a full spectrum of potential buyer interests while substantially reducing the original total number of lots and area to be offered for development within the designated settlement project area. See also response

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under comments on post patent conditions and on wetlands below and on special area for dog mushing above.

Post patent conditions should be imposed comment:

One comment submitted stated: "Secondly, we strongly advocate that the department place on any deeds, and to be initialed by the purchaser, a public notice that the surrounding properties are commonly used to house multi-dog large kennels with the attending noise and activities commonly associated with such operations. This Notice shall have the purchaser acknowledge their presence and also that they accept said property subject to the kennels continued operation. This covenant shall stay with any subsequent purchaser in the chain of title."

Another commenter made reference to the Y Comprehensive Plan: "Those wishing to develop dog lots ... should be required to have a minimum size five acre lot... Minimum setbacks and buffers should be required for all dog lots. Dog density should be regulated to prevent inhumane, overcrowded and environmentally damaging conditions. Maximum dog density should be 10 dogs per acre."

DNR DMLW LSCAS Response:

As stated in the PD, page 3, "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."

There are existing borough ordinances regarding animal control and subdivision setback requirements. Other agencies, such as state Department of Environmental Conservation and US Army Corps of Engineers also have requirements related to land use. This proposed land sale is intended for general public offering and will not be restricted just to dog owners. While LSCAS agrees that covenants may be desirable, it is appropriate that development of any covenants, conditions, and restrictions (CCR) would be best left to the new owners in this project. They would be most suited to provide for local oversight of CCRs, perhaps through an owners association or in concert with the borough. Imposition of post patent conditions, as suggested in some of the comments, is simply not realistic. DNR does not have the authority or means to impose or enforce such local actions with this or any other state land sale offering. Commonly the DNR land sale information brochure includes discussion on this topic under the "Homeowners' Associations" section, and comment about surrounding lands being used for dog kennels and mushing activity can be included in the description for this specific project.

Wetlands are a concern comments:

One comment mentioned that wetlands would cause a severe constraint on development and therefore a much reduced area for sales should be confined to the northwest portion of the project area. Another writer provided a discussion on the value of wetlands in general, cited Community Comprehensive Plans (YCCACP) and Knik-Fairview CP (KFCP-outside of the project area) and other research including contact with the Water Quality Department at the MSB where a National Wildlife Service map was referenced indicating, "Over 50% of the proposed subdivision is classified as wetland in the National Wildlife Inventory. ... Wetland systems ... provide recreational opportunities for residents and visitors alike ... Wetland areas provide needed habitat for various species of wildlife ... are a significant asset to the community ... in need of protection...". Another submission expressed: "Concerns ... related to septic systems and dog poo runoff into the wetlands especially if the lot sizes are small. ... In order to protect the wetlands there would need to be very specific setback and zoning codes."

Reference was also made to the YCCACP, the now obsolete MSB Title 17, and the KFCP.

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DNR DMLW LSCAS Response:

Some applicants actually desire to have wetlands on their property either for undevelopable open space, to enjoy a better view, provide wildlife habitat, as a place for winter activities, or simply as a natural boundary buffer. Regular research accomplished prior to the PD included US Fish and Wildlife Service National Wetlands Inventory maps, US Department of Agriculture Natural Resources Conservation Service custom soils report for the Mat-Su Dog Sled Subdivision site specific area, State Division of Agriculture site map and comments, local Soil and Water Conservation District review in support of the project, FEMA Flood Panel maps, as well as the governing Southeast Susitna Area Plan classification and designation for the site and adjoining state lands. All of these sources, along with multiple Project Development Team staff field inspections, provided information and parameters that have been considered and will be incorporated into the design options for this proposed subdivision. Additionally, in response to public input received, almost all of the actual wet or marshy areas have now been separated and reserved from the proposed project development area (see FFD Attachment 1 and section VI below). Furthermore, should the project move forward, additional standard subdivision steps at the local level must be met, including soil engineering report and compliance with current local platting authority requirements. The MSB subdivision processing provides opportunity for public review and input as well. Existing statutes, including up-dated MSB codes, Alaska Department of Environmental Conservation, and Corps of Engineer requirements, are in place, and we believe the concerns expressed are adequately address under such safeguards.

