

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

FINAL FINDING AND DECISION

of a
**Proposed Land Offering in the Unorganized Borough
Sage Subdivision – ADL 231046
AS 38.05.035(e), AS 38.05.045**

This Final Finding and Decision complements and updates the Preliminary Decision dated July 1, 2013. The preliminary decision has had the required public review.

Attachment I: Updated Vicinity Map
Attachment II: Preliminary Decision

I. Recommended Action

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales and Contract Administration Section (LSCAS) recommends offering for sale State-owned land for private ownership within the Sage Subdivision project area (ADL 231046). Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally [Land for Sale]*.

The area proposed for sale is located approximately 6 miles west of McCarthy. As a result of comments received and additional consideration since the time of issuance of Attachment II: Preliminary Decision, the project area has been reduced in size and is located within Sections 28 and 29, lying south of the McCarthy Road, and S1/2 of Section 30, Township 5 South, Range 13 East, Copper River Meridian. The project area now encompasses approximately 780 acres, of which a maximum of 450 acres will be sold. The minimum parcel size has been increased from 2 acres to 5 acres, and the maximum number of parcels has been reduced from 300 to 90. See Attachment I: Updated Vicinity Map for a depiction of the location of the reduced project area.

For the purposes of providing land for settlement near the McCarthy area, if deemed feasible, DNR may develop a subdivision of no more than 90 parcels varying in size from nominal 5 to 15 acres along with larger remainder tracts, with development occurring in increments over time. This project area is located within the Unorganized Borough and therefore survey, platting, and road construction will be completed to the relevant State standards. The project may be subdivided and offered in one or more separate offerings.

There is no associated action with this proposal. The originally proposed Area Plan Amendment to the Copper River Basin Area Plan is no longer necessary as the disposal will now be limited to 450 acres. Public notice for this related action was conducted concurrently with the notice for the primary action's Preliminary Decision.

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II. Authority

The State of Alaska, Department of Natural Resources (DNR) has the authority under *AS 38.05.045 Generally [Sale of Land]* to sell State-owned land if, on preparation and issuance of a written finding as directed by *AS 38.05.035 (e) Powers and Duties of the Director*, it is determined to be in the best interest of the State.

III. Traditional Use Findings

In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a traditional use finding is required for this project area because it is within the Unorganized Borough. There would be an increase in the density of the population in the area. Public review brought forth no new information indicating traditional use conflicts.

IV. Summary of Public Notice and Comments

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment appeared on the State of Alaska Online Public Notices website at <http://notice.alaska.gov/> and was posted on the DNR DMLW LSCAS website at http://landsales.alaska.gov/mlw/landsale/public_notice/ beginning July 3, 2013 and for the entire public notice period.

Notices were mailed to Ahtna, Inc. regional corporation, the Native Village of Chitina, Chitina Native Corporation and the Native Village of Kluti-Kaah per *AS 38.05.945(c)(2)-(3)*. Additionally, notices and a request to post for 30 days were sent to postmasters (Chitina, Copper Center, McCarthy) and librarians (Glennallen, Kenny Lake) in the vicinity of the offering per *AS 38.05.945(c)(4)* and *AS 38.05.945(b)(3)(C)*. Notice was also provided to the Superintendent of the Wrangell – St. Elias National Park, Rick Obernesser, as required by the Copper River Basin Area Plan (CBAP). The notice was published as a legal notice in the statewide Anchorage Daily News on Sunday, July 7, 2013 and the local Wrangell – St. Elias News on Tuesday, July 23, 2013.

An open house was held on Tuesday, July 23, 2013 from 7:00 to 9:00 pm at Tony Zak's Community Center in McCarthy. Public Service Announcements regarding the open house were distributed to local radio stations serving the area: KCAM and KCHU.

The public notice stated that written comments were to be received by 4:00PM, August 22, 2013 in order to ensure consideration and eligibility to appeal. For more information, refer to Attachment II: Preliminary Decision.

DNR DMLW LSCAS received comments from the State of Alaska, Department of Fish and Game (DFG), the U.S. National Park Service (NPS), and twenty-eight private individuals. Commenters of record will receive a copy of this Final Finding and Decision and our responses to their comments as summarized and addressed below. In addition, two individuals submitted comments after the close of the comment period. Even though these comments were received after the deadline, their comments are addressed below. However, these individuals do not have a legal right to appeal the decision, and they will be notified of such.

