

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

PRELIMINARY DECISION
Silverbow Creek Remote Recreational Cabin Sites
ADL 420295

Proposed Land Offering in the Unorganized Borough
AS 38.05.035 (e), AS 38.05.045, AS 38.05.600

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

PUBLIC COMMENT PERIOD ENDS 5:00PM, TUESDAY, MARCH 7, 2017

I. Proposed Action(s)

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Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

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

Draft Mineral Order No. 1197 (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 Section (LSS) is to offer up to 45 parcels ranging from 5 to 20 acres in this project area, for a maximum of 900 acres of State-owned land within the identified project area.

Located within DNR's Northern Region, approximately 63 miles northwest of Fairbanks, 18 miles west of Minto, and 18 miles northeast of Manley Host Springs, Alaska, the project area is within portions of Township 3 North, Ranges 12 and 13 West, and Township 4 North Ranges 11-13 West, Fairbanks Meridian, within the Unorganized Borough. The project area encompasses approximately 18,800 acres. See *Attachment A: Vicinity Map* for a depiction of the project area.

In accordance with the governing area plan and for the purpose of providing land for settlement, DNR proposes to sell land within the Silverbow Creek Remote Recreational Cabin Sites (RRCS) project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may offer authorizations to stake up to 45 parcels ranging from 5 to 20 acres in this project area, for a maximum of 900 acres sold through this offering under *AS 38.05.600 Remote Recreational Cabin Sites*. Authorizations will be awarded by drawing. When so authorized, entrants may stake a parcel within a defined staking area, lease the staked parcel during the survey, platting, and appraisal process, and convert the lease to a sale at a purchase price established by the appraised value, plus associated fees. Although

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the total disposal authorized under this proposal will not exceed the stated maximums, development and offering of the project area may be completed in multiple stages. The project area may be offered or conducted in multiple stages. This proposed project area is located within the Unorganized Borough and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards.

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

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

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

Mineral Order (Closing): DNR proposes a mineral order to close the project area to new mineral entry. No identified mining claims exist within the project area. Refer to the Reservation of Mineral Estate subsection of this document for more information on this proposed related action.

This related action will be developed separately. However, approval of the proposed actions are dependent upon one another in that one action will not proceed without approval of all actions.

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

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

II. Method of Sale

AS 38.05.600 Remote Recreational Cabin Sites authorizes the Department to conduct leasing and sale of land for Remote Recreational Cabin Sites. *11 AAC 67.800 - 11 AAC 67.845*

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Remote Recreational Cabin Sites and other related regulations describe how DMLW offers authorizations to select and stake Remote Recreational Cabin Sites in designated areas during the specified offering period.

After approval of a Remote Recreational Cabin Sites disposal through a Best Interest Finding process such as this, DMLW plans a future announcement of an offering of staking authorizations and the availability of offering brochures pursuant to *AS 38.05.945 Notice*. The brochures generally describe simultaneous offerings of multiple areas; the relevant application period; and the related procedures, conditions, and eligibility requirements. Participants submit applications and DMLW conducts a drawing, a method of sale that offers all eligible parties an equal chance at acquiring a staking authorization for an area. Authorizations to stake a parcel of State-owned land within a designated project area during a specified period are awarded to applicants drawn first. Authorized stakers are then issued a staking packet that includes instructions for properly staking a parcel and other information pertaining to the program and specific staking area. Authorized stakers then enter onto the land, stake a parcel of their choice in compliance with the staking instructions, and file a lease application. If approved, a short-term lease is issued and the lessee makes quarterly, prorated payments to cover associated development costs and an annual lease fee. While under lease, the parcel is then surveyed, platted, and appraised, typically over a three- to four-year period. Upon successful completion of the lease terms and upon completion of the survey, platting, and appraisal, the lessee is given the option to convert from lease to sale at a purchase price based on the appraised value, plus associated fees, with credits given for the survey and platting deposits collected while the parcel is under lease. The lessee's other option is to renew the lease for a second term at the cost listed in regulation, which does not contribute to paying down the purchase price. A lessee in good standing can opt to purchase the parcel at any time during this optional renewal term, but if the lessee does not purchase the parcel by the time the renewed lease term expires, their interest is subject to termination.

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

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

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would create an unrealistic burden upon purchasers, hinder the marketability of the property, create confusion with the public, and be an inefficient use of staff time and resources.

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

III. Authority

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

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

IV. Administrative Record

The project file, Silverbow Creek Remote Recreational Cabin Sites ADL 420295, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Yukon Tanana Area Plan for State Lands (YTAP, adopted 2014) and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan* (2016);
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *1979 Exploratory Soil Survey of Alaska*; and
- DNR case files: material sites ADL 419657 and ADL 419306 (Master Sites); and ADL 418458 (contract).

V. Scope of the Proposal

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

VI. Description

Location: within DNR's Northern Region, approximately 63 miles northwest of Fairbanks, 18 miles west of Minto, and 18 miles northeast of Manley Host Springs, Alaska, the project area is within portions of Township 3 North, Ranges 12 and 13 West, and Township 4 North

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Ranges 11-13 West, Fairbanks Meridian, within the Unorganized Borough. See *Attachment A: Vicinity Map* and *Attachment B: Area Data Summary Table* for additional information.

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

Native Regional and Village Corporations: The project area is within the boundaries of the Doyon regional corporation. The villages of Minto and Manley Hot Springs are within 25 miles of this proposed action and notice will be sent to Seth-De-Ya-Ah and Bean Ridge Village corporations, the Native Village of Minto, and the Manley Hot Springs Community Association.

Legal Description:

Fairbanks Meridian

- Township 3 North, Range 12 West
 - , sections 2-6 all;
- Township 3 North, Range 13 West
 - , section 1 all;
- Township 4 North, Range 11 West
 - , the W½ and SE¼ of section 31;
- Township 4 North, Range 12 West
 - that portion of sections 15 south of the Elliot Highway and excluding Material Site (ADL 419657 and ADL 419306);
 - that portion of sections 12-14, 16, 17, 19, and 20 south of the Elliot Highway;
 - sections 21-36 all;
- Township 4 North, Range 13 West
 - that portion of section 24 south of the Elliot Highway; and
 - sections 25 and 36 all.

