

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

PRELIMINARY DECISION
Mukluk Subdivision – ADL 421095

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

RELATED ACTION(S):
None Proposed

PUBLIC COMMENT PERIOD ENDS 5:00PM, TUESDAY, JANUARY 7, 2020

I. Proposed Action(s)

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Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

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 for sale State-owned land within the identified project area. If approved, surveyed parcels will be offered for sale.

Located within DNR's Northern Region, approximately four miles southwest of Tok, south of the Alaska Highway, and west of the Glenn Highway/Tok Cutoff. The project area is within Sections 3, 10, 23 and 26, Township 17 North, Range 12 East, Copper River Meridian; and Section 27, Township 18 North, Range 12 East, Copper River Meridian within the Unorganized Borough (UB). The project area consists of approximately 2,300 acres identified for disposal by this proposed action. See *Attachment A: Vicinity Map* for a depiction of the project area.

In accordance with the governing area plan for the purposes of providing land for settlement, DNR proposes to sell land within the Mukluk project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may develop a subdivision of no more than 230 parcels varying in size no smaller than 5 acres. This proposed project area is located within the UB and therefore survey, platting, and access to and within the project area will be subject to the State of Alaska subdivision standards. The project area 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 project area will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. Additional adjustments may be made prior to subdivision, as described in the applications to the platting authority, as needed to reserve

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areas for public use, minimize conflicts between uses, or ensure compliance with platting requirements. Although actions under this proposal are limited to the stated minimums and maximums, additional offerings may be authorized under future proposals, which could increase the density of privately-owned parcels within, adjacent to, or near the project area.

Proposed Related Action(s): No related actions proposed.

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.

Public Open House: DNR DMLW will be holding a Public Open House to discuss the proposal and share information about the project area. The Public Open House will be held on Monday, December 9th at 6pm at the Tok School.

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 DMLW moves forward with the proposal, a Final Finding and Decision will be issued.

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*.

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 38.05.045 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." Pursuant to *AS 38.05.055 Auction Sale or Sealed Bid Procedures*, bidders for commercial land are not required to have been an Alaska resident for one year preceding the date of the sale. 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*.

IV. Administrative Record

The project file, Mukluk Subdivision - ADL 421095, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Eastern Tanana Area Plan for State Lands (ETAP, adopted August 2015) and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan (2019 Review)*;
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;

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- Exploratory Soil Survey of Alaska, United States Department of Agriculture, Soil Conservation Service (Issued February 1979); and
- Other case files, reports, or documents reference herein.

V. Scope of the Proposal

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

VI. Description

Location: Within DNR's Northern Region, approximately four miles southwest of Tok, south of the Alaska Highway, and west of the Tok Cut-Off Highway. See *Attachment A: Vicinity Map and Attachment B: Area Data Summary Table* for additional information.

Platting Authority: The project area is within the UB 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, Limited regional corporation. The villages of Tanacross and Tetlin Lake are within 25 miles of this proposed action and notice will be sent to Tetlin Native Corporation, the Native Village of Tetlin, the Native Village of Tanacross, and Tanacross Incorporated.

Legal Description: Section 27, Township 18 North, Range 12 East, Copper River Meridian according to the plat accepted by the Bureau of Land Management on December 16, 1959; Sections 3 and 10, Township 17 North, Range 12 East, Copper River Meridian, according to Alaska State Cadastral Survey No. 2012-10, recorded on February 5, 2013 in the Fairbanks Recording District as plat #2013-12; and, that portion of Sections 23 and 26, Township 17 North, Range 12 East, Copper River Meridian according to the plat accepted by the Bureau of Land Management on December 16, 1959, located northeasterly of the Eagle Trail right-of-way, and also located westerly of the Glenn Highway right-of-way; all encompassing approximately 2,300 acres within the Fairbanks Recording District, Fourth Judicial District, Alaska.

Title: Information from Title Reports No. 11905-A and 11905-B, current as of July 17, 2019 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under: Patent 1234509, dated January 2, 1964 for those portions of Section 23 and 26; Patent 50-2018-0064, dated June 28, 2018, for Sections 3 and 10; and, Patent 50-65-0354, dated December 18, 1964, for Section 27. The applicable State case file is GS900 (for Sections 3, 10, 23, and 26), and GS108 (for Section 27). The parcels are subject to the reservations, easements and exceptions contained in the federal patent.