Department of Fish and Game, Division of Sport Fish (DFG): DFG submitted the following comment, "ADF&G reviewed the Preliminary Decision to authorize the Sage Subdivision. We

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appreciate DNR considering our comments and we have no additional concerns. Please send us a copy of the Final Decision when issued.”

DNR Response: Thank you for your comments. A copy of the Final Finding and Decision will be sent to everyone who submitted timely comments on the Preliminary Decision.

U.S. National Park Service (NPS) Comment: “Thank you for the opportunity to comment regarding the preliminary decision document for a proposed land offering near McCarthy – Sage. Since the proposed subdivision is within the boundary of Wrangell-St. Elias National Park and Preserve, we would like to offer the following suggestions:

Many landowners currently in the McCarthy community do not consider McCarthy to be their primary permanent residence and therefore are not eligible to engage in subsistence in the Park or Preserve. We would anticipate that this will be the case for many new landowners who purchase lots within this subdivision. NPS regulations do not allow the harvest of firewood to heat a residence unless the individual is a local rural resident. Currently, many of the landowners in the McCarthy area who are not local rural residents harvest firewood on the state lands that are identified for this proposed land offering. Conveying this land to private land will reduce the amount of state land open to firewood harvest. We would encourage you to consider identifying an area within the proposed subdivision as a community woodlot to address this issue.

Wildland-urban interface is a growing challenge for wildland fire managers in Alaska. I would encourage DNR to consider designing individual parcels and access routes in a manner that considers natural barriers to fires including creeks or wetland areas to enhance future fire suppression efforts.

We would encourage DNR to design effective access routes that take advantage of natural topography, particularly upland soils and well drained sites. Often landowners lack the resources to develop access routes to a high standard but if the routes are located on well drained sites they can be developed with a minimal investment. We would also encourage DNR to consider developing a gravel site within or near this subdivision for the use of the landowners. The NPS is unable to provide gravel to private landowners. Current gravel resources in the McCarthy area are limited and transportation costs can be high.

We would also mention that park specific regulations presented in 36 CFR 13.1912 address solid waste disposal within the Park/Preserve boundary.”

DNR Response: Thank you for your comments. LSCAS will consider reserving a woodlot and/or a gravel site within the project area for use by subdivision parcel owners. In addition, LSCAS is required by the Copper River Basin Area Plan (CBAP) to reserve all Class I and Class II wetlands within the project area (see pages 6-7 of Attachment II: Preliminary Decision for more information), which will serve as natural barriers for fire suppression purposes. LSCAS will also consider brushing rights-of-way to provide additional firebreaks. LSCAS will seek to identify access routes on well-drained soils. The public will be made aware by this decision of the regulations within 36 CFR 13.1912 that may provide options for the solid waste disposal needs of the McCarthy area. We will also consider making this information available to the public through the offering brochure.

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Comments regarding infrastructure needs to support a larger population in the McCarthy area: Multiple comments were received regarding infrastructure concerns. Individuals expressed concern that increasing local populations would create issues or aggravate already existing problems, such as solid waste disposal. Concerns were also expressed that the seasonal, volunteer emergency and fire response services would be further burdened by an increasing population. Commenters noted that the National Park Service provides some assistance with law enforcement but that their resources were already stretched to capacity. Commenters indicated the absence of local taxes also means there is no source of funding for such services. One commenter also noted concerns regarding the limited number of public toilets, as well as the overloaded mail distribution system. Another commenter indicated that the state has the responsibility to develop transfer stations for communities that do not have a local government.

DNR Response: Thank you for your comments. In regards to transfer stations, if the community is interested in creation of a waste transfer site or landfill, they are encouraged to contact DNR's Southcentral Region Office for information on how to apply for a site on state lands. Consultation with the Department of Environmental Conservation may be necessary as part of this process. Alternatively, the community is encouraged to contact the National Park Service for information on how to apply for a site on federally-owned lands within the Wrangell-St. Elias National Park boundaries.

In regards to fire management, prospective purchasers are encouraged to consult <http://firewise.org> for information on wildfire mitigation methods. Per the Preliminary Decision, the project area is within a "Full" fire management option; see page 5 of Attachment II: Preliminary Decision for additional information. Questions or concerns regarding law enforcement and emergency services should be directed to the Alaska State Troopers or the National Park Service.

In regards to public toilets, the DNR Division of Forestry (DOF) maintains the public toilets within the Public Education and Fire Prevention Center adjacent to the Sage Subdivision project area. Any questions or concerns about these public toilets should be addressed to DOF.

