

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

PRELIMINARY DECISION

Proposed Land Offering in the Matanuska-Susitna Borough
Willow Creek Woodlands Subdivision – ADL 231768
and
Proposed Public Access Easement
ADL 231916
AS 38.05.035 (e), AS 38.05.045, AS 38.05.850

COMMENT PERIOD ENDS 4:00PM, FRIDAY, SEPTEMBER 16, 2016

I. Proposed Action(s)

Preliminary Decision: Willow Creek Woodlands Subdivision - ADL 231768, and Proposed Public Access Easement - ADL 231768

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

The following discussion explains the proposed actions of this Preliminary Decision.

Land Offering: The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales Section (LSS) is proposing to offer for sale State-owned land for within the identified project area. If approved, parcels will be offered for sale in a future offering under the methods as described herein.

Located within DNR's Southcentral Region, within Willow and approximately 38 miles north of Anchorage, the project area is within Section 6, Township 19 North, Range 3 West, Seward Meridian, within the Matanuska-Susitna Borough. The project area consists of approximately 568 acres identified for disposal by this proposed action. See Attachment A: Vicinity Map for a graphic depiction of the approximate location of the project area.

In accordance with the governing area plan and for the purposes of providing land for settlement, DNR proposes to sell land within the project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may develop a subdivision of no more than 15 parcels no smaller than 30 acres. DNR may consider parcels over 5 acres per the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*. This proposed project area is located within the Matanuska-Susitna Borough and therefore survey, platting, and access will be subject to the relevant subdivision standards. The project may be subdivided and offered in multiple stages.

If this proposed primary action is approved, the actual area offered for sale may consist of all or only a portion of the overall project area. After consideration of public comment, the size and boundaries of the development area will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. There may be adjustments to the

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development area prior to survey/subdivision, as described in the applications to the Borough, as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with Borough platting requirements. Of note, 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 the area.

Public Access Easement: DMLW is proposing to authorize a public access easement 5,280 feet in length and 100 feet in width, centered on the North-South center $\frac{1}{4}$ line within Section 6, Township 19 North, Range 3 West, Seward Meridian, containing approximately 12.1 acres. This easement has been serialized under ADL 231916. The public access easement will provide access within and across the project area, ADL 231768, as shown in Attachment A: Vicinity Map. If approved, the easement will be issued to the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water.

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 the proposed land sale and public access easement. See Section VIII Submittal of Public Comments at the end of this document and Attachment C: Public Notice for details on how to submit a comment for consideration. If after consideration of timely, written comments the proposal is approved, DNR DMLW may issue a Final Finding and Decision.

II. Method of Sale

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

III. Authority

DNR DMLW has the authority under *AS 38.05.045 Generally [Sale of Land]* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State under *AS 38.05.035 (e) Powers and Duties of the Director*. In addition, if it is deemed appropriate, DNR has the authority to develop and offer parcels larger than 5 acres under the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*.

DNR DMLW has the authority under *AS 38.05.850 Permits* to issue easements on State Land.

IV. Administrative Record

The project files for ADL 231768 (proposed subdivision) and ADL 231916 (proposed access easement) constitute the administrative record for this action. Also incorporated by reference are:

- Southeast Susitna Area Plan for State Lands (SSAP, adopted 2008) and associated land classification files;
- *Alaska Interagency Wild land Fire Management Plan* (2010);
- *Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *Custom Soil Resource Report* for ADL 231768 (generated September 11, 2013); and
- DNR case files relating to an adjacent project area (ADL 231767), as discussed throughout this document.

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V. Scope of the Proposal

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

VI. Description

The following section describes the project area.

Location: Located within DNR's Southcentral Region, within Willow and approximately 38 miles north of Anchorage, the project area is within Section 6, Township 19 North, Range 3 West, Seward Meridian, within the Matanuska- Susitna Borough. The project area consists of approximately 568 acres identified for disposal by this proposed action. See Attachment A: Vicinity Map for a graphic depiction of the approximate location of the project area. See Attachment B: Area Data Summary Table for additional information.

Borough/Municipality: The project area is within the Susitna-Matanuska Borough and subject to the borough's platting and zoning authority.

Native Regional and Village Corporations: The project area is within the boundaries of Cook Inlet Region, Inc. Notification will also be distributed to the villages of Knik-Fairview and Eklutna, which are located within approximately 25 miles of the project area.

Legal Description: The project area's legal description is defined as:

Section 6, Township 19 North, Range 3 West, Seward Meridian, excluding the NE1/4SE1/4; all within the Palmer Recording District, Third Judicial District, Alaska.

Title: Information from Title Report No. 4653, current as of September 19, 2013 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under a Statutory Quitclaim Deed dated April 23, 2010. Land within the project area was originally conveyed to the State by Patent 50-69-0001, dated July 9, 1968. The land was later conveyed to the University of Alaska in 2008, before being returned to the state in 2010. The applicable State case files are GS 330 and OSL 1450. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

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

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

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for the use of the people of the state.” This trust is in accordance with the principles of the Public Trust Doctrine, which are included in *Article VIII, Section 14 of the Alaska Constitution* and protected in *the United States Constitution*. It is vested in the title to this land, is not transferable, and the State’s title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made and access will be reserved per *AS 38.05.127 Access To and Along Public and Navigable Water*. For more information, see [Access To, Within, and Beyond Project Area](#) subsection of this document.