State Reservations of Title:

Retention of and Access to Mineral Estate: In accordance with *Section 6 (i) of the Alaska Statehood Act* and *AS 38.05.125 Reservation [of Rights to Alaska]*, the State retains

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ownership of the mineral estate that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper, and silver, etc.), and leasable minerals (such as oil, gas, coal, etc.).

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

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

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

Where they exist within the project area, State third-party interests will be described in land sales brochures.

[Physical Characteristics and Hazards](#): *Attachment B*: Area Data Summary Table describes the project area's physical characteristics. Information about the project area is based on internal research, information received during agency review, field inspections of adjacent subdivisions (the multiple stages of Tok Triangle Subdivision in 2004). 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.

Soils: Soils within the project area generally consist of thin mantles of loess over very gravelly glacial outwash or dune sand, with silty material in greater thicknesses in depressions. The DNR Division of Geological and Geophysical Surveys (DGGs) noted that the project area is located on an alluvial fan formed by floodwaters draining from Mentasta Pass to the Tanana River during the end of the last Ice Age. Geologic mapping indicates that the subsurface is well-drained, low-gradient gravels and pebbly sand. In specific localities, these sand and gravel deposits may be overlain by several inches to several feet of silt. DGGs noted that the project area is within a zone of discontinuous permafrost, with 50-90% of the ground surface underlain by perennially frozen ground. The areas with permafrost have low to moderate ice content and are generally stable when thawed, except in silt-rich localities.

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Wetlands: No wetlands have been identified within the project area.

Geologic Hazards: According to information received from DNR DGGS, the project area is located approximately 5 miles from the Cathedral Rapids fault, which has been active for the past 15,000 years. In addition, the project area is approximately 17 miles from the Totschunda fault, which last ruptured in 2002. The risk posed by building within an active seismic zone should be mitigated by following appropriate construction best practices.

Fire Information: Pursuant to observations from previous field inspections and information received from the Division of Forestry, fire risk in the area is high. Fire history indicates that portions of the project area were previously burned in fires. Portions of Section 27 were burned in the MacKenzie Trail Fire in the 1990s, and portions of Section 10 were burned in the Butch Kuth Fire in the early 2000s. The project area is within the BLM Tok Wildland Fire Protection Area.

Potential for wildland fire is high in interior Alaska and other certain parts of the state. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. Offering materials include information regarding wildland fire prevention.

Fire management options and policies for the area are identified in the Alaska Interagency Wildland Fire Management Plan available from DNR Division of Forestry. The current fire management option for the project area is “Critical.” The policy on areas with the “Critical” management option reads, “wildfire occurring in the Critical Management Option of that threaten critical sites are assigned the highest priority 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: 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. Information from well logs near the project area indicate that well depths are 107 feet deep on average and have a static water level of 88 feet. Water quality is unknown.

Background: The project area consists of level topography at approximately 1,620-foot elevation, with significant forest cover of mixed Aspen and Spruce. There are no utilities, water supplies, or sewer systems currently available in the project area. During Agency Review, the Alaska Department of Fish and Game (ADF&G) reported known uses of the

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project area by local residents for recreational activities, such as trapping, dog sledding, and snow machining.

The proposed Mukluk project area encompasses Settlement land within the prior Tok Triangle Subdivision project area. The majority of the proposed project area for Mukluk Subdivision was identified and approved for disposal but not offered in the multiple stages of Tok Triangle Subdivision, because the number of parcels authorized for the Tok Triangle offering was reached through phases I-IV.

Much of the surrounding land, primarily east and south of the project area, consists of large parcels previously offered as part of the Tok Triangle and Glen Subdivisions. The Tok Triangle Subdivision project (approved in 2004) approved the subdivision and offering of approximately 3,120 acres within the approximately 12,000-acre project area. The Tok Triangle Subdivision includes: Phase I (Section 26, T18N, R12E), Phase II (Section 35, T18N, R12E), Phase III (Section 34, T18N, R12E), and Phase IV (Section 15, with portions of Section 16 and 22, T17N, R12E). Tok Triangle Phase 1 consists of 32 parcels, Phases II and III consist of 40 parcels each, and Phase IV consists of 34 parcels, all ranging in size from 10-40 acres. Adjacent subdivisions include the Glen Subdivision to the east, offered beginning in 1986, encompassing Sections 2 and 11, T17N, R12E. The Glen Subdivision offered approximately 88 parcels, ranging from 10-20 acres, for sale in each section (44 parcels in each section).