Solid waste disposal, emergency and fire response services, law enforcement services, public toilets, the mail distribution system, and transfer stations are issues that are usually addressed at the local government level. DNR does not have the authority to be able to provide for most of these concerns. The community is welcome to create a Homeowner's Association or other type of local government to govern these and other issues.

Comments regarding abandoned structures: Multiple comments were received regarding abandoned and rundown structures left on properties. One commenter stated, "Abandoned properties that are returned to the State are not cleaned. I was personally involved in a project to clean up cars on State lands in the Copper Valley for which the State of Alaska did not have the resources to execute on its own properties. In twenty years here, [I've] seen a demographic switch to more summer/recreational habitation. With little input to the functioning of local infrastructure, private individuals, volunteers and local non-profits have to take up the burden of managing the effects of these temporal residents..."

DNR Response: Thank you for your comments; AS 38.05.090 *Removal or reversion of improvements upon termination of leases* governs this issue. In the event of property that is

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returned to the state, individuals that relinquish their parcels or whose contracts are terminated are asked to remove all structures and/or property from the parcels. Individuals are also given the opportunity to disclose any property that remains on the site. In some cases, individuals neither remove nor disclose that there was property left behind, and the state is unaware of the situation. When possible, the state will consider cleaning up these sites; however LSCAS receives no funding to conduct these efforts.

Comments regarding development of roads within the subdivision: Multiple comments were received regarding the desire for roads within the subdivision to be developed by the state. Commenters were concerned that many landowners would benefit from the few who choose to fund road maintenance. One commenter indicated concern that roads in the nearby State subdivision, Fireweed Mountain Subdivision, are impassable during certain times of the year and prohibit water, power or emergency vehicle access to these properties.

DNR Response: In regards to road development, please see DNR's response to concerns expressed by NPS on page 3 of this document. DNR will seek to identify access routes on well-drained soils and may brush rights-of-way. In addition, page 6 of Attachment II: Preliminary Decision addresses the area plan requirements for buffers along the McCarthy Road. In the past, DNR has created Homeowner's Associations to govern road development issues, but they were found to be ineffective. Individuals who purchase parcels within the subdivision, however, are welcome to create a Homeowner's Association or other type of local government to govern these and other issues.

Comments regarding vehicular traffic: Multiple comments were received regarding the impact that the increased population from a new subdivision would have on traffic on the McCarthy Road. Commenters indicated that they believed the portion of the road between the proposed subdivision and the McCarthy townsite to be the most dangerous part of the McCarthy Road. Commenters also indicated that they expected illegal ATV traffic would increase, along with the potential for increased accidents. Commenters also indicated that drivers often drive faster than the posted limits and fail to take the precautions necessary for driving on a narrow and winding dirt road. Commenters indicated a concern over conflict between pedestrian traffic and motorcycle and ATV traffic on the designated footbridge and the potential for this conflict to arise more frequently. Commenters also expressed concern that traffic would increase on the private vehicular bridge, bringing increased traffic into the townsite, which they believe would be unprepared to handle increased traffic and parking demands. Commenters felt that additional traffic and parked cars in the townsite would detract from the appeal to visitors. Commenters also noted that increased traffic might result in more roadside trash and a greater need for public toilets.

DNR Response: Thank you for your comments. In regards to the private vehicular bridge into McCarthy, as the bridge is privately owned and maintained, the private owner has the ability to limit the number of vehicles using this access. LSCAS has contacted the Department of Transportation and Public Facilities (DOTPF) regarding their future plans for the McCarthy Road. DOTPF is currently in the process of replacing the Lakina River Bridge at milepost 44 of the McCarthy Road but has no other active design projects along the McCarthy Road at this time. Local owners may wish to work directly with DOTPF regarding this concern. In addition,

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the community may want to consider creating a local government to address ATV and other traffic-related concerns.

Comments regarding water availability and quality: Multiple comments were received regarding the availability of water in the area and its quality. Commenters speculated that an increase in population due to the subdivision may lead to contamination of water resources, if solid waste is not properly dealt with or if outhouses and wells are not spaced properly. One commenter suggested that the state should develop a community well.