All within the Manley Hot Springs Recording District, 4th Judicial District, Alaska.

Title: Information from Title Report Nos. 8529, 8531, 8532, current as of April 25, 2016, and Title Report Nos. 8533, and 8534, current as of May 10, 2016, indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent # 50-76-0100 (dated January 9, 1976), #50-99-0235 (dated May 25, 1999), #50-80-0122 (dated July 21, 1980), #50-86-0140 (dated April 2, 1986), and #50-2005-0006 (dated October 8, 2004). The applicable State case files are GS 472, GS 474, GS 1242, GS 2500, and GS 482. The parcel is subject to the reservations, easements and exceptions contained in the federal patent

State Reservations of Title:

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

The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access

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

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

The Bureau of Land Management has not made a navigability determination for waters within Township 3 North, Ranges 12 and 13 West for title purposes. For waters in Township 4 North, Ranges 11-13 West the Bureau of Land Management has determined that there are no waters determined navigable.

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

Physical Characteristics and Hazards: Attachment B: Area Data Summary Table summarizes the project area's physical characteristics. Information about the project area is based on internal research, information received during agency review, and a field inspection conducted by staff on foot on July 20, 2016 and September 13, 2016. This is by no means a complete description of the project area and if this proposal is approved and the area offered for sale, it will be the responsibility of interested parties to inspect the project area prior to staking to familiarize themselves with the physical characteristics of the land.

Soils: Soils within the project area generally consist of well-drained silts formed over loess on lower, south-facing slopes. Permafrost is absent or deep. On higher slopes, well-drained soils are gravelly and without permafrost. Soils in the valley bottoms are poorly drained with a shallow permafrost table. DNR, Division of Geological and Geophysical Surveys (DGGs) noted that soils within the project area are primarily colluvial and alluvial deposits (gravel, silt, and sand), with a variable thickness of silt blanketing on the surface. Engineering applications vary widely due to the large range of grain size and sorting properties. Soils are commonly frozen, especially on north-facing slope and low-lying areas.

Wetlands: Wetlands exist within the project area, most commonly located in low-lying areas and along numerous streams. These wetlands consist of freshwater forested/shrub. Stakers are encouraged to avoid wetland areas in locating their parcels. Given the large size of the project area, the impact to wetland areas will be minimized by

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limiting the number of parcels, and through building setbacks along public waters where wetlands are common.

Geologic Hazards: According to information provided by DGGs, discontinuous permafrost with medium ice content, local thaw slumps, gullies and water tracks exist within the project area. The project area is adjacent to the Rampart Seismic Zone, which has had significant earthquake activity within the last 150 years.

Fire Hazards: Pursuant to observations from the two field inspections in July and September 2016, and information received from the Division of Forestry, fire risk in the area is likely moderate. Fire history indicates that a portion of the area was burned in 1969 (approximately 384,000 acres) but the vegetation has since regenerated. The 1983 Minto fire (approximately 27,000 acres) may have also burned some of the eastern portion of the project area. The 2007 fire burned only 0.5 acres (Approximately 1 acre). The project area is not within a Fire Service Area.

Potential for wild land fire is high in interior Alaska and other certain parts of the state. Offering materials encourage stakers to locate parcels within hardwood stands or near water sources to help mitigate fire risk. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. Offering materials include information regarding wild land fire prevention.

Fire management options and policies for the area are identified in the Alaska Interagency Wildfire Management Plan available from DNR Division of Forestry. The current fire management option for the project area is “Modified.” The Operational Guidelines for areas with the “Modified” management option reads, “fires occurring within the Modified will receive priority for allocation of initial action forces after the protection of Critical and Full area”. The plan also states that there is no guarantee of protection from wildfire in any management option, that response to a wildfire will be based on various factors, and that “Ultimately it is the responsibility of the [landowner] to mitigate and minimize risk to their property before it becomes threatened by a wildfire.”

Flood Hazard: There is no Flood Insurance Rate Map available for the project area. There is potential for seasonal flooding and erosion of parcels adjacent to water bodies, especially in low-lying areas.

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

Background: The project area was identified based on a recommendation in the Yukon Tanana Area Plan (YTAP), and a review of available lands in the Northern Region. The project area was designated as settlement in YTAP and the management intent states that it is appropriate for land disposal. A field inspection conducted by staff on July 20, 2016 and September 13, 2016 also identified the project area as appropriate for a RRCS project area.

There have been prior state land sales within the project area. The Kentucky Creek Odd Lots, and Kentucky Creek II subdivision are located approximately three miles west of the

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project area. The majority of these parcels were offered in 1983 and 2006 respectively. Parcel sizes varied from approximately 6 to 80 acres, with approximately 20 acres being the average. There are four other remote parcels in the vicinity: two immediately east of the project area, one approximately one-half mile to the south, and one approximately three miles to the southeast. All four parcels were staked in 1982.

There are two material sites located near the project area: ADL 419657 (Master Material Site) and ADL 419306 (Master Material Site); and one active material contract (ADL 418458). ADL 419657 and 419306 are the applicable DNR case files for the DOT&PF designated material site MS 680-118-2. The material site consists of two separate material pits, located to either side of the Elliot Highway, approximately between mileposts 123 and 124. The site to the north was observed to still be active, while the site located on the south side (within the project area) was not currently in use. LSS will work with the Northern Region Land Section for potential use of these material sites as staging areas. LSS intends to impose a 300-foot staking setback from this material site. No other state third-party interests were observed within the project area.

During a field site visit conducted on July 20, 2016 and September 13, 2016, staff observed that the project area had good access from the Elliott Highway. Along the Elliott Highway, there were several potential staging areas observed which could be used by potential landowners. These consist of relatively undeveloped pull-outs along the highway, inactive material sites, and available parking near trailheads.