There are no waters determined navigable within the project area.

Physical Characteristics and Hazards: Attachment B: Area Data Summary Table describes the project area’s physical characteristics. In addition, the following paragraphs describe the project area based on internal research and a field inspection conducted in July 2010. This is by no means a complete description of the project area and if this proposal is approved and the area offered for sale, it will be the responsibility of interested parties to inspect individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

Geologic Hazards: According to information provided by DNR, Division of Geological and Geophysical Surveys (DGGS), the project area is located approximately 15 miles from the Castle Mountain fault, which is known to have been active within the last 15,000 years. They indicated that construction should be carried out in accordance with standard best practices for the seismic hazard. DGGS also indicated that the project area is within the zone of no permafrost, so no permafrost hazards are anticipated.

Fire Hazards: Field inspection revealed no signs of recent wildfire activity. Records do not indicate any fire activity within the project area. The project area is located approximately 6 miles east of the July 2015 Sockeye fire. Landowners with structures are encouraged to follow the Alaska Wild land Fire Coordinating Group *Firewise Alaska* recommendations. The project area is within the Willow Fire Service Area.

Fire management options and policies for the area are identified in the Alaska Interagency Wildland Fire Management Plan (2010) available from DNR Division of Forestry. The current fire management option for the project area is “Critical.” The plan states that areas with a Critical Fire Management Option are “the highest priority areas/sites for suppression actions and assignment of available firefighting resources.” It also states that the designation of a fire management option does not ensure protection from wildfire, and that a protection response will be based on various factors. “Ultimately it is the personal responsibility of the [landowner] to mitigate and minimize risk to their property and structures and to be ‘Firewise’.”

Flood Hazard: Within an undefined Flood Zone. The relevant Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map is Community Panel Number 0200216094E. Comments from the Department of Fish & Game (ADF&G) note that some of the project area is located within the floodplain and are likely to be subject to spring and fall flooding events. There is potential for seasonal flooding and erosion of parcels adjacent to water bodies, especially in low-lying areas. Interested parties are encouraged to research this issue and inspect the project area prior to applying.

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Background: This land was conveyed from the State to the University on May 21, 2008 before being returned to the state by QCD on April 23, 2010. There are no known third party interests or uses in this area. The surrounding area includes residential properties, and the Division of Agriculture is proposing an agricultural sale with several 40-80 acre parcels proposed north of the road. Nearby private subdivisions contain lots with a broad range of sizes. One nearby subdivision mainly contains parcels of approximately 0.5 acre in size, while another subdivision contains parcels of nominal 5 acres. There are many privately-owned large tracts in the area, as well, ranging from 20 to 40 acres in size. Surrounding state lands along the road are designated Settlement, with other lands further from the road designated for Forestry and other purposes. A separate state subdivision is proposed for lands immediately adjacent to and west of this project area (ADL 231767). This subdivision is expected to contain smaller sized lots of greater density.

The land was identified as a potential project area after it was returned to the state by the University. DMLW is proposing to subdivide the project area into parcels no smaller than 30 acres. Land sales staff receives frequent inquiries about the availability of large tracts for sale, so these lots will help to meet that demand. Parcels greater than 5 acres in size, as allowed by AS 38.04.020(h), are appropriate because of topographical features and soil conditions within the project area. Wetlands exist within the project area, and large lot sizes will insure that there is sufficient buildable area.

Access to the project area is from Willow Fishhook Road, then via an undeveloped section line easement along the northern boundary of the project area, and finally along the undeveloped, proposed access easement, ADL 231916, to individual lots.

This proposal will allow the State to reduce survey costs by eliminating the need to construct roads to and through the project area. Matanuska Susitna Borough road development requirements do not apply to subdivisions where four or less parcels are being created. The project area contains seven existing government lots; the remaining portion of the subdivision will be subdivided into 4 lots. This proposal will allow the state to sell several existing government lots as is.

Given the general conditions/quality of the land, available access, and nature of existing development in the area, this project area is well suited to subdivision into parcels approximately 30-acres or larger. This proposal is consistent with the land use in the area, an appropriate use of the lands, and will meet the desire for large tracts in this area.

Planning and Classification: The general management intent of the area plan unit and subunit were reviewed for consistency with the proposed offering and easement. The project area is within the Southeast Susitna Area Plan (SSAP, adopted 2008). The land was not classified by SSAP because it was conveyed to the University of Alaska prior to SSAP adoption. Following the conveyance of the land back to the State, Determination SC-08-001-DET03 was issued, determining that the land within the project area is classified Settlement.