DNR Response: Thank you for your comments. Tractor Creek and several small, unnamed creeks exist within the project area where water may be available for collection. The Kennicott and Nizina Rivers are also nearby. Potential purchasers are advised by our sales brochure that water for domestic use may be obtained by drilling a well or from the collection of surface water in the area or by rainwater roof catchment systems where there is no municipal water supply. Potential purchasers are also advised by this brochure that no individual water supply system or sewage disposal system shall be permitted on any lot unless such system is located, constructed, and equipped in accordance with the requirements, standards and recommendations of the State of Alaska, Department of Environmental Conservation (DEC).

Comments regarding subsistence activities: Multiple comments were received regarding the impact the proposed subdivision may have on subsistence activities, including firewood collection, berry picking and hunting. Commenters felt that an increase in population would increase hunting pressures on moose and sheep populations, which they believe to be low. One commenter also expressed concern that, “seasonal residents are able to establish a rural residency required to participate in local hunting opportunities in the federal lands. This impacting year-round subsistence use and increases competition for local residents with decreasing populations.” Another commenter also expressed that other state lands are not as easily accessible for these subsistence uses and that NPS makes it difficult to use their land for such purposes.

DNR Response: Thank you for your comments. See our response to the National Park Service above regarding firewood concerns on page 3 of this document. The maximum number of parcels to be sold has been reduced from 300 to 90. The minimum parcel size has also been increased from 2 acres to 5 acres. These changes, in addition to developing the project over time, should help to limit the impact of this disposal on subsistence activities within this area. The project area is now 780 acres in size, of which a maximum of 450 acres may be sold, leaving over 3,000 acres within the original project area available for subsistence activities and wildlife habitat.

Comments regarding bear populations and bear/human interaction: Multiple comments were received regarding the impact to local bear populations and the potential for increased bear/human interactions. Commenters were concerned that an increase in population would result in an increase in garbage, causing further interaction between bears and humans, to the detriment of the high bear population in the area.

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DNR Response: Thank you for your comments. LSCAS was also made aware of concerns regarding local bear populations at our 2010 meeting with local residents. LSCAS will take this into consideration during the subdivision design process. The area surrounding and north of the small pond in Sections 28 and 29 was identified as important bear habitat by local residents and is planned for retention in state ownership because of these concerns, as well as area plan requirements regarding wetlands and in consideration of the visibility from the road in adherence to the Denali – Wrangell St. Elias Management Plan. This land has been segregated from the project area for retention at this time (ADL 232127). In addition, over 3,000 acres within the original 3,454 acre project area will not be developed under this decision, and will therefore remain available for wildlife habitat. One way to minimize bear/human interactions is proper disposal of waste. Please see our response to infrastructure concerns on page 4 of this document for the community's options for creating a waste transfer site or landfill to address this issue.

Comments regarding wildlife impacts: Multiple comments were received regarding impacts to wildlife, including wolves, woodpeckers, geese, ducks, swans, moose, grouse and furbearers. One commenter stated, "This area is a wetland area which serves as a corridor for many of the large game animals descending from the pass down to the beaver ponds below. It is a place that you can regularly see moose which notoriously love this type of habitat. It is also frequently used by many species of birds including the bald eagle. I am concerned that by developing this area, it will displace many of the animals that seem to rely on the marshy wetland. I also believe that development and increased human use will diminish the quality of the surface water in the area. This water is used by many types of animals."

DNR Response: Thank you for your comments. Please note that the project area has been significantly reduced and that over 3,000 acres within the original 3,454 acre project area will not be developed under this decision, and will therefore remain available for wildlife habitat. During the survey process, eagles' nests may be identified and the area around the nests retained by the state. In addition, DNR may not sell Class I and Class II wetlands, in accordance with the Copper River Basin Area Plan, and must also retain buffers of certain widths adjacent to these wetlands. Page 10 of Attachment II: Preliminary Decision provides additional details on the reservations and buffers for wetlands within the project area. This will protect much of the wildlife habitat described above.

Comments regarding parcel sizes and number of parcels: Multiple comments were received regarding the proposed parcel sizes and the proposed number of parcels. Commenters felt that 2 acre parcels would be too small. Three commenters suggested that parcels should be at least 5 acres in size; ten commenters suggested that parcels should be at least 10 acres in size. One commenter indicated that parcels should be at least 15 acres in size; while another suggested a minimum size of 20 acres. Commenters also felt that 300 parcels would be too many to sell. Commenters expressed concern about having enough acreage for necessary structures, firewood collection, noise buffers between neighbors and defensible space for fire purposes. Commenters felt that fewer, larger lots would lessen the potential for waste disposal and water quality issues.