Four trails were identified in the area. The eastern and central trails appear to provide access to the northeasterly and central portions of the project area. The trail accessing the project near Silverbow Creek does not extend very far into the project area, but does provide some access. The far westerly trail would provide for suitable winter access, but is not sufficient for summer use. Refer to the Access To, Within, and Beyond Project Area and Attachment A: Vicinity Map for more information.

Vegetation in the area mainly consisted of white spruce, paper birch, and aspen. The vegetation within the project area was fairly sparse, allowing for easy travel and views of the valley when up on hills.

Planning and Classification: The general management intent of the area plan and management unit were reviewed for consistency with the proposed offering. The project area is within Yukon Tanana Area Plan (YTAP, adopted 2014), Lower Tanana Region, Unit T-36. Lands within this unit are currently designated Settlement, and classified Settlement under Land Classification Order No. NC-10-005. The project area consists of the majority of the management unit T-36.

Unit T-36 Considerations: The management intent for this unit states that the unit is appropriate for land disposal during planning periods. Portions of this unit are affected by LLO 33. During project development, impacts to habitat will be evaluated and, if necessary, areas may be restricted, or excluded from development within the proposed project area. The unit contains habitat for moose wintering and rutting; brown bear are also present. Cultural resources are present in this unit. Parcels should be located a minimum of 100 feet from the Elliott Highway to avoid adverse

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impacts on the scenic view from the road. LSS intends to impose a 300-foot staking setback from the Elliott Highway.

LSS has consulted with the Office of History and Archeology (OHA) and the Alaska Department of Fish and Game (ADF&G) during Agency Review. OHA has determined that there are some previously-recorded cultural resource sites in the area, but none that have been determined eligible for or are listed on the National Register of Historic Places. If unidentified archaeological resources are discovered during the course of the project, LSS will consult with OHA. ADF&G was consulted during Agency Review and provided that they don't anticipate any impacts to the fish or wildlife populations from the proposed use of this land. Refer to the Section **VII. DMLW and Agency Review** for more information.

Area-wide Considerations: LSS reviewed the area plan's guidelines in Chapter 2 Areawide Land Management Policies, particularly regarding Coordination and Public Notice, Cultural Resources, Fish and Wildlife Habitat, Forestry, Material Sites, Settlement, Shorelands and Stream Corridors, and Public Access. These considerations will be incorporated into the design and development of the project. Lands to be retained in public ownership, conditions, and reservations will be included on the plat and in offering materials as appropriate. Specific area-wide management intent and management guidelines affecting this proposal are discussed below.

Coordination and Public Notice: Management Guidelines provide that public notice will be given for the disposal of land as required under *AS 38.05.945 Notice*, and recommends coordination with the borough and other land owners. Public notice is being issued for this proposed action in accordance with *AS 38.05.945*. Refer to *Attachment C: Public notice* and Section **VIII. Submittal of Public Comments** for more information.

Cultural Resources: Management Guidelines provide that if determined by the state Office of History and Archaeology (OHA) during and agency review of a proposed land disposal that a cultural survey may be required, further consultation between OHA and DMLW prior to the sale is warranted. Cultural resource surveys should be considered in areas where OHA reports sites exist, or where there is a high potential for such sites to exist. Agency review for this project included OHA, and OHA noted that the area in general has low probability for prehistoric sites, but mining activities did occur. Many mining features in the area identified in the past have been found not eligible for listing in the National Register of Historic Places, some have been found potentially eligible. This area was not known to have been the focus of mining activities, but individuals and groups explored many such areas for their mineral potential. Although thought to have only moderate potential, OHA considers it impossible to identify areas of concern without additional information from a survey. LSS will continue to work with OHA. Should any such sites be discovered by LSS during the development of this project, OHA will be notified. LSS will make information known to the public during offerings that should inadvertent discoveries of cultural resources by the purchaser, OHA offices should be notified.

Fish and Wildlife Habitat: Management Guidelines regarding Fish and Wildlife Habitat are specific to areas designated Habitat. Unit specific information describes

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that the unit contains habitat for moose wintering and rutting, and that brown bear are present in the unit. LSS has consulted with ADF&G during the development of this proposal. ADF&G provided that there are no anticipated impacts to the fish and wildlife populations from the proposed use of this land. Refer to **Section VII. DMLW and Agency Review for more information.**

Forestry: Management Guidelines provide that timber harvests are considered appropriate in areas designated Settlement if intended to support the cost of the subdivision, provide access to the subdivision, or provide ancillary facilities. This proposal is for a Remote Recreational Cabin Sites offering, and DMLW is not proposing development of the land prior to offering. LSS is not proposing timber harvest prior to offering. The DNR Division of Forestry noted that there are Forestry classified lands and Tanana Valley State Forest lands to the west of project area, but these lands should not be affected.

Settlement: Management Guidelines pertaining to settlement include planning and coordination with regard to local governments; local plans, and access; protection of life and property; and protection of resources such as sensitive areas, habitat, scenic features, and other resources. These guidelines have been reviewed and incorporated in the development of this proposal. Guidelines also provide that as part of the development of remote settlement areas, DNR should consider the provision of staging areas, parking areas, and/or trailheads in order to accommodate landowners parking vehicles and other equipment while accessing their remote parcels. ADF&G should be consulted to ensure there will be no habitat associated impacts from parking areas or trailheads. There are currently areas along the Elliott Highway that will provide adequate parking areas for landowners. ADF&G has been consulted during Agency Review for this project.

Shorelands and Stream Corridors: Management Guidelines provide that DNR will place a higher priority on protecting public use values in stream corridors than on providing opportunities for private ownership and development of land. DNR recognizes the demand for private land near stream corridors and consults with other agencies and the public prior to disposal of such lands. Management Guidelines also provide for the application, conditions for, and width for buffers, setbacks, and easements. These guidelines have been reviewed and incorporated in the development of this proposal.

Hutlitakwa Creek is located in the southeast corner of the project area. It appears to receive little if any public recreation within the project area. Hutlitakwa Creek meets the criteria for a public water body, but it is not anadromous or identified as having a particularly high value for fish and wildlife habitat or public recreation. Management guidelines provide for a 50-foot building setback landward from ordinary high water (OHW) of all public waters except anadromous and high-value resident fish waters. Access along Hutlitakwa Creek will be reserved in accordance with *AS 38.05.127*. Refer to the *Access To and Along Public or Navigable Waters* subsection for more information.