Unit/Region: The land was not classified by SSAP because it was conveyed to the University of Alaska prior to SSAP adoption. Determination SC-08-001-DET03 determined land within the project area to be classified Settlement and that the management intent for Unit U-08 is applicable to this project area. The management intent for U-08 states that the area is appropriate for land disposal and that anadromous

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waters and wetlands should be protected by subdivision design. Consideration is also to be given to the orientation of residential units to views and to the maintenance of any recreational uses of the property. At the time of the plan adoption (2008), no such recreational uses were discernible.

There are no anadromous streams within the project area; however, wetlands do exist within the project area. Given the proposal to subdivide into large parcels, it is likely that a number of parcels will contain some portion of wetlands. Wetland areas will be protected by building setbacks.

The management intent also states that DMLW is to consult with the Division of Forestry (DOF) prior to the initiation of any land disposals in this unit. It states that timber harvest within the settlement area, “may be appropriate but must be compatible with the overall residential development plan and with development phasing.” LSS has coordinated with DOF throughout the development of this project area to discuss the proposed land disposal and to ensure access to the forestry-designated lands beyond the project area is maintained.

Area-wide Considerations: We reviewed the area plan’s guidelines in Chapter 2 Areawide Land Management Policies regarding Settlement; Coordination and Public Notice; Fish and Wildlife Habitat; Forestry; Recreation, Tourism, and Scenic Resources; Subsurface Resources; and Public Access, and we will incorporate these considerations into the development of the project. Additional information regarding Chapter 2 management intent is described below.

Settlement: The management guidelines in SSAP Chapter 2-Settlement provide that the cultural and aesthetic values of residents and users be considered in designing land disposals. Pages 2-28 through 2-32 of SSAP also address design considerations, coordination with local government, the sale of land through multiple offerings over the time period of the area plan, protection of access to other State lands, and protection of other important resources. DMLW considers these guidelines in the on-going development process.

Coordination and Public Notice: Management guidelines provide that local governments, state and federal agencies, adjacent land owners, and the public must be provided notice and opportunity to comment. Additionally, management guidelines state that subdivision plats must comply with borough platting requirements in accordance with *AS 38.04.045(b) Survey and Subdivision*. Notice for this proposal is being provided in accordance with *AS 38.05.945 Notice*, and any subsequent survey and platting action will be completed in accordance with MSB code. Refer to the Survey Platting and Appraisal subsection, and section VII. Submittal of Public Comments for more information.

Cultural Resources: Management guidelines provide that if, during agency review the Office of History and Archaeology (OHA) determines that a cultural survey may be required, further consultation is warranted. OHA reported that no reported cultural resources exist within the area. Refer to section VII. Agency Comments for more information.

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Forestry: Management guidelines provide that disposals of state land shall preclude commercial timber harvest and sale; however, it also allows for the clearing of timber for land development. Offering materials will indicate that commercial timber harvest and sale are not allowed on these parcels. In addition, land sales contracts preclude sale or removal of timber (among other surface resources) for commercial purposes for the term of the contract. The easement reserved through the subdivision will provide access to potential forest resources in the adjacent section south of the proposed subdivision.

Fish and Wildlife Habitat: Management guidelines indicate that access to public lands and waters should be ensured. The nearby anadromous water body that is within the same management unit is 700 feet from the project area. The proposed easement will ensure access through the project area.

Public Access: The management guidelines call for retention of access, particularly across state lands to other resources and to non-state lands. Access will be retained within and through the project area to adjacent state lands.

Shorelands and Stream Corridors: Management guidelines provide for buffers or building setbacks for wetland areas and protective easements for high value wetlands. Protective easements may be 50 to 100 feet in width. The recommended sensitive environmental features buffer is a minimum width of 50 feet, and imposing this is discretionary. Building setbacks may vary in size between 75 and 100 feet, with larger widths imposed for anadromous and high value streams. To protect existing wetlands areas within the project area, we will impose a building setback of 100 feet adjacent to apparent wetlands of 1 acre or more in size or to wetlands that are interconnected with larger wetland areas. We are not aware of high value wetlands within the project area, and the proposed building setback exceeds the minimum width suggested by SSAP.

Subsurface Resources: SSAP recommends that lands being considered for disposal for purposes of settlement be closed to mineral entry. The project area is currently closed to mineral entry via MO 1118. Refer to the Mineral Activity and Order(s) subsection for more information.

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

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

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Mineral Activity and Order(s): No mineral activity has been identified on these lands. The project area is closed to mineral entry under Mineral Order (Closing) No. 1118.

Mineral closing orders, where established, close an area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. Such mineral orders do not apply to leasable minerals, including oil and gas leasing, coal leasing, shallow gas leasing, 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 would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. Area plan subsurface resources management guidelines state that areas considered for disposal are recommended to be closed to mineral entry prior to sale to minimize potential conflict between land estate and mineral estate users.

Local Planning: Where they exist, local zoning and related ordinances govern private land use. The project area is within the MSB and platting actions within this borough are subject to the MSB platting and zoning authority. Approval of platting and zoning actions, and dedication of right-of-ways will require separate processes and public notices through the Matanuska-Susitna Borough.