DNR Response: Thank you for your comments. Because of these and additional concerns, LSCAS has reduced the project area from 3,454 acres to 780 acres, of which a maximum of

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450 acres may be sold, and increased the minimum parcel size from 2 acres to 5 acres. Parcels may vary in size from nominal 5 to 15 acres. Because of the reduction in size of the project area and the proposed increase in minimum parcel size, the maximum number of parcels has decreased from 300 parcels to 90 parcels.

Comments regarding competition: Multiple comments were received regarding competition with other land development projects in the area, including the University of Alaska and private developments. Commenters indicated that there was no need to offer additional land in the area, especially because much of the land in the area is undeveloped anyway. Commenters felt that adding more land to the market may devalue land values in the McCarthy area.

DNR Response: Thank you for your comments. The Constitution of the State of Alaska encourages the settlement of its land; therefore, the legislature has provided statutes under which state land may be offered and sold. The State is not prohibited from offering land in competition with other public or private entities. DNR's land sales are separate from and independent of land sales conducted by the University of Alaska, which sells land for different purposes and goals than DNR. In addition, the market for purchasing land may be separate from the market for developing land in the area. DNR is required by the relevant area plan to pace the offering over time, which should address concerns about potential devaluation.

Comments regarding the impact to the character of the McCarthy area: Multiple comments were received regarding the impact of the proposed subdivision offering on the character of the McCarthy area, as well as tourism and therefore the local economy. Local landowners expressed concerns that this area might become a second "Glitter Gulch." Commenters indicated concern that unattractive development on the approach to the Kennecott River footbridge would only increase and result in a decrease to tourism within the McCarthy townsite. One commenter stated, "it is also important to note that McCarthy's character and appeal hinges upon its small town feel with minimal infrastructure. Adding greater infrastructure to accommodate another 150+ landowners would significantly alter the face of McCarthy in a way that is not in line with the community vision its residents' value."

DNR Response: Thank you for your comments. Please note that the land has been designated settlement through the area plan process, as settlement was determined to be the most appropriate use for this land. In addition, the Constitution of the State of Alaska indicates that it is the policy of the State to encourage the settlement of its land, a mission which LSCAS seeks to realize through the proposed offering. The Denali – Wrangell St. Elias Management Plan requires the rural character of the road to be considered and retained as much as possible. A buffer of State-owned land between the road and the proposed subdivision will limit visibility of any development from the road. Page 10 of Attachment II: Preliminary Decision provides specific information on the reservations and buffers that LSCAS proposes to retain for the McCarthy Road. The Copper River Basin Area Plan also specifically addresses this concern on page 3-160, by stating that the proposed land offering will be offered in one or more offerings over time to minimize impacts on local residents and resources.

Comments regarding the proposed Area Plan Amendment: Multiple comments were received with concerns about the proposed Area Plan Amendment to the Copper River Basin Area Plan

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(CBAP). Commenters were concerned that DNR planned to disregard the requirement of CBAP to offer land in the project area over time. One commenter also indicated concern that the proposed land sale disregarded the impact of the University of Alaska's nearby land sale.

DNR Response: Thank you for your comments. Because the project area and the maximum number of acres to be sold have been reduced, an Area Plan Amendment of the Copper River Basin Area Plan is no longer necessary. LSCAS will not offer more than 450 acres under this decision. DNR recognizes the uniqueness of the McCarthy area and the concern that development occur at an incremental pace, and will therefore abide by the area plan requirement to offer parcels in one or more offerings over time. The reduced project area, increased minimum parcel size, and reduced maximum number of parcels proposed in this document address some of these concerns.

In regards to the University of Alaska disposal east of the Kennicott River, that land sale is separate from the State of Alaska land sales program. State area plans only govern the management of lands owned by the state, not lands owned by other entities such as the University of Alaska or the Alaska Mental Health Trust Authority. Therefore, the disposal of land by the University does not apply towards the acreage limitation within the area plan for this management unit.

Comments regarding covenants, codes and restrictions: Multiple comments were received regarding the need for covenants, codes and restrictions on the parcels. Commenters felt that covenants, codes and restrictions were the only effective way to restrict certain activities on the parcels. Commenters felt that lots should not be able to be subdivided and that structures should not be visible from the road. Concerns were expressed about an impact to views in the vicinity of Wrangell – St. Elias National Park. Commenters also asked that commercial activity be prohibited.