Public Access: Management guidelines provide that prior to disposal of state lands, public access will be reserved in accordance with the applicable regulations, and

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reasonable access across state land will be retained when lands are sold. The state will dedicate ROWs and reserve public access and/or utility easements as appropriate in order to maintain access through and within the project and retain utility corridors. See the Access To, Within, and Beyond Project Area sub-section for more information.

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

Mineral Activity and Order. No mineral activity has been identified on these lands. The entirety of the project area will be closed to mineral entry (approximately 18,800 acres) if the Mineral Order 1197 is approved in accordance with *AS 38.05.185 Generally* and *AS 38.05.300 Classification of Land* for a land disposal.

Mineral orders (closing), 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.

Mining activity for locatable minerals would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users.

Local Planning:

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

Traditional Use Finding: The project area is within the Unorganized Borough, and a traditional use finding is therefore required under *AS 38.05.830 Land Disposal in the Unorganized Borough*. Information obtained from the YTAP, research, Agency Review, and site inspection indicates that the project area appears to be currently used for recreation, hunting moose and bear for personal use. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a possible increase in the various traditional activities which may be practiced by private-property owners. Impacts on existing resource users will be minimized by offering opportunity for low density settlement over a large project area; protecting public access along public water bodies; and by limiting the number of parcels and acreage to be sold. Additional information on traditional use is welcome during the public comment period and if this proposal is approved, LSS will address the information received in a subsequent Final Finding and Decision, if one is issued. See the **Section VIII Submittal of Public Comments** at the end of this documents and *Attachment C: Public Notice* for details on how to submit comment.

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Access To, Within, and Beyond Project Area: Access to the project area is primarily via the Elliott Highway from approximately milepost 120 to 128. The project area is accessible via ATV, snow-machine or by foot. There are four main trails identified within the project area. A trail located at the beginning of the project area at approximately MP121 was observed to be well traveled and ended at private property east of the project boundary. There was an overgrown spur trail that appeared to head westerly, further into the project area. A trail located at approximate MP 124 was also well traveled, and appears to extend through the project area. Large trucks have utilized the first part of this trail, and parked in a cleared out area just a short distance from the highway. The trail was easy to travel on via ATV, and other spur trails depart from the main trail within the project area. The trails at approximately milepost 121 and 124 both offer good access to the northeast and central portions of the project area. A trail located at the westerly border of the project area near Silverbow Creek went a short distance into the project area, and terminated at a rock wall. Another trail is located a short distance outside of the project area to the west. Aerial imagery shows this trail traveling southeast into the project area, but it was too wet to be traveled during the July and September field inspections. This trail may be more adequate for winter travel.

There are multiple potentially suitable pull-offs or parking areas along the Elliot Highway, which could be used for staging areas. The material sites located at approximately milepost 123 and 124 could provide access for parking and staging while not in use. LSS is currently working with the Northern Region Land Section of DNR to determine the possibility for use as such. The trail at approximately milepost 121 has a small pull-off area which appears to be currently used for access along this trail. The trail at milepost 124 has a small staging area a short distance from the highway, and is currently used for parking highway vehicles and trailers. There is another pull-off located at approximately milepost 127.7, which could be used to accommodate multiple vehicles with trailers. Additionally, smaller, relatively undeveloped pull-offs are potentially usable at other locations such as near milepost 123.5 and 126.

Additional legal access to, within, and through the project area is via travel across unreserved State-owned land, along section line easements, or other easements reserved in conveyances to third parties. Access across unreserved State-owned land without a permit, along with pertinent restrictions, is governed by *11 AAC 96 Provisions for General Land Use Activity*.

DMLW will, at its discretion, reserve an easement centered on existing trails that have not been assigned an ADL or RST number, or otherwise serialized, through or along any staked site. Section line easements will be reserved on each side of surveyed or protracted section lines that are within or along staked sites. Stakers will be instructed not to stake across surveyed section or township lines, across trail easements that have been assigned an ADL or RST number, or other trails or access routes identified within the staking area. Easements along interior parcel lines will also be reserved in order to ensure access between staked parcels. Additionally, a survey easement will be reserved to control monuments within parcels in order to allow for access to recover monuments of record for the purposes of surveying and establishing property boundaries in the vicinity of a parcel.

Project design will take into account topography and access to lands beyond the project area boundaries.

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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*. In general, a continuous easement extending upland from the ordinary high water mark will be reserved within parcels along waters determined to be public or navigable. An alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult.

For the purposes of AS 38.05.127:

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

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

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

If at the time of survey, a water body identified as public on *Attachment A* is determined to not be public or navigable, the public access will be extinguished. However, if public access is required, a public access easement in accordance with 11 AAC 51.015 *Standards for Public Easements* will be imposed on or adjacent to the water body. Refer to the Easements, Setbacks, and Retained Lands subsection for additional information.

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Hutlitakwa Creek has been determined to be public within the project area. The public is invited to comment on use of water resources in the project area to aid in making the public water determination.

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

Building Setbacks From Public or Navigable Water: If the offering is deemed feasible, DNR proposes to place a note on the final survey plat describing a building setback upland from the OHW of public or navigable water to protect access, fish and wildlife habitat, and personal property. Except for utilities, water-dependent structures whose purpose is access to or across the stream or lake, or minor accessory structures for uses that must be in or adjacent to the water body in order to function, structures and subsurface sewage disposal systems will not be permitted within the building setback. Parcels under lease will also be subject to this building setback. The following building setback will apply to parcels created as a result of this offering:

- a 100-foot building setback from the OHW of all public or navigable water bodies.

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

- a 300-foot staking setback from the centerline of the Elliott Highway;
- a 300-foot staking setback from material site (ADL 419657 and ADL 419306) at approximately MP124 Elliott Hwy.