VI. Modifications to Decision and/or Additional Information

Pursuant to additional research, evaluation of public comment, and further field inspection, the following is a list of modifications from the original proposed action described in the Preliminary Decision:

- the project area has been reduced; approximately 60 acres of the original 96 acre project area will be offered for sale;
- recommend that the remainder of the K-10 settlement unit outside of the 60 acre project area, consisting of mostly marsh-like wet areas, be retained under separate ADL 231927, and, as LSCAS has no interest in trying to offer that portion of the current K-10 settlement area, encourage that portion to be incorporated into the immediately abutting Wr designated SSAP, Unit K-11 state lands (see FFD Attachment 1 illustration);
- offer a total of no more than 12 lots from 3 acres to approximately 10 acres in size situated west of the to-be-located RST 536 trail;
- eliminate the 60 foot wide public access easements through the project area as mentioned in the PD pp 8,9, & 19; and
- provide a single drainage easement by the existing culvert near the mid point of the west boundary.

Recommendation and Approval of the Final Finding and Decision follow.

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VII. Final Finding and Decision

The Department recommends proceeding with the proposed action as described in the Preliminary Decision and as modified, supplemented, amended, changed, or deleted herein. This action is undertaken under relevant authorities. Offering these parcels for sale will help meet the State's goal to provide land for settlement for sale to the public and raise revenue for the State.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with *AS 38.05.945 Notice* and comments received were considered. The project file has been found to be complete and the requirements of all applicable statutes have been satisfied. The proposed actions are consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended actions as described and referenced herein.

/s/

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

9/30/2014

Date

/s/

Approved by: Brent Goodrum
Director
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

3 OCT 2014

Date

/s/

Approved by: Joseph R. Balash
Commissioner
Department of Natural Resources
State of Alaska

10/8/14

Date

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Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may request reconsideration, in accordance with *11 AAC 02 Appeals*. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in *11 AAC 02.040 (c) and (d)* and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 907.269.8918; or sent by electronic mail to dnr.appeals@alaska.gov.