A public open house was held for the Tok Triangle Subdivision in 2004, in which community members expressed interest for increased State land sales in the Tok area, specifically surveyed parcels, to aid expansion and growth of the community. The audience preferred large parcel sizes to allow for low density development, and that land closest to the road system be offered in the first stages. LSS proposes offering land in the Mukluk Subdivision project area similarly as the Tok Triangle Subdivision, consisting of 5-40 acre parcels offered in multiple stages. LSS proposes to develop up to 230 parcels within the approximately 2,300-acre project area. This will allow for flexibility in design and a range of parcel sizes to be offered. LSS seeks to promote community expansion and provide sought-after large parcels.

Due to high occurrence of wildfire in the Tok area, the DNR Division of Forestry (DOF) placed a fuel break along the eastern section line of Section 20, and northern section lines of Sections 27-28 (C018N012E). Fuel breaks are areas of intentional fuel reduction to limit the spread of wildfire. LSS proposes coordinating with DNR DOF Tok Area Forestry to brush subdivision rights-of-ways (ROWS) or thin fuels in the area prior to sale. Tok Forestry may use a Wildland-Urban Interface (WUI) grant to reduce fuel on lands in the project area. Per the request of DNR DOF Tok Area Forestry, areas proposed for disposal are adjacent to previous State land offerings, primarily the multiple stages of the Tok Triangle Subdivision.

The project area can be accessed from the Alaska Highway and Tok Cutoff via platted roads in adjacent subdivisions and brushed sections lines. In addition, the southern portion of the project area can be accessed via the Eagle trail, a RS 2477 route historically used to access interior settlements from Valdez. The trail intersects the Glenn Highway/Tok Cutoff at approximately MP 8. Consistent with prior State land offerings, LSS proposes reserving a 100-foot public access easement northeasterly of the approximate centerline of the Eagle trail. Land in the Tok area is popular for its recreational opportunities and location between

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the larger cities of Anchorage and Fairbanks. The proposed Mukluk subdivision boasts road accessible parcels, easily reached from both the Alaska and Glenn Highways.

Planning and Classification: The general management intent of the area plan and subunit were reviewed for consistency with the proposed offering. The project area is within Eastern Tanana Area Plan (ETAP, adopted August 2015), Upper Tanana Region, Unit U-22. Lands within this unit are currently designated Settlement, and classified Settlement under Land Classification Order No. NC-10-004.

Unit U-22 Considerations: The management intent for Unit U-22 provides that land disposals are appropriate during the planning period. Access provided by the RS 2477 routes are to be maintained and a 100-foot buffer kept on each side of the Alaska Highway and Glenn Highway. Existing material sales are appropriate for the unit. The ETAP recommends consideration of impacts on caribou wintering habitat and waterfowl migration corridors.

Access along the Eagle Trail RST will be maintained by reserving a 100-foot public access easement northeasterly of the approximate centerline of the Eagle trail. LSS will retain a minimum setback from the Glenn Highway (Tok Cutoff), consistent with adjacent subdivisions. The project area is distant from the existing material site(s). ADF&G was consulted during the development of this proposal, and state no objection to the proposed subdivision, refer to **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 regarding Coordination and Public Notice, Cultural Resources, Fish and Wildlife Habitat, Forestry, Material Sites, Public Access, Settlement, and Subsurface Resources. 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 pursuant to *AS 38.05.945 Notice*; and review of local comprehensive plans. Public notice for this action is being conducted in accordance with *AS 38.05.945 Notice*. The proposed subdivision is in the UB, and there are no local plans affecting the project. 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 DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA) during an agency review of a proposed land disposal that a cultural survey may be required, further coordination between OHA and DMLW prior to the land disposal is warranted; and that cultural surveys should be considered where OHA reported sites exist or where there is a high potential for such sites to exist.

During agency review, OHA indicated that there are no reported cultural resource sites within the identified area; OHA did not recommend a cultural resource survey.

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OHA will be notified should any discovery of cultural resources occur during the development of this project and offering materials will include information regarding archaeological sites.

Fish and Wildlife Habitat: Areawide management guidelines for Fish and Wildlife Habitat apply to areas designated or co-designated Habitat. Management guidelines do not address any specific management intent or management guidelines specific to settlement. Management intent specific to Unit U-22 notes waterfowl migration corridors and caribou wintering habitat present throughout the community and adjacent area. ADF&G was consulted during agency review and suggested a subdivision design which prioritizes low density development, to limit the impact of migrating caribou in the area.