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

- a public access and utility easement along parcel boundaries;

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- an easement centered on existing trails through or along staked parcels;
- a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with *AS 19.10.010 Dedication of Land for Public Highways* and *11 AAC 51.025 Section-line Easements*; section-line easements may be vacated under *AS 19.30.410 Vacation of Rights-of-Way* and *11 AAC 51.065 Vacation of Easements*;
- a 50-foot continuous easement upland from the OHW of public or navigable water bodies in accordance with *AS 38.05.127 Access To Navigable or Public Water*;
- a minimum 100 foot building setback from the OHW of public or navigable water bodies; 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.

These easements and reservations will apply both during the lease period, and after sale. Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

Hazardous Materials and Potential Contaminants: During on the ground field inspections conducted on July 20, 2016 and September 13, 2016, field staff did not observe any environmental hazards within the project area. There are no known environmental hazards present within the project area; however, the State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal.

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

Survey, Platting, and Appraisal: After evaluation of public comment and conditions of the land, DNR will determine if it is in the State's best interest to offer the proposed project area. Survey, platting, and appraisal of staked parcels will be completed prior to sale. DMLW proposes to issue survey contracts to conduct the survey, and the survey costs will be prorated by acreage for each parcel. DMLW may also identify and survey additional parcels in a project area to be sold under *AS 38.05.045 Generally*. The number of staked and

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Silverbow Creek Remote Recreational Cabin Sites – ADL 420295

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additional surveyed parcels will not exceed the total number of parcels offered, nor total number of acres to be sold.

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

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting DNR DMLW standards will be required within two years of the date of entry of any parcel developed under this proposed action.

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

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

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

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

VII. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from September 2, 2016 through September 21, 2016 concurrently with other separate, proposed projects. Comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

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The DNR, Division of Parks and Outdoor Recreation, Mental Health Trust Land Office, and Alaska Railroad Corporation all replied with short comments of non-objection.

Department of Fish and Game (ADF&G) Comment: ADF&G provided the following general comments pertaining to all project areas.

ADF&G comment: ADF&G expressed concern that the project areas contain areas of poorly drained soils, and that poorly planned access could result in widening trails, unnecessary crossing of wetlands, and degradation to recreational values and fish and wildlife habitat. ADF&G recommended: all access points should be identified and reserved prior to staking, if possible; DNR should continue to work with boroughs, community groups, and ADF&G to establish access; and all easements and legal access should be noted and depicted in staking materials, conveyance documents, plats, and maps. ADF&G also recommended including information on the potential of wildlife interactions in these remote areas.

DNR LSS Response: LSS appreciates your review of our proposal. Attachment A: Vicinity map depicts the access trails identified within and through the project area. The offering brochure and staking materials will identify these trails, as well as any other access identified prior to or throughout the staking period. Staking will not be permitted over trails identified in the staking materials. Additionally, parcels will be subject to an easement centered on any trail located within or along a parcel, even if not identified prior to staking. Access across unreserved State-owned land without a permit, along with pertinent restrictions, is governed by *11 AAC 96 Provisions for General Land Use Activity*, and is beyond the scope of this decision to restrict. However, offering materials contain information describing using existing trails where possible, and information regarding permit requirements regarding wetlands and anadromous streams. Refer to the *Easements, Setbacks, and Retained Lands* section for more information. Offering materials contain information notifying potential stakers of the possibility of wildlife encounters, and how to avoid a negative encounter.

ADF&G provided the following comments specific to the Silverbow RRCS project area.

ADF&G Comment: Moose rutting and wintering habitat are found within this area. ADF&G does not anticipate impacts to the fish or wildlife populations from the proposed use of the land. There are no water bodies within the project area that have been cataloged as important to anadromous fish.

DNR LSS Response: LSS appreciates your review of our proposal. Offering materials include information notifying potential stakers of potential wildlife interactions, and how to avoid a negative encounter.

DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA) Comment: There are some previously-recorded cultural resource sites in the area, but none that have been determined eligible for or are listed on the National Register of Historic Places. However, the possibility remains that previously unidentified archaeological resources may be located within the project area. If such resources are discovered in the course of the project, work must be interrupted until the resources have been evaluated in

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terms of the National Register of Historic Places eligibility criteria or Alaska Landmarks status in consultation with OHA.

DNR LSS Response: LSS appreciates your review of our proposal. If any cultural or historic sites are discovered during project development, OHA will be notified. Additionally, offering materials will notify potential purchasers that should any sites be discovered, OHA must be notified.

DNR Division of Oil and Gas Comment (DOG): DOG has no objections to the proposed land disposals, and notes that there are no DOG authorizations or pending applications in the immediate vicinity. DOG recommends LSS continue to make potential applicants aware that State reserves oil, gas, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells.

DNR LSS Response: LSS appreciates your review of our proposal. Offering materials include information describing the State's reservation of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells.

Department of Commerce, Community, and Economic Development Comment: Please give thoughtful consideration of the potential impacts on the communities of Minto and Manley Hot Springs, including the impact to local year-round residents of increased wear and tear on the Elliott Highway.

DNR LSS Response: LSS appreciates your review of our proposal. The project area is approximately 20 road miles from Minto, and 22 road miles from Manley Hot Springs. The low-density development, and recreational use within the project area will have limited impact to either community. Additionally, participants in RRCS offerings are often existing users of an area, and as such LSS does not anticipate a significant increase of new users to the area. Public notice of this proposal will be distributed to the communities of Minto and Manley Hot Springs. That portion of the Elliot Highway between the Minto Road and the project area was recently re-constructed, and will be better able to handle any minor increase in traffic anticipated by this proposed offering.

Division of Geological & Geophysical Surveys (DGGS) Comment: DGGS provided specific soils information, and noted that permafrost is discontinuous within the project area. Also the Rampart Seismic Zone is adjacent to the project area and has had significant earthquake activity within the last 150 years. DGGS recommends that anyone staking in the project area be notified that there is an active placer mining district immediately north of the highway, and there is the potential for lode-mineral development in that area in the future as well.

DNR DMLW LSS Response: LSS appreciates your review of our proposal. Soils and geologic information has been considered in the development of this proposal, and will be included in offering materials where appropriate. LSS will also include information in the offering materials to inform potential stakers of the nearby placer mining district, and the potential for lode-mineral development.