This area is also governed by the Willow Area Community Comprehensive Plan. Review of the Willow Area Community Comprehensive Plan reveals support for the sale of public lands into private ownership.

Traditional Use Finding: The project area is located within the Matanuska-Susitna Borough (MSB) and a traditional use finding is therefore not required per *AS 38.05.830 Land Disposal in the Unorganized Borough*. However; information on current or traditional use is welcomed and can be given during the public comment period. See the Section VIII Submittal of Public Comments at the end of this documents and Attachment C: Public Notice for details on how to submit comment.

Access To, Within, and Beyond Project Area: Access to the project area is via Willow-Fishhook Road, which crosses through the northwest corner of the project area. Access within the project area will be provided by section line easements and along the undeveloped proposed access easement ADL 231916, along the north-south ¼ section line. Government lots along the western boundary of the project area can also be accessed by a section line easement along their western boundary. DNR does not intend to develop these easements at this time. The project area is within the platting authority of the MSB. Approval of platting actions and dedication of right-of-ways will require separate processes and public notices through the Matanuska-Susitna Borough.

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 body of water or waterway is a navigable or public waterway 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

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11 AAC 51.035 Determination of Navigable and Public Water and 11 AAC 51.045 Easements To and Along Navigable and Public Water.

For the purposes of AS 38.05.127:

- navigable water 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*.

For the purposes of reserving access to public or navigable water under the aforementioned statutes and regulations, if a water body is determined to be public or navigable prior to disposal, a continuous easement extending upland from the ordinary high water mark (OHWM) will be reserved within parcels located along said waters. An alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult. 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. Refer to the Easements, Setbacks, and Retained Lands subsection and Section VII Agency Comments section of this document for additional information.

There are no known public, navigable, or anadromous water bodies within the project area.

Easements, Setbacks, and Retained Lands: Parcels may be subject to a variety of easements, setbacks, and retained lands. Easements, setbacks, and retained lands will be identified on the subdivision plat and included in related informational documents. Approval of platting actions will require separate processes and public notices through the Matanuska-Susitna Borough. Final width and location of easements and reservations will be determined as part of the platting process.

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

- a 10-foot utility easement along each side of interior parcel boundaries, for a total width of 20 feet;
- a utility easement along the south side of the south right-of-way line for Alaska Right Of Way Project S-0580(7), Willow-Fishhook Road, encompassing the existing utility line;
- a 50-foot-wide public access easement on each side of surveyed or protracted section lines on State-owned land in accordance with AS 19.10.010 *Dedication of Land for Public Highways* and 11 AAC 51.025 *Section-line Easements*, unless vacated under AS 19.30.410 *Vacation of Rights-of-Way* and 11 AAC 51.065 *Vacation of Easements* as part of the subdivision design process;
- a 100-foot building setback from wetland areas greater than 1 acre in size or interconnected with larger wetland areas;

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- a 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 direct line-of-sight easement from the control station to an azimuth mark or other control monument;
- a 100-foot wide public access easement centered on the north-south center ¼ line (ADL 231916);
- For Willow-Fishhook Road:
 - an easement 100-feet wide, 50-feet either side of center line, for Willow-Fishhook Road, FAS 580, as described in the Alaska Omnibus Act (P.L. 86-70; 73 Stat. 141), dated June 30, 1959, which is wholly contained within the below listed easement for Willow-Fishhook Road;
 - an easement (A 061240) for a highway up to 200 feet wide, up to 100 feet either side of center line; and
- additional reservations and/or restrictions required through the local platting authority.

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

Hazardous Materials and Potential Contaminants: During a July 2010 field inspection, staff did not observe any hazardous wastes, spills, or other potential contaminants within the area. There are no known environmental hazards present within the project area, however, the State makes no representations and no warranties, express nor 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 environmental risks when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the State of Alaska, Department of Environmental Conservation. Given the high degree of interest from both the legislature and citizens in sale of State-owned land, DNR DMLW is of the opinion that the benefits outweigh the potential risks.

Survey, Platting, and Appraisal: After evaluation of agency and public comment and conditions of the land, DNR DMLW will determine if it is in the State's best interest to offer the proposed project area. In order to offer the property, a combination of survey, subdivision, or plat may be required. This proposed project area is located within the Matanuska-Susitna Borough, and therefore survey and platting will be completed to the relevant subdivision standards.

The Matanuska-Susitna Borough's planning requirements provide for separate public notice periods and processes for platting actions within the Borough. These additional opportunities for public involvement occur after Final Finding and Decision, if this proposed primary action is approved and the project moves forward.

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

VII. Agency Comments

Agency review for the proposed subdivision was conducted from February 28, 2014 through April 1, 2014. Comments pertinent to this proposed action received during agency review have been considered and addressed in the following paragraphs. 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. Agency review for the proposed easement is being conducted concurrently with public notice of the proposed subdivision; comments received will be considered and addressed in a subsequent Final Finding and Decision for the proposed subdivision and easement.