Forestry: Management guidelines state that forest harvest operations for purposes of supporting subdivision development, forest health, or the clearing of rights-of-way, can precede construction on state land intended for subdivision development by DNR, through collaboration with the DNR DOF, DNR DMLW LSS, and the Northern Regional Office (NRO) Regional Manager. Due to high risk of wildfire in the Tok area, LSS proposes coordinating with DNR DOF Tok Area Forestry brushing subdivision ROWs or thinning of fuels in the area prior to sale.

Material Sites: Management guidelines states that generally, if a settlement area contains high value material resources, the material source area should be identified during subdivision design and retained in state ownership for future use. No high value material resources have been identified in the project area.

Public Access: Management guidelines cover general public access and management of trails within and between developing areas. In general, before selling State land, DNR will reserve public use easements pursuant to the requirements of *11 AAC 51.015 Standards for Public Easements*. Access within the subdivision will be reserved and/or dedicated through the platting process. Additionally, LSS proposes to reserve a 100-foot easement northeasterly of the approximate centerline of the Eagle trail.

Settlement: This section provides management guidelines regarding planning and coordination with local plans and governments; types of settlement and land offerings; protection, management, and enhancement of other resources; and design. These guidelines have been considered in the development of this proposal. The proposed project will not interfere with any critical recreation or environmental resources and DMLW will solicit coordination with local landowners through the public notice and public comment process.

Subsurface Resources: This section provides management guidelines regarding mineral closures and oil and gas resources. The project area is closed to mineral entry by Mineral Order (closing) 1023 (covering Section 27, T18N, R12E and Sections 3, 10, T17N, R12E) and Mineral Closing Order 367 (covering those portions of Section 23 and 26, T17N, R12E). Refer to the *Mineral Activity and Order(s)* section for more information.

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The proposed offering is consistent with area-wide land management policies and general management intent of the ETAP and specific management unit.

Mineral Activity and Order(s): No mineral activity has been identified on these lands. The project area is closed to mineral entry under MO 1023 and MCO 367.

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

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

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

Traditional Use Finding: The project area is within the UB, and a traditional use finding is therefore required under *AS 38.05.830 Land Disposal in the Unorganized Borough*. Information obtained from the ETAP, research, agency review, and field inspection did not identify any traditional uses of the project area. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a possible increase in the various traditional activities which may be practiced by new private-property owners. 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.

Access To, Within, and Beyond Project Area: Legal access to the project area is along platted roads within adjacent subdivisions. Sections 3, 10, and 27 of the project area can be accessed from the Alaska Highway (west of MP 1316) via Scoby Way. From Scoby Way, the parcels can be accessed via brushed and otherwise undeveloped rights-of-way. In addition, Section 27 can be accessed from the Tok Cutoff (MP 122.5), via Mushers Way and Mukluk Ave. Those portions of Sections 23 and 26 in the project area can be accessed from the Glenn Highway/Tok Cutoff (MP 8) via Goshawk Rd or by the Eagle trail.

Access To and Along Public or Navigable Waters: In accordance with *AS 38.05.127 Access To Navigable or Public Water*, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include *11 AAC 51.035 Determination of Navigable*

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and Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water, and 11 AAC 53.450, Buffer Strips, Reserved Areas, and Public Easements.

For the purposes of AS 38.05.127:

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

DNR has not identified any public, navigable, or anadromous water bodies within the project area. If any such water bodies are discovered, 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 body.

Easements, Setbacks, and Retained Lands: Subdivision design may include a variety of easements, setbacks, and retained lands, which will be identified on the subdivision plat and included in related documents.

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

- public access easements;
- utility easements;
- a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with AS 19.10.010 *Dedication of Land for Public Highways* and 11 AAC 51.025 *Section-line Easements*; section-line easements may be vacated under AS 19.30.410 *Vacation of Rights-of-Way* and 11 AAC 51.065 *Vacation of Easements* as part of the subdivision development;
- 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, in accordance with the area plan;
- 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-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument; and,
- a 100-foot- wide public access easement northeasterly of the approximate centerline of the Eagle trail.

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

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Hazardous Materials and Potential Contaminants: During ground field inspections conducted in 2004 for the Tok Triangle Subdivision 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, DNR is of the opinion that the benefits of offering the land outweigh the potential risks.