DNR Response: Thank you for your comments. DNR does not impose post patent restrictions on its parcels; DNR does not have enforcement ability to be able to manage lands with such restrictions. Individuals who purchase parcels within the subdivision are welcome to create a Homeowner's Association or other type of local government to impose covenants, codes and restrictions. DNR has proposed a minimum 50-foot buffer from the edge of the McCarthy Road right-of-way, with consideration for a wider buffer, if necessary, to address visibility of development from the road, in consideration of the Denali - Wrangell St. Elias Management Plan. This plan notes the importance of this historic road and indicates that the potential for development to be visible from the road should be minimized. Please see page 10 of Attachment II: Preliminary Decision for additional information regarding reservations and buffers for the McCarthy Road. In addition, ridges that were determined to be visible from the road have been segregated from this project area and will be retained in state ownership, at this time (ADL 232127).

Comment: One member of the public submitted the following comment, in addition to other comments addressed above, "I am not in favor of the proposed Sage Subdivision. I believe it is not the best use of an area that is rich in history and wildlife. ... I believe the best use of this area is to be purchased by the National Park Service. This will insure the historical and wildlife preservation." A second member of the public expressed similar concern, "Finally, it troubles me

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greatly that the State of Alaska would propose to enter into the land development business within the largest, most pristine and beautiful National Park in America.”

DNR Response: Thank you for your comments. In the 1980s, shortly after Wrangell – St. Elias became a National Park the possibility of an exchange between the National Park Service (NPS) and the State of Alaska to allow NPS to take ownership of this land was considered. Ultimately, no such land exchange occurred. Furthermore, the state area plan that governs land use in this area, the Copper River Basin Area Plan, which was developed through a long, statutorily-mandated public process, has determined that the best use of this land is Settlement.

Comment: One member of the public submitted the following comment, “I’m a relative of Tony, from Wilkes-Barre, Pa. Back in the summer of 1992 Tony flew me to Fairbanks to help him with his chores and land. We traveled to McCarthy and I stayed there for about 2 weeks, before heading back to Fairbanks. While I was there with him he would always mention to me about one day having his house and land for my own. Upon returning home we [lost] contact. Tony could be a very difficult person at times and a very hard man to get [in] contact with. I’m not asking for anything but he did mention me when it came to caring for the land and home when he passed. Time goes by so fast I just figured he passed and forgot about me with his old age and everything. If at all you can help me in any way it would mean a lot. Has far as I know he has no living relatives in Pa. any more. I would sure like to visit the old place, it was beautiful. Thanks again for your time.”

DNR Response: Thank you for your comment. This comment is not germane to this decision; the land proposed for sale is State-owned property.

Comment: One member of the public submitted the following comments, in addition to comments on other topics previously addressed, “I work for the USDA Natural Resources Conservation Service as a Resource Conservationist and am a soil scientist by training; I am certified in Wetland Determinations. The Exploratory Soil Survey you reference is that, exploratory and very coarse. For specific land development, you need a more thorough soil investigation that could be provided if you had requested one when this planning began. I would recommend that before you lay out subdivision plots, you use much more precise soil information. The Sven Subdivision in Glennallen is a great example of the lack of proper soil data before disposal options were made, selling permafrost land in wetlands. The Fireweed Mtn Subdivision has access roads crossing wetlands, roads laid out in the middle of drainages and lots with a large proportion of wetlands; development requires Army Corps of Engineer permitting.”

DNR Response: Thank you for your comments. Soil investigations, including engineering reports, are now a routine part of DNR’s survey process. Because of the minimum parcel size of 5 acres, we feel that the available soils information is adequate. In addition, LSCAS may conduct additional investigations to abide by the CBAP requirements regarding wetlands. DNR will not sell Class I and Class II wetlands, in accordance with the Copper River Basin Area Plan, and must also retain buffers of certain widths adjacent to these wetlands. See page 10 of Attachment II: Preliminary Decision for additional information on reservations and buffers for wetlands within this project area. Potential purchasers are also advised by our sales brochure that no individual water supply system or sewage disposal system shall be permitted on any lot

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unless such system is located, constructed, and equipped in accordance with the requirements, standards and recommendations of the State of Alaska, Department of Environmental Conservation (DEC).

Comment: One member of the public submitted the following comments, in addition to comments on other topics previously addressed, “I should mention that I have been unable to locate anything in the Preliminary Decision and associated documents which identifies the location of the proposed subdivision within the 6-square-mile area depicted on the Vicinity Map (Attachment A).”