DNR Division of Forestry (DOF) Comment: DOF does not object to the proposed action provided that any future development does provide access to the adjoining North ½ of Section 7. This section is designated Forestry and the ideal access to the section is through Section 6.

DNR DMLW Response: Thank you for your comments. Legal access will be maintained along the northerly section line of Section 6, and other easements created through the platting process. LSS looks forward to working with DOF to provide access through the proposed subdivision and to the lands designated forestry.

DNR, Division of Parks and Outdoor Recreation (DPOR), Office of History & Archaeology (OHA) Comment: OHA indicated that no recorded cultural resources exist within the proposed subdivision area. They noted that should any cultural resources inadvertently be discovered, OHA should be notified for evaluation of the resources.

DNR DMLW Response: We concur. 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.

State Pipeline Coordinator's Office (SPCO) Comment: SPCO indicated that there are no AS 38.35 pipeline rights-of-way or proposed AS 38.35 pipelines in the area. They stated that they have no concerns.

DNR DMLW Response: Thank you for your comments.

Department of Fish & Game (DFG) Comment: DFG indicated that they have no objection to the proposed subdivision. They noted that some of the parcels are within the floodplain and are likely to be subject to spring and fall flooding events.

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DNR DMLW Response: Thank you for your comments. Potential applicants will be informed of this by sales information. The proposed building setback from wetland areas may also address this potential issue.

DNR Division of Oil & Gas (DOG) Comment: “Currently there are no DOG authorizations or pending applications for exploration licenses or oil and gas leases in the vicinity of the proposed land disposal. However, State-owned lands in the area are available for exploration licensing under the Division of Oil and Gas Exploration Licensing Program.”

DOG indicated that they were in the process of preparing a Best Interest Finding for the Southcentral Regional Exploration License Determination and that they should be contacted at dog.bif@alaska.gov for status updates.

“As in the past, DOG recommends LSS continue to make potential applicants aware the State reserves oil, gas, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells in accordance with Section 6(i) of the Alaska Statehood Act and Alaska Statute 38.05.125. The State also reserves the right to enter the land for the purposes of exploring for, developing, and producing these mineral resources, and the current mineral order closing the area to mineral entry will not apply to leasable mineral resources.”

DNR DMLW Response: Thank you for your comments. LSS notes that DOG issued a preliminary determination for the Southcentral Alaska Regional Determination Area on February 2, 2016. We will coordinate with the Best Interest Finding Unit for status updates as the project progresses. Potential applicants will be made aware of State mineral reservations by this decision, as well as brochure documents.

DNR Division of Geological and Geophysical Surveys (DGGS) Comment: “DNR-DGGS has reviewed the proposed Willow Creek Woodlands Subdivision (ADL 231768). According to DGGS mapping published in 1978 (<http://www.dggs.alaska.gov/pubs/id/29>), the western third of the site is underlain principally by gravel and sand, and the eastern two-thirds are underlain principally by mixed coarse- and fine-grained material. There are areas of peat in the northeastern corner and along the south half of the western boundary. The proposed subdivision is located in the zone of no permafrost, so permafrost hazards are not anticipated.

The parcel is located approximately 15 miles (24 km) from the Castle Mountain fault, which is known to have been active within the last 15,000 years. Construction should be carried out in accordance with standard best practices for the seismic hazard. The project area is closed to mineral entry, so minerals potential was not evaluated.”

DNR DMLW Response: Thank you for your comments. Potential applicants will be notified of this information via the offering brochure.

The Department of Commerce, Community and Economic Development (DCCED), Division of Community and Regional Affairs (DCRA) submitted a statement of no comment on the project area.

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Proposed Land Offering in the Matanuska-Susitna Borough

Willow Creek Woodlands Subdivision – ADL 231768

Proposed Public Access Easement - ADL 231916

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

- Department of Environmental Conservation;
- Department of Natural Resources;
 - Division of Agriculture;
 - Mental Health Trust Land Office; and
- Department of Transportation and Public Facilities;
- Wasilla Soil and Water Conservation District; and
- University of Alaska Land Management.

VIII. Submittal of Public Comments

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

Pursuant to *AS 38.05.945 Notice*, DNR will issue public notice inviting comment on this Preliminary Decision.

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.

We will consider all timely, written comments received by DNR DMLW LSS. If timely written comments received in response to this notice indicate the need for significant changes to the Preliminary Decision, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to the proposal will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and the DMLW responses, will be issued as a subsequent Final Finding and Decision and Public Access Easement without further notice.

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. Upon approval and issuance of a Final Finding and Decision, a copy of the decision will be made available online at <http://dnr.alaska.gov/mlw/landsale/> and sent with an explanation of the appeal process to any party who provides timely written comment.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
4:00PM, FRIDAY, SEPTEMBER 16, 2016**

IX. Alternatives and Discussion

DNR DMLW is considering the follow alternatives:

Preliminary Decision

Proposed Land Offering in the Matanuska-Susitna Borough

Willow Creek Woodlands Subdivision – ADL 231768

Proposed Public Access Easement - ADL 231916

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Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 15 parcels no smaller than 30 acres and offer those parcels for sale; and authorize a public access easement along the north-south $\frac{1}{4}$ section line within section 6. The development and offering of the parcels may be completed over multiple years.