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Silverbow Creek Remote Recreational Cabin Sites – ADL 420295

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State Pipeline Coordinators Section (SPCS) Comment: SPCS clarified information regarding the material sites, and provided other information specific to other proposed projects.

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

DNR, Division of Forestry Comment: DOF has no objection to the proposed offering, but would like to document some concerns. DOF recommends information and education be given to potential purchasers about Alaska's fire prone environment, fire management and cabin protection policies and the potential for increased work load protecting increased number of values at risk. DOF noted that there is Forest Classified and Tanana Valley State Forest lands to the west, but these areas should not be affected by the sales.

DNR DMLW LSS Response: LSS appreciates your review of our proposal. Offering materials encourage stakers to locate parcels within hardwood stands or near water sources to help mitigate fire risk. LSS encourages landowners with structures to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. Offering materials also include information regarding wild land fire prevention, and staking materials typically include the *Firewise* information. Offering materials also include information regarding Fire Management Options, note that there is no guarantee of protection from wildfire, and that it is the land owners responsibility to reduce fire risk. LSS does not anticipate conflicts with the Forest classified lands or Tanana Valley State Forest in the vicinity.

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

- Department of Environmental Conservation
- Department of Natural Resources;
 - Division of Agriculture;
 - Office of Project Management and Permitting;
- Department of Transportation and Public Facilities;
- Alaska Soil and Water Conservation District; and
- University of Alaska.

VIII. Submittal of Public Comments

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

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

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

LSS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision or draft mineral order, additional public notice for the affected lands will be given. Reducing the amount of land offered and

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Silverbow Creek Remote Recreational Cabin Sites – ADL 420295

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making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the Preliminary Decision, and draft mineral order including any deletions, minor changes, and summary of comments and LSS responses will be issued as a subsequent Final Finding and Decision, and Mineral Order 1197 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom LSS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision, and Mineral Order 1197. Upon approval and issuance of these actions, a copy of the decision, and mineral order will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the request for reconsideration process to any party who provides timely written comment.

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

DEADLINE TO SUBMIT WRITTEN COMMENT IS 5:00 PM, TUESDAY, MARCH 7, 2017

X. Alternatives and Discussion

DNR is considering the following alternatives:

Alternative 1: (Preferred) Offer authorizations to stake up to 45 parcels ranging from 5 to 20 acres in the Silverbow Creek project area, for a maximum of 900 acres sold through this offering under *AS 38.05.600 Remote Recreational Cabin Sites*. DNR may also identify and survey additional parcels in a staking area, up to the maximum number of parcels/maximum acreage listed above. The development and offering of the project area may be completed in multiple stages. This proposal includes the mineral order.

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

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

Article VIII, Section 1 of the Alaska Constitution states "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." Furthermore, *AS 38.05.045 Generally* and *AS 38.05.600 Remote Recreational Cabin Sites* has placed this charge with DNR, and the legislature has provided funding to administer the land sale program.

Alternative 1 provides a method for DNR to help meet the obligations laid out in the Constitution and statute, and maximizes public interest. This offering provides a unique opportunity for

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Silverbow Creek Remote Recreational Cabin Sites – ADL 420295

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Alaskans to obtain remote property in a desirable area. Alternative 1 provides the greatest opportunity for Alaskans to purchase land within this area which suits their needs.

Dispersed, low density staking is the best alternative for this area since it is a remote location with little or no infrastructure; the amount of contiguous high-quality acreage suitable for a large number of adjacent sites is low due to varying topography. Under designated parameters, entrants may choose individual sites within the staking area that suit their needs. Allowing additional parcels and parcels that are not converted from lease to sale to be surveyed and sold under *AS 38.05.045 Generally* will maximize the opportunities for the transfer of State-owned land into private ownership under a uniform set of conditions. Alternative 1 is preferred.

Alternative 2 is not preferred. High-quality sites suitable for individual settlement are discontinuous within the project area. There are few large areas with contiguous and high-quality acreage that could accommodate large numbers of adjacent parcels with suitable building sites and consolidated access. The area is better suited to dispersed settlement, and allowing entrants to select individual locations to suit their needs.

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

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

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Silverbow Creek Remote Recreational Cabin Sites – ADL 420295

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IX. Recommendation

This Preliminary Decision for the proposed disposal of state lands and Mineral Order 1197 described throughout this document and its attachments is consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative because it provides the maximum opportunity for offering State land to the public, and helps meet the mission of the land sales program. The Preliminary Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the state and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of state lands and Mineral Order 1197. If the decision is approved, Mineral Order 1197 will accompany and precede any Final Finding and Decision issued.