Survey, Platting, and Appraisal: After evaluation of public comment and conditions of the land, DNR will determine if it is in the State's best interest to offer the proposed project area. In order to offer the property, a combination of survey, subdivision, and/or platting actions may be required.

The project area is located within the UB, 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 fixed for the sale of any parcel developed under this proposed action. Even though the sale of project area parcels in multiple offerings over time will mitigate "flooding" the market, the two-year appraisal requirement must still be followed.

Project research and development includes consideration of economic factors utilizing market data and project development costs compiled by DNR DMLW staff, to evaluate the economic feasibility of a project. Since it commonly takes several years for the project development process, *AS 38.05.840* ensures the current market conditions are addressed in order to obtain a realistic minimum bid or purchase price for the sale of State land.

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 December 5, 2018 through December 27, 2018. Comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional timely comments received during the Public

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Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

DNR DMLW LSS received brief comments of non-objection from the following agencies: Department of Transportation and Public Facilities; DNR Division of Parks and Outdoor Recreation (Operations); and Mental Health Trust Land Office.

DNR DMLW LSS Response: LSS appreciates all reviews of the proposal.

Department of Fish and Game (ADF&G) Comment: ADF&G stated no objection to the creation of the Mukluk Subdivision. ADF&G concurs with the easements around the Eagle trail and reservation of section line easements. The project area is used by local residents for trapping, dog mushing, snowmobiling, and ADF&G recommended that DNR consider a subdivision design that will incorporate and allow for continued use of the existing trails within the project area. In addition, ADF&G suggested a subdivision design which maximizes the amount of open space and limits the impact on migrating caribou in the area. For example, larger parcels would reduce the density of development and is less likely to impede the movement of caribou.

DNR DMLW LSS Response: LSS appreciates ADF&G's review of the proposed decision and the feedback. Some narrow and well used trails were observed within the project area during previous field inspections, many located along section lines. Subdivision design and survey will incorporate existing trails where appropriate. Refer to the Easements, Setbacks, and Retained Lands subsection for more information. LSS proposes offering parcels no smaller than 5 acres and will prioritize subdivision design which reduces the density of development.

DNR Division of Oil and Gas (DOG) Comment: DOG expressed no objection to the proposed disposal and noted there are no DOG authorizations or pending applications in the immediate vicinity. DOG appreciates LSS alerting potential purchasers about the State retention of and access to the mineral estate, and that mineral orders do not apply to leasable mineral resource exploration, development, or production.

DNR DMLW LSS Response: LSS will continue to provide information about State reservations of title and the applicability of mineral orders on the mineral estate in decision documents and the sales materials if the proposed land offering proceeds.

DNR Division of Geological & Geophysical Surveys (DGGS) Comment: DGGS described the project area soil conditions and geologic hazards, and as summarized in the Soils and Geologic Hazards subsections of this document.

DNR DMLW LSS Response: LSS appreciates the DGGS review and the information has been incorporated into this document.

DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA) Comment: OHA noted that State law requires all activities requiring licensing or permitting from the State of Alaska to comply with the Alaska Historic Preservation Act, which prohibits the removal or destruction of cultural resources on land owned or controlled by the State. Review of the Alaska Heritage Resource Survey database indicated there were no known

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Mukluk Subdivision – ADL 421095

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cultural resource sites within the identified subdivision area. However, OHA noted that only a very small portion of the state has been surveyed. Should inadvertent discoveries of cultural resources occur, OHA should be notified so that OHA may evaluate whether the resources should be preserved in the public interest (as specified at Section 41.35.070[d]).

DNR DMLW LSS Response: LSS appreciates OHA's review of the proposed decision and the feedback provided. OHA will be contacted should any discoveries be made during development. Potential bidders are notified of archaeological requirements in the land sale offering materials as well.

The following agencies or groups were included in the agency review, but no comment was received:

- Department of Environmental Conservation;
- Department of Commerce, Community & Economic Development;
- Department of Natural Resources;
 - Division of Agriculture;
 - Division of Forestry;
 - Office of Project Management and Permitting; and
 - State Pipeline Coordinator's Section;
- Alaska Association of Conservation Districts;
- Alaska Railroad; 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.

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, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision including any deletions, minor changes, and summary of comments and LSS responses will be issued as a subsequent Final Finding and Decision 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

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made available online at <http://landsales.alaska.gov/> and sent with an explanation of the appeal 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, JANUARY 7, 2020

IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 230 parcels no smaller than 5 acres and offer those parcels for sale. The development and offering of these parcels may be completed in multiple stages. This proposal includes the mineral order.