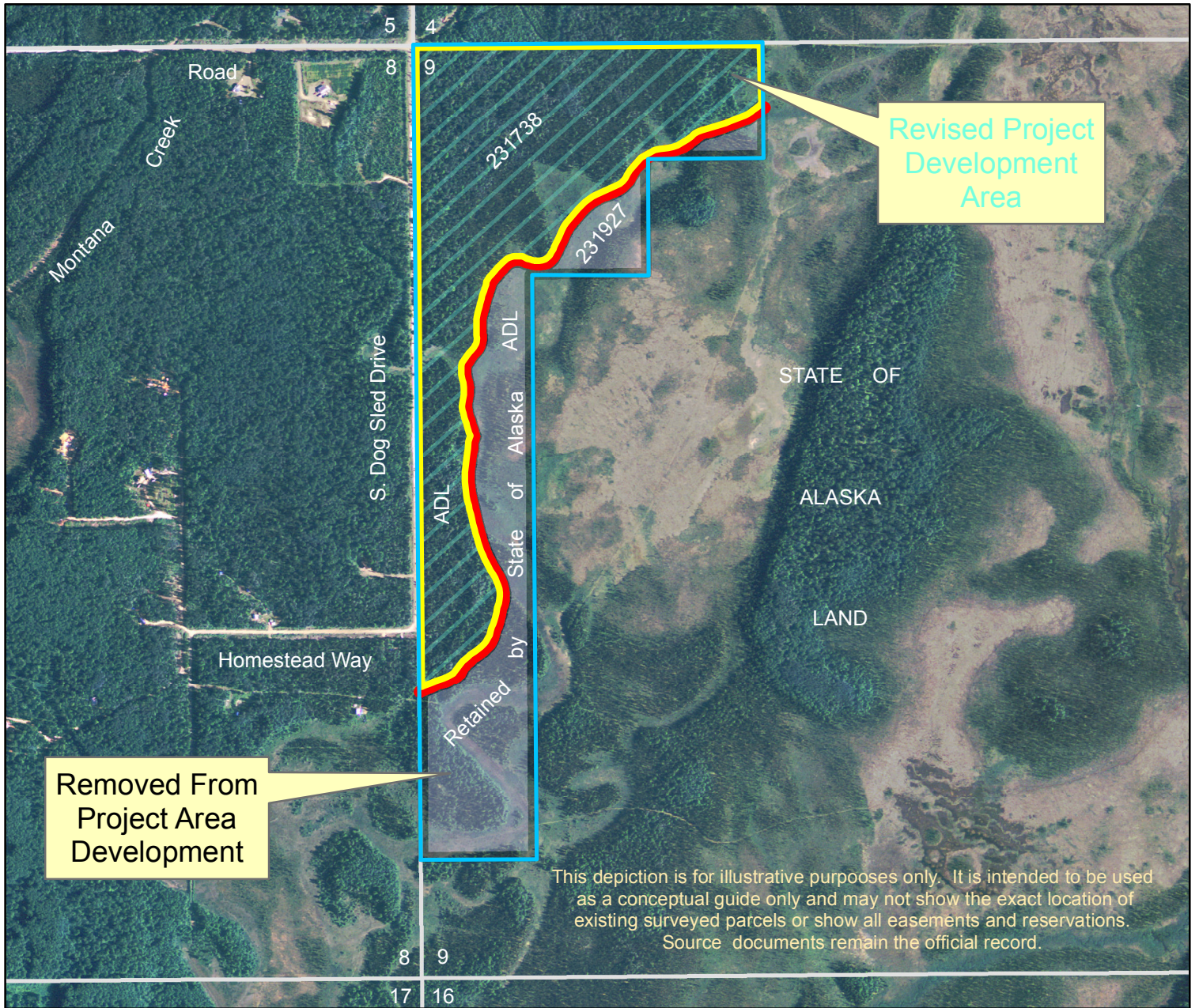
If reconsideration is not requested by that date or if the commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st day after issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with *11 AAC 02* before appealing this decision to Superior Court. A copy of *11 AAC 02* may be obtained from any regional information office of the Department of Natural Resources.



Dog Sled Subdivision ADL 231738

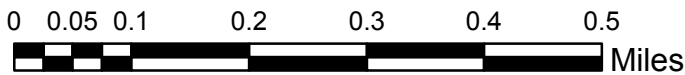
Attachment 1: RST 536 and ADL 231738

to the Final Finding & Decision for a
Proposed Land Offering in the Matanuska-Susitna Borough
Dog Sled Subdivision Project Development Area &
Reserved Remainder



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 show all easements and reservations. Source documents remain the official record.

JWT 8/13/2014



T23N, R4W, Seward Meridian

USGS QUAD 1:63,360

USGS Talkeetna (A-1) SE Quadrangle
For more information contact:
John W. Thomas, Adjudicator
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales & Contract Administration Section
Phone 907 269-8591
Fax 907 269-8916
Email subdivision.sales@alaska.gov

Legend	
	SSAP Settlement Unit K-10
	ADL231738 Development
	RST 536 GPS Location
	ADL231927 Retained
	Section Lines

DISCUSSION

DNR has modified the Preliminary Decision by reducing the size of the project area proposed for development to encompass only that portion west of the to-be-located RST. Note - only after final approval & recording of a surveyed plat will the trail be officially "located." See Final Finding & Decision pp 6-7 Response for more detail on this topic.