 \S\

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

January 30, 2017

Date

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

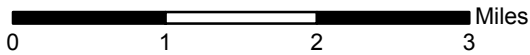
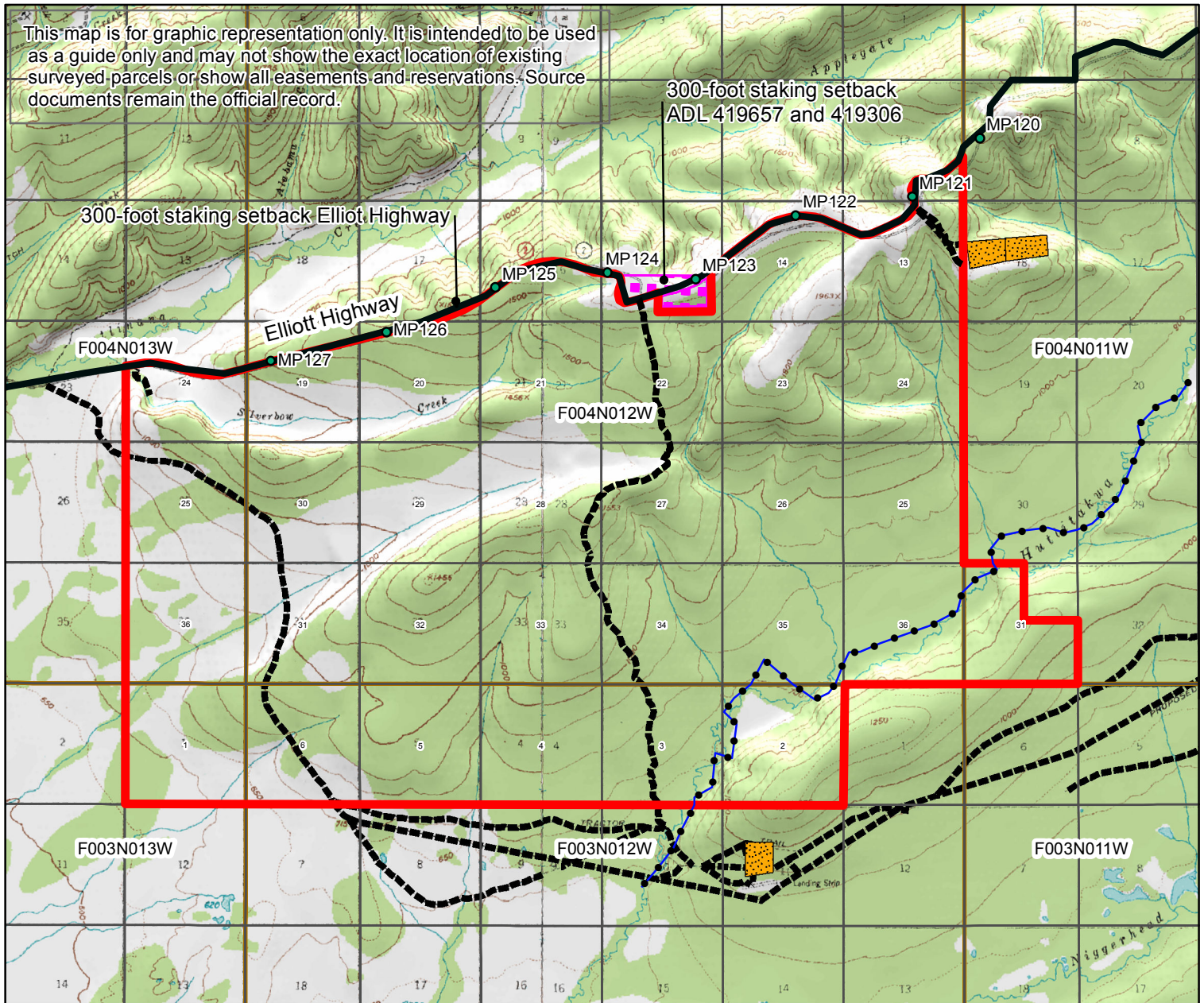
January 30, 2017

Date



Attachment A: Vicinity Map Silverbow Creek RRCS ADL 420295

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



	Project Area		Elliott Highway
	Resource Sale		Trails
	Private Land		Hutliitakwa creek

Township 3 North, Range 12 West;
Township 3 North, Range 13 West;
Township 4 North, Range 11 West;
Township 4 North, Range 12 West; and
Township 4 North, Range 13 West;
Fairbanks Meridian



TAS 1/27/2017

USGS QUAD 1:63,360

Tanana A-1, Livengood A-6

For more information contact:

Tim Shilling

Department of Natural Resources

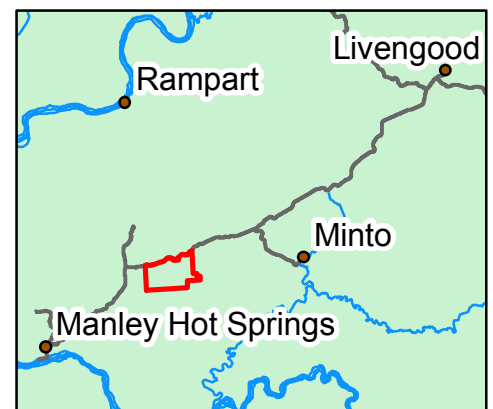
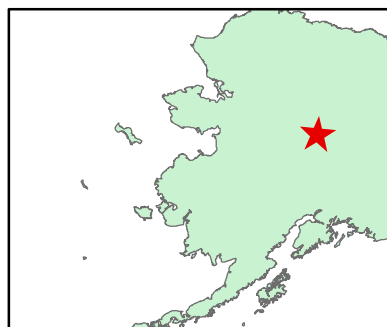
Division of Mining, Land, and Water

Land Sales & Contract Administration Section

Phone 907.451.2734

Fax 907.451.2751

Email: land.development@alaska.gov



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

ATTACHMENT B:
AREA DATA SUMMARY TABLE

**Proposed Land Offering in the Unorganized Borough
Silverbow Creek Remote Recreational Cabin Sites – ADL 420295**

Offering Information	
Proposed Number of Parcels	Up to 45
Proposed Parcel Size	5 to 20 acres
Net Offering	Up to 900 acres
Proposed Related Actions	Mineral order (closing)
Project Area	
Location	The project area is approximately 63 miles northwest of Fairbanks, 18 miles west of Minto, AK and 18 miles northeast of Manley Hot Springs, Alaska.
Gross Area Acreage	Approximately 18,800 acres
USGS Topography Map	USGS Quad Livengood A-6, Tanana A-1
MTRS	Township 3 North, Range 12 West, sections 2-6; Township 3 North, Range 13 West, section 1; Township 4 North, Range 11 West, portions of section 31; Township 4 North, Range 12 West, portions of sections 12-17, 19, 20, and the entirety of sections 21-36; Township 4 North, Range 13 West, portions of section 24, and the entirety of sections 25 and 36; Fairbanks Meridian.
Title	The entirety of the Project Area has been patented to the State through patents 50-86—140, 50-80-0122, 50-2005-0006, 50-99-0235, and 50-76-0100.
Area Plan and Classification	Yukon Tanana Area Plan (YTAP) (adopted 2014, Management Unit T-36/Lower Tanana Region. Classified Settlement (Se) through CL-NC-10-005.
Mineral Orders	Part of the project area is covered by LLO33. The project area will be closed to mineral entry prior to offering via Mineral Order No. 1197.