Alternative 2: (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* 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 meet the obligations laid out in the Constitution and statute and maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. This proposal, if approved in a subsequent Final Finding and Decision, will allow DNR DMLW to create and design a subdivision which will provide for the best use and development of the land and financial return to the State. Alternative 1 provides the greatest opportunity for more Alaskans to purchase land within this area. Due to the unique amenities of the area, location relative to the community of Tok, developed access to and near the area, and the proximity to existing residential private property; the project area is better suited to subdivision prior to offering. Historically, subdivision parcels in the Tok area sell well both in land auctions and over the counter sales. Alternative 1 is preferred.

Alternative 2 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR DMLW from meeting its constitutional, statutory, and legislative goals. Not offering the project area would deny many Alaskans the opportunity to obtain land in an area that is suited to settlement and consistent with the surrounding development.

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

Recommendation follows.

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X. Recommendation

This Preliminary Decision for the proposed disposal of State lands 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.

(signature on file)

Prepared by: Kaitlyn Fuqua
Natural Resource Specialist II
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

11/22/2019

Date

(signature on file)

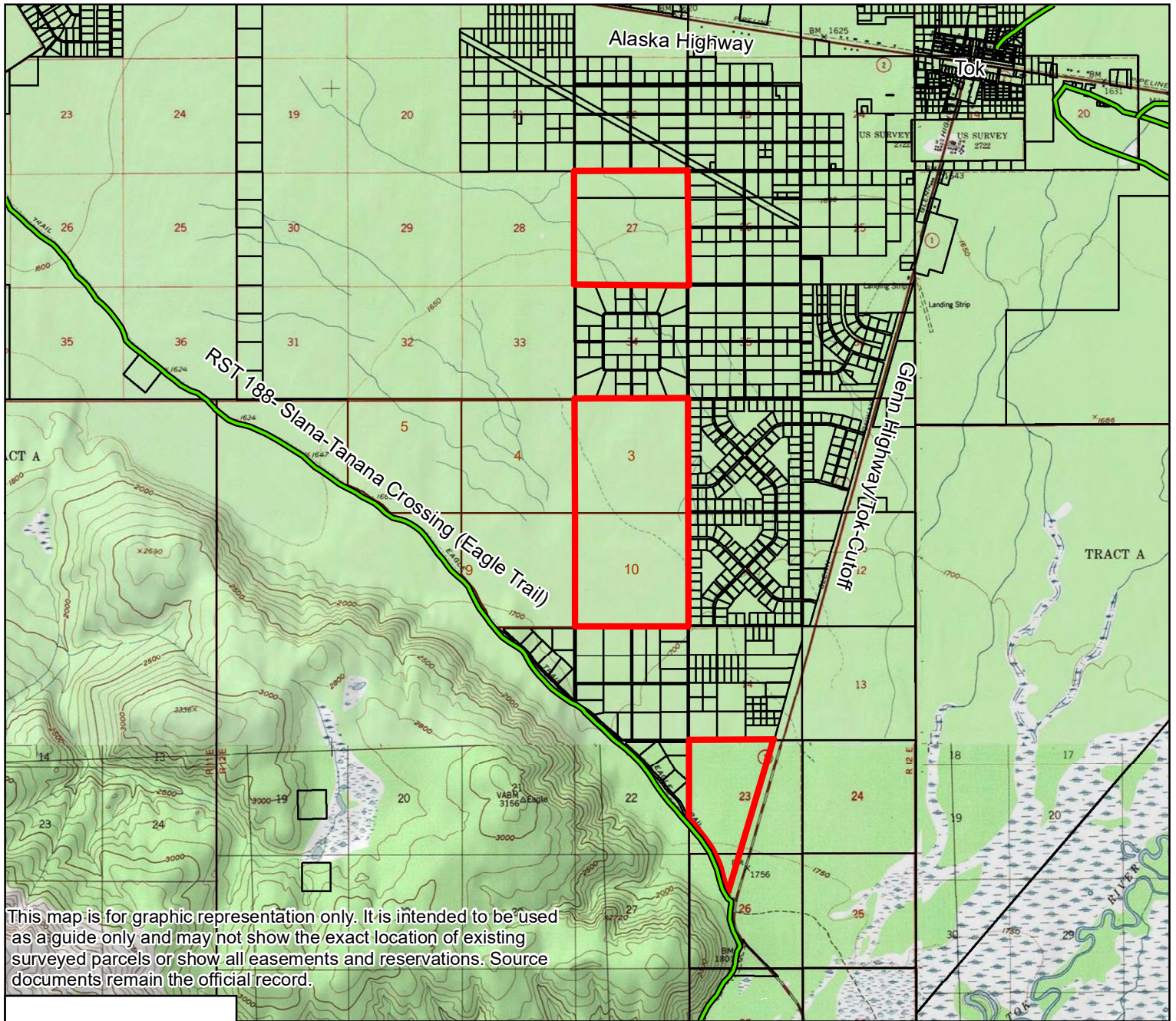
Approved by: Rachel Longacre
Section Manager
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