Alternative 2: Do not subdivide the project area further prior to offering. Offer the existing government lots and the remaining 320 acres as a single parcel. No easement will be issued and ADL 231916 will be closed as access to public and private lands south of the offering is provided by existing Section Line easements.

Alternative 3: (Status Quo) Do not offer this project area for private ownership. Retain the land in State ownership. No easement will be issued under ADL 231916.

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

Alternative 1 provides a method for DNR to help meet the obligations laid out in the Constitution and statute. Alternative 1 maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area; while also providing for access via easement (ADL 231916) through the subdivision and to potential forest resources in the adjacent section. The subdivision as described will allow DNR DMLW to create a design that will maximize use of the land and provide the public a greater opportunity to purchase land within this area. Many members of the public have indicated a desire for large lots, and this subdivision will help to meet this demand. Alternative 1 provides for a public access easement to provide access through the project area.

Alternative 2 does not maximize public interest and is not preferred. Due to the unique amenities of the area, and the location relative to the community of Willow, the project area is better suited to further subdivision prior to offering. Further subdividing the project area prior to offering will maximize opportunity for conveyance to private ownership and better utilize this relatively small area of contiguous land that is suitable to higher settlement density. Alternative 2 is not preferred.

Alternative 3 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR DMLW from meeting its Constitutional 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.

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

Preliminary Decision

Proposed Land Offering in the Matanuska-Susitna Borough

Willow Creek Woodlands Subdivision – ADL 231768

Proposed Public Access Easement - ADL 231916

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Recommendation

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

This is a Preliminary Decision and subsequent public review may result in changes to the preferred alternative or disapproval of the proposed actions.

/s/

Prepared by: Lauren Rouen
Natural Resource Specialist III
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