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

Silverbow Creek Subdivision – ADL 420295

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Physical Characteristics	
Access	Primarily via Elliott Highway, the project area would be accessible via ATV, snow machine, or foot. There are existing trails within the project area; however, the full extent and location of these trails has not been verified. Access to individual parcels is anticipated to be via generally allowed use across State lands.
Terrain and Major Features	Elevation varies from approximately 600 feet above sea level to 2,200 feet above sea level. The terrain is mountainous and generally south-facing with slopes ranging from 5% to 45%.
View	Possible views of valley on higher slopes.
Climate	The project area has a dry-winter continental subarctic climate. Average snowfall is approximately 57 inches per year. The average rainfall is approximately 15 inches per year. Average temperatures range from 13°F to 36°F.
Soils	According to <u>The Exploratory Soil Survey of Alaska</u> , soils on lower south-facing slopes are typically well-drained silts formed over loess. Permafrost is absent or deep. On higher slopes, well-drained soils are gravelly and without permafrost. Soils in the valley bottoms are poorly drained with a shallow permafrost table.
Wetlands	Freshwater Forested/shrub wetlands exist throughout a portion of the project area. Dredging or filling of wetlands may require a permit from the US Army Corps of Engineers.
Vegetation	The south-facing, well-drained slopes support white spruce, paper birch, and aspen. North facing slopes and low-lying areas have stands of black spruce.
Water Source	Possible water holding tank supplied by a rainwater catchment system, or from various streams throughout the project area. Water quality is unknown.
Anadromous Waters	None. Should additional streams be identified throughout the design phase, DNR will evaluate the appropriateness of buffers for such water bodies.
Local Management Information	
Fire Management Option	Modified Fire Management Option
Game Management Unit	20B
Local Authority	The project area is within the Unorganized Borough and subject to the State of Alaska platting authority.
Flood Zone	Flood Information Rate Maps are not available for the staking area.
Utilities	No known services exist within the project area.
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

Silverbow Creek Subdivision – ADL 420295

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Setbacks, Reserved Areas, Easements, and Conditions	
Allowed Uses	No commercial use or permanent residence is allowed while under lease. Once the parcel is under purchase contract or conveyed into private ownership these restrictions no longer apply.
Improvements	Prior to construction of any structure, driveway, or waste disposal system, potential purchasers should contact the platting authority for any permits or for required setbacks from water bodies, lot lines, and easements.
Building Setbacks	Parcels will be subject to a 100-foot building setback from the ordinary high water (OHW) of water bodies determined to be public or navigable. Water-dependent structures may be allowed within the building setback.
Staking Setbacks	Staking will not be allowed within the following areas: <ul style="list-style-type: none">• 300-foot from Elliott Highway;• 300-foot from material site (ADL 418458) at approximately MP124 Elliott Hwy.
Reserved Areas	Staking will not be allowed within reserved areas imposed prior to or during the staking period, including reserved areas to avoid locating parcels within or near a specific resource or third party interest, or to reserve areas for public use. Specific reserved areas have not been identified at this time but may be imposed up to or during the staking period as necessary.
Easements	Parcels may be subject to the following: <ul style="list-style-type: none">• a public access and utility easement along parcel boundaries;• an easement centered on existing trails through or along staked parcels;• 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>; section-line easements may be vacated under <i>AS 19.30.410 Vacation of Rights-of-Way</i> and <i>11 AAC 51.065 Vacation of Easements</i>;• a 50-foot continuous easement upland from the OHW of public or navigable water bodies in accordance with <i>AS 38.05.127 Access To Navigable or Public Water</i>;• a minimum 100 foot building setback from the OHW of public or navigable water bodies;• 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

Attachment B: Area Data Summary Table
 for a Proposed Land Offering in the Unorganized Borough
 Silverbow Creek Subdivision – ADL 420295
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Public or Navigable Water Bodies	Hutlitakwa Creek If additional water bodies are deemed public or navigable, DNR will comply with statutory requirements to provide access to and along said water bodies.
Additional Information	
Native Regional Corporations	Doyon Regional Corporation
Villages and Tribal Councils	SETH-DE-YA-AH Village Corporation (Minto) and Bean Ridge Village Corporation (Manley Hot Springs).
Oil and Gas Activity	None known.
Mining Activity	None known.
Comments	None

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

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
Silverbow Creek RRCS – ADL 420295
a Preliminary Decision and its Proposed Related Actions:
Mineral Order (Closing)

COMMENT PERIOD ENDS 5:00PM, TUESDAY, MARCH 7, 2017

This proposed project includes offering parcels through the Remote Recreational Cabin Sites program as described in the Preliminary Decision document. The development and offering of the project area may be completed in multiple stages.

Located within DNR's Northern Region, approximately 63 miles northwest of Fairbanks, 18 miles west of Minto, and 18 miles northeast of Manley Host Springs, Alaska, the project area is within portions of Township 3 North, Ranges 12 and 13 West, and Township 4 North Ranges 11-13 West, Fairbanks Meridian, within the Unorganized Borough. The project area encompasses approximately 18,800 acres.

Proposed Offering: up to 45 parcels, ranging from 5 to 20 acres

To obtain the notice, Preliminary Decision, Draft Mineral Order, or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907.269.8400 (TDD for the hearing impaired: 907.269.8411) or Fairbanks at 907.451.2705 (TDD for the hearing impaired: 907.451.2770), or the Southeast Land Office in Juneau at 907.465.3400 (TDD for the hearing impaired: 907.465.3888), or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, Tuesday, February 28, 2017.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on either the Preliminary Decision or Mineral Order for which notice is being conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 5:00PM, TUESDAY, MARCH 7, 2017.** Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be received by fax, email or postal mail. To submit comments or for direct inquiries, contact Tim Shilling fax # 907.451.2751, land.development@alaska.gov. If you have questions, call Tim Shilling at 907.451-2734.

If no significant change is required, the preliminary decision and mineral order, including any minor changes and a summary of comments and responses, will be issued as the final finding and decision without further notice. A copy of the final finding and decision will be sent to any persons who commented timely on the preliminary decision.

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