11/22/2019

Date



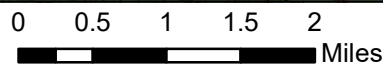
Attachment A: Vicinity Map Mukluk Subdivision ADL 421095



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.

Legend

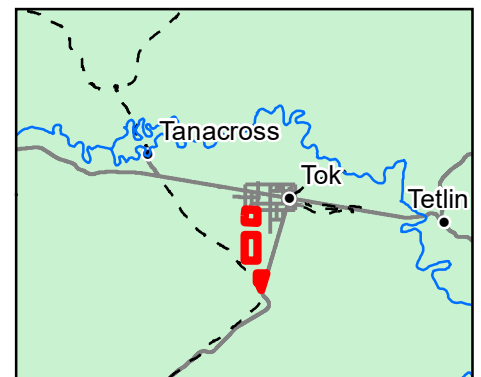
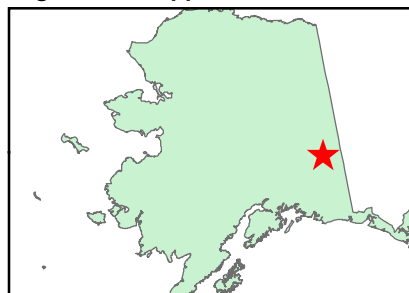
- Project Area
- RS2477 Trail



Section 3, 10, 23, and 26, Township 017N
Section 27 Township 018N
Range 012E, Copper River Meridian

KNF 05/09/2019

USGS QUAD 1:63.360
Tanacross B-5
For more information contact:
Kaitlyn Fuqua
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales Section
Phone: 907-451-3011
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

to the
Preliminary Decision

for a
**Proposed Land Offering in the Unorganized Borough
Mukluk Subdivision – ADL 421095**

Offering Information	
Proposed Number of Parcels	Up to 230 parcels
Proposed Parcel Size	Varying in size, no smaller than 5 acres
Proposed Related Actions	None
Project Area	
Location	The proposed Mukluk Subdivision is located approximately four miles southwest of Tok, south of the Alaska Highway, west of the Glenn Highway/Tok Cutoff, and northeast of the Eagle Trail (RST 188, Slana-Tanana Crossing).
Project Area Acreage	The project area consists of approximately 2,300 acres are identified for disposal by this proposed action.
USGS Topography Map	USGS Quad Tanacross B-5
Legal Description	Section 27, Township 18 North, Range 12 East, Copper River Meridian according to the plat accepted by the Bureau of Land Management on December 16, 1959; Sections 3 and 10, Township 17 North, Range 12 East, Copper River Meridian, according to Alaska State Cadastral Survey No. 2012-10, recorded on February 5, 2013 in the Fairbanks Recording District as plat #2013-12; and, that portion of Sections 23 and 26, Township 17 North, Range 12 East, Copper River Meridian according to the plat accepted by the Bureau of Land Management on December 16, 1959, located northeasterly of the Eagle Trail right-of-way, and also located westerly of the Glenn Highway right-of-way; all encompassing approximately 2,300 acres within the Fairbanks Recording District, Fourth Judicial District, Alaska.
Title	Patented State-owned land (patent #'s: 1234509, 50-2018-0064, 54-60-0161)
Area Plan and Classification	Eastern Tanana Area Plan (ETAP) (adopted on August 28, 2015) Upper Tanana Region, Unit U-22. Lands are designated Settlement and classified as Settlement Land.
Mineral Orders	MO 1023 and MCO 367