August 9, 2016

Date

/s/

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

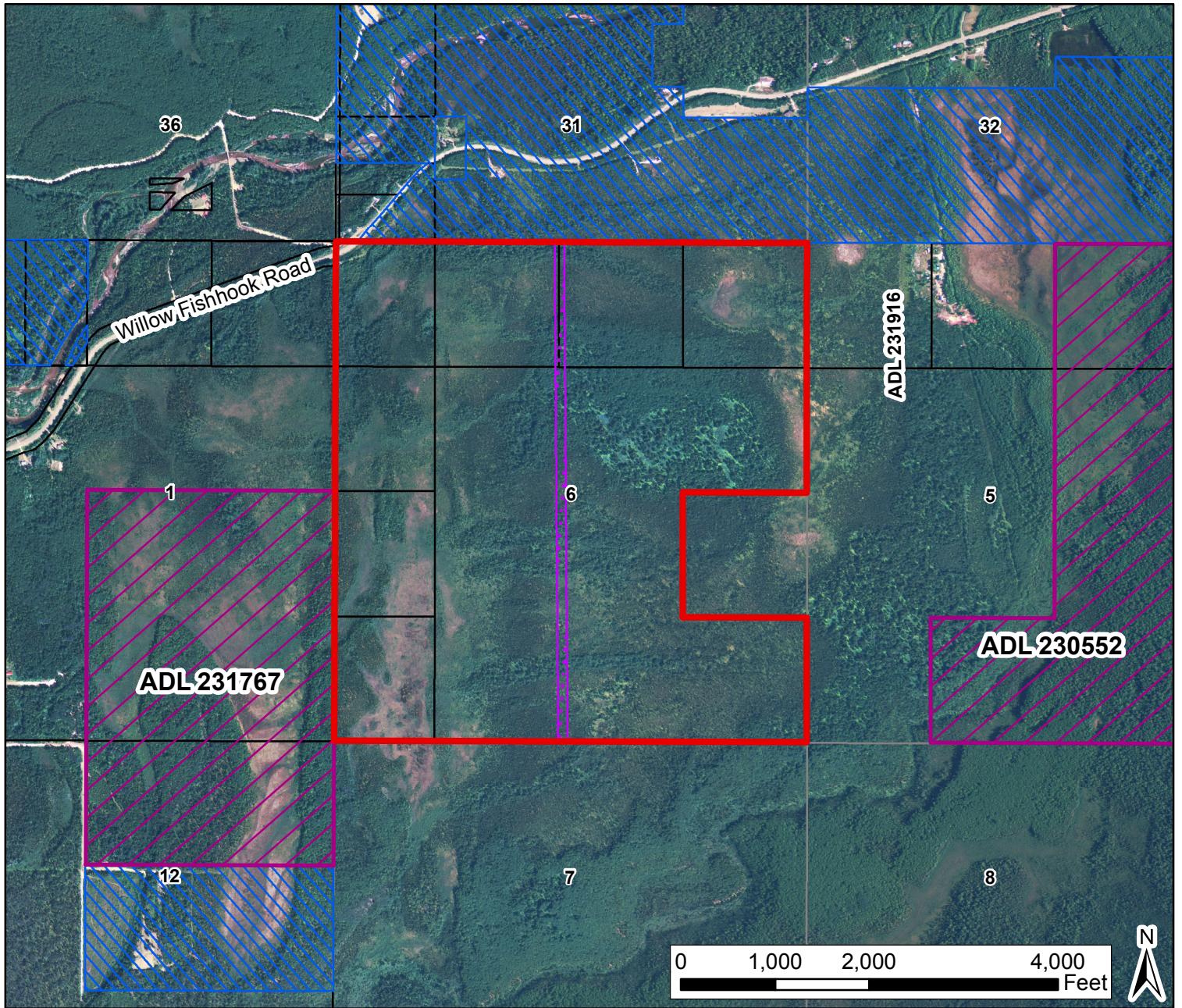
August 9, 2016

Date



Willow Creek Woodlands Subdivision - ADL 231768 and Proposed Public Access Easement - ADL 231916

Attachment A: Vicinity Map
to the Preliminary Decision for a
Proposed Land Offering in the
Matanuska-Susitna Borough



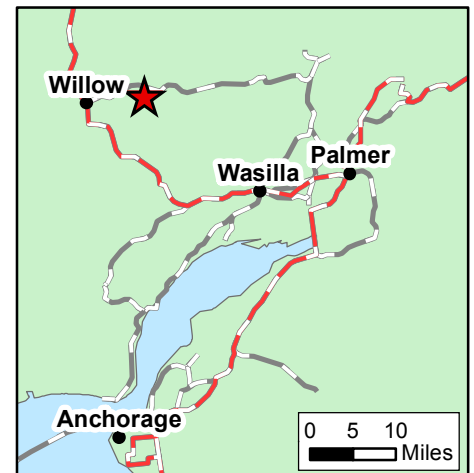
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

USGS QUAD 1:63,360
Anchorage D-8
For more information contact:
Lauren Rouen
Department of Natural Resources
Division of Mining, Land and Water
Land Sales & Contract Administration Section
Phone 907.269.8851
Fax 907.269.8916
Email lauren.rouen@alaska.gov

Section 6, excluding the NE1/4SE1/4,
Township 19 North, Range 3 West,
Seward Meridian

LFR 6/10/2016

- Project area
- Land Sale Projects
- Public Access Easement
- Municipal Entitlement
- Survey Lot
- Section



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

ATTACHMENT B: AREA DATA SUMMARY TABLE

to the
Preliminary Decision

for a
**Proposed Land Offering in an Organized Borough
Willow Creek Woodlands Subdivision – ADL 231768**
and
Proposed Public Access Easement ADL 231916

Offering Information	
Proposed Number of Parcels	Up to 15 parcels
Proposed Parcel Size	No smaller than 30 acres
Proposed Related Actions	None.
Project Area	
Location	In the Willow area, approximately 5.5 miles from the Parks Highway via Willow Fishhook Road
Project Area Acreage	~568 acres
USGS Topography Map	USGS Quad Anchorage D-8
Legal Description	Section 6, excluding the NE1/4SE1/4, within Township 19 North, Range 3 West, Seward Meridian
Title	Patented State-owned land
Area Plan and Classification	Southeast Susitna Area Plan (SSAP, adopted 2008), Kashwitna-Willow Uplands Region, Management Unit U-08. Classified settlement.
Mineral Orders	MO 1118 (closed)
Physical Characteristics	
Access	Primarily via the Willow Fishhook Road, individual lots will be accessible via platted internal easements. DMLW is proposing to issue an access easement (ADL 231916) along the north-south quarter section line.
Terrain and Major Features	The project area is relatively flat with elevation increasing from 125 feet to 169 feet, from west to east. Some areas within the western portion of the project area appear to be wet.
Climate	Average summer temperatures range from a low of 46°F to a high of 66°F. Average winter temperatures range from a low of -2°F to a high of 15°F. Average annual precipitation is 23.5 inches, with 79.6 inches of snowfall.

Attachment B: Area Data Summary Table

to the Preliminary Decision

for a Proposed Land Offering in the Matanuska-Susitna Borough

Willow Creek Woodlands Subdivision – ADL 231768

Page 2 of 3

Soils	<p>A Custom Soil Resource Report from the USDA Natural Resources Conservation Service indicates that the project area is made up of several different soil types. Approximately half of the soils are Cryaquepts, which are very poorly drained depressional soils. Other soil types within the project area include well-drained Cryods, very poorly drained Histosols, and well-drained Tokosiltna silt loam. Wetlands exist within the project area.</p> <p>Known soil concerns will influence the project's design and feasibility and such features will be described in the project file and offering materials where relevant.</p>
Vegetation	Mixed paper birch-white spruce, with black spruce and willow and alder underbrush.
Anadromous Waters	NONE. Should additional streams be identified throughout the design phase, DNR DMLW will evaluate the appropriateness of buffers for such water bodies.
Local Management Information	
Fire Management Option	The project area is within the Critical Fire Management Option. Fires of less than one acre in size occurred adjacent to the project area in 1957 and 2001. The project area falls within the Willow Fire Service Area (#35). Willow Fire Department has two local stations, including one located approximately 2 miles away on Willow Fishhook Road.
Game Management Unit	Game Management Unit 14A
Local Authority	Matanuska-Susitna Borough currently exercises authority for planning, platting, taxes, and zoning for the project area.
Flood Zone	Within an undefined Flood Zone. The relevant Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map is Community Panel Number 0200216094E. According to ADF&G, some parcels may contain lands within the floodplain that are subject to spring and fall flooding events.
Utilities	This area is currently served by Matanuska Electric Association (MEA). Utility lines may need to be extended to individual lots.
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
Setbacks, Reserved Areas, Easements, and Conditions	
Improvements	Prior to construction of any structure or waste disposal system, contact the platting authority for any permits or for required setbacks from water bodies, lot lines, and easements.
Building Setbacks	Parcels are subject to a 100-foot building setback from wetland areas greater than 1 acre in size or interconnected with larger wetland areas.

Attachment B: Area Data Summary Table

to the Preliminary Decision

for a Proposed Land Offering in the Matanuska-Susitna Borough

Willow Creek Woodlands Subdivision – ADL 231768

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Public Access and Utility Easements	<p>Parcels may be subject to the following:</p> <ul style="list-style-type: none"> • a 10-foot utility easement along each side of interior parcel boundaries, for a total width of 20 feet; • a utility easement along the south side of the south right-of-way line for Alaska Right Of Way Project S-0580(7), Willow-Fishhook Road, encompassing the existing utility line; • a 50-foot-wide public access easement on each side of surveyed or protracted section lines on State-owned land in accordance with <i>AS 19.10.010 Dedication of Land for Public Highways</i> and <i>11 AAC 51.025 Section-line Easements</i>, unless vacated under <i>AS 19.30.410 Vacation of Rights-of-Way</i> and <i>11 AAC 51.065 Vacation of Easements</i> as part of the subdivision design process; • a 100-foot building setback from wetland areas greater than 1 acre in size or interconnected with larger wetland areas; • a 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 direct line-of-sight easement from the control station to an azimuth mark or other control monument; • a 100-foot wide public access easement centered on the north-south center ¼ line (ADL 231916); • For Willow-Fishhook Road: <ul style="list-style-type: none"> ○ an easement 100-feet wide, 50-feet either side of center line, for Willow-Fishhook Road, FAS 580, as described in the Alaska Omnibus Act (P.L. 86-70; 73 Stat. 141), dated June 30, 1959, which is wholly contained within the below listed easement for Willow-Fishhook Road; ○ an easement (A 061240) for a highway up to 200 feet wide, up to 100 feet either side of center line; and • additional reservations and/or restrictions required through the local platting authority.
Public or Navigable Water Bodies	NONE. If additional water bodies are deemed public or navigable, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.
Additional Information	
Native Regional Corporations	Cook Inlet Region, Inc.
Villages and Tribal Councils	Knikatu, Inc., located approximately 21 miles from the project area, and Eklutna, Inc., located approximately 28 miles from the project area, will be provided with public notice of the proposed subdivision.
Oil and Gas Activity	No authorizations or pending applications. State-owned lands in the area are available for exploration licensing, however.
Mining Activity	None known.

ATTACHMENT C: PUBLIC NOTICE

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

PUBLIC NOTICE

Requesting Input for a Preliminary Decision to Approve a Proposed Land Offering:
Willow Creek Woodlands Subdivision – ADL 231768

and a

Proposed Public Access Easement: **ADL 231916**

COMMENT PERIOD ENDS 4:00PM, FRIDAY, SEPTEMBER 16, 2016

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

Located within DNR's Southcentral Region, within Willow and approximately 38 miles north of Anchorage, the project area is within Section 6, Township 19 North, Range 3 West, Seward Meridian, within the Matanuska- Susitna Borough.

Land Offering size: ~568 acres, no more than 15 parcels no smaller than 30 acres.

Easement: a public access easement 100 feet in width and approximately 5,280 feet in length, centered on the North-South center ¼ line within Section 6, Township 19 North, Range 3 West, Seward Meridian, containing approximately 12.1 acres.

To obtain the notice, Preliminary Decision, 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, FRIDAY, SEPTEMBER 9, 2016.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment on the Preliminary Decision. **The deadline for public comment is 4:00PM, FRIDAY, SEPTEMBER 16, 2016.** Only persons from whom DNR DMLW LSCAS 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 Lauren Rouen, 550 W. 7th Avenue, Suite 640, Anchorage, AK 99501, fax # 907.269.8916, phone # 907.268.8891, lauren.rouen@alaska.gov.

Attachment C: Public Notice

to the Preliminary Decision

for a Proposed Land Offering in the Matanuska-Susitna Borough

Willow Creek Woodlands Subdivision – ADL 231768

Page 2 of 2

If no significant change is required, the preliminary decision, 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.