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

Mukluk Subdivision – ADL 421095

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Physical Characteristics	
Access	The Mukluk Subdivision is located south of the Alaska Highway and west of the Glenn Highway/Tok Cutoff. Legal access from these highways to the project area boundary can be currently obtained via several Tok area subdivision platted roads and via the historic Eagle Trail (noted in state records as the Slana-Tanana Crossing, RST 188), which constitutes the southern/southwestern project boundary. The Eagle Trail, an RS 2477 route, was historically used to access interior settlements from Valdez. The trail intersects the Alaska Highway near Tanacross at approximately milepost 1330, and the Glenn Highway/Tok Cutoff at approximately mile 8.
Terrain and Major Features	Level topography, approximately 1,620 ft elevation, with significant forest cover.
View	Local view.
Soils	Majority of the soils in the project area are thin mantles of loess over very gravelly glacial outwash or dune sand, with silty material in greater thicknesses in depressions. 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.
Wetlands	None identified. Dredging or filling of wetlands may require a permit from the US Army Corps of Engineers.
Vegetation	Fairly thick mixed Aspen and Spruce forest in majority of the project area. The project area has had numerous small fires in the past.
Water Source	Likely drilled well or hauled water. Wells in the area are on average 107 ft deep with a static water level at 88 ft. Water quality unknown.
Anadromous Waters	There are no anadromous waters in the project area.
Local Management Information	
Fire Protection	The project area is listed as "Critical" fire management option.
Game Management Unit	12
Local Authority	The project area is within the Unorganized Borough and subject to the State of Alaska platting authority
Flood Zone	Flood Insurance Rate Maps are not available for the project area.
Utilities	No utilities are currently available in this area.
Waste Disposal	The project area is one mile from the Tok Landfill (AK-1 MP 120.5), three miles from JD Refuse Service (AK-2 MP 1314.5). 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	
Building Setbacks	Parcels are subject to a 100-foot building setback from the ordinary high water (OHW) of water bodies determined to be public or navigable in accordance with the area plan. Water-dependent structures may be allowed within the building setback. There are no known public or navigable waters in the project area.

Attachment B: Area Data Summary Table

for a Proposed Land Offering in the Unorganized Borough

Mukluk Subdivision – ADL 421095

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Public Access and Utility Easements	Parcels may be subject to the following: <ul style="list-style-type: none">• public access easement(s);• utility easement(s);• 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> as part of the subdivision development;• 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 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-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument; and• a 100-foot-wide public access easement northeasterly of the approximate centerline of the Eagle trail.
Retained Lands	LSS will retain a minimum setback from the Glenn Highway (Tok Cutoff), consistent with adjacent subdivisions.
Public or Navigable Water Bodies	None identified. If any water bodies are deemed public or navigable within the project area prior to platting, DNR DMLW will comply with statutory requirements to provide access to and along said waterbodies.
Additional Information	
Native Regional Corporations	Doyon, Ltd. Regional Corporation.
Villages and Tribal Councils	Tanacross Village Council, Tanacross Incorporated, Tetlin Native Corporation, and Tetlin Tribal Council.
Oil and Gas Activity	None known.
Mining Activity	There is no mining activity within the project area. There are several mining claims outside of the project area, southwest of the Eagle Trail.
Comments	As appropriate LSS will coordinate for brushing of subdivision ROWs or thinning of fuels prior to sale. Tok Forestry may use a Wildland-Urban Interface grant to reduce fuel on lands in the project area.

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

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
Mukluk Subdivision – ADL 421095

COMMENT PERIOD ENDS 5:00PM, TUESDAY, JANUARY 7, 2020

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

Location: Within DNR's Northern Region, approximately four miles southwest of Tok, south of the Alaska Highway, west of the Glenn/Tok Cut-Off Highway, and northeast of the Eagle Trail (RST 188- Slana-Tanana Crossing).

Project size: 2,300 acres proposed development area, in multiple stages

Public Open House: DNR DMLW will be holding a Public Open House to discuss the proposal and share information about the project area. The Public Open House will be held on Thursday, December 12th, at 6:30pm at Tok School.

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, Tuesday, December 31, 2019.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment on the Preliminary Decision for which notice is being conducted. **The deadline for public comment is 5:00PM, TUESDAY, JANUARY 7, 2020.** 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 Kaitlyn Fuqua, 3700 Airport Way, Fairbanks, AK, 99708, fax # 907-451-2751, land.development@alaska.gov. If you have questions, call Kaitlyn Fuqua at 907-451-3011.

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

Attachment C: Public Notice

for a Proposed Land Offering in the Unorganized Borough

Mukluk Subdivision – ADL 421095

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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.