DNR Response: Thank you for your comments. The project area has been reduced to help address these and other concerns. The project area is now 780 acres in size, of which a maximum of 450 acres may be sold. Please see Attachment I: Updated Vicinity Map for a depiction of the new project boundaries. The area was chosen based on preliminary wetlands information and potential for lack of visibility from the McCarthy Road. Soils information or wetlands noted in the field will also limit the area subdivided.

Comment: One member of the public submitted the following comments, in addition to comments on other topics previously addressed, “In the notes I received from Tamara Harper, McCarthy Area Council (MAC) Secretary, regarding the meeting between DNR and MAC in late July, she reported that DNR stated that ‘no parcels would be situated on ridges, due to visual impairment restrictions.’ We strongly support this restriction. This restriction, however, is not mentioned in the Preliminary Decision document. It should be included in the final document. In addition, it is particularly important to adhere to this restriction regarding project areas on the bluff on the west side of the Kennicott River (the eastern boundary of the project area) and on the bluff on the north side of the Nizina River (the southern boundary of the project area). Hikers, rafters and snowmachiners regularly travel along these river bottoms. Having these bluffs dotted with cabins/homes would substantially detract from the wilderness feel of the area.”

DNR Response: Thank you for your comments. The discussion regarding parcels situated on ridges specifically applies to the McCarthy Road. The Denali – Wrangell St. Elias Management Plan addresses visibility of structures from the McCarthy Road. This restriction does not apply to ridges where development may be visible from the Kennicott or Nizina Rivers; however, the reduction in size of the project area eliminates the land near the Kennicott and Nizina Rivers from the currently proposed subdivision. See Attachment I: Updated Vicinity Map for the new project area boundaries.

Comment: Commenter suggested that a preference should be given to local or adjacent landowners, in addition to other comments already addressed above.

DNR Response: Thank you for your comments. LSCAS does not have the authority to give a preference to local landowners, by law. Participants in the sealed bid auction are only required to provide proof of Alaska residency and that they are 18 years or older on the date they submit their bid. Initial Over-the-Counter and Over-the-Counter offerings are open to non-residents and businesses.

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No comments were received from the following agencies who were also invited to comment:

Ahtna, Inc.
AK Center for the Environment
Alaska Miners Association
Chitina Electric, Inc.
Chitina Chamber of Commerce
Chitina Native Corporation
Community Improvement Association of Chitina
Copper Center Community Association
Copper River Basin Regional Housing Authority
Copper River Native Association
Copper Valley Electric Association
Kenny Lake Community League
Kenny Lake Soil & Water Conservation District
McCarthy Area Council
Native Village of Chitina
Native Village of Kluti-Kaah
Trustees for Alaska
University of Alaska

V. Modifications to Decision and/or Additional Information

Pursuant to public comment, the following modifications have been made from the original proposed action(s) described in Attachment II: Preliminary Decision.

- The project area has been reduced from approximately 3,454 acres to 780 acres.
- The new legal description for the project area is:
 - Section 28, lying south of the McCarthy Road,
 - Section 29, lying south of the McCarthy Road, and
 - S1/2 Section 30,within Township 5 South, Range 13 East, Copper River Meridian.
- Of the 780 acres within the reduced project area, a maximum of 450 acres may be sold.
- The minimum parcel size has been increased from 2 acres to nominal 5 acres; parcels may vary in size from nominal 5 to 15 acres along with larger remainder tracts.
- The maximum number of parcels was reduced from 300 parcels to 90 parcels as a result of the reduction in size of the project area and the increase in minimum parcel size.

The remainder of the original project area was segregated into multiple ADLs for retention in State ownership (ADLs 232127 and 232128) or project development at a later date (ADLs 232129 and 232130). See Attachment I: Updated Vicinity Map for a depiction of the new project area. If the State decides to offer these areas at a later date, a new decision and public notice process will be necessary.

Recommendation and Approval of the Final Finding and Decision follow.

Final Finding and Decision

Proposed Land Offering in the Unorganized Borough
Sage Subdivision – ADL 231046
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VI. Final Finding and Decision

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

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

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

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

December 11, 2014
Date

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

December 11, 2014
Date

Final Finding and Decision

Proposed Land Offering in the Unorganized Borough

Sage Subdivision – ADL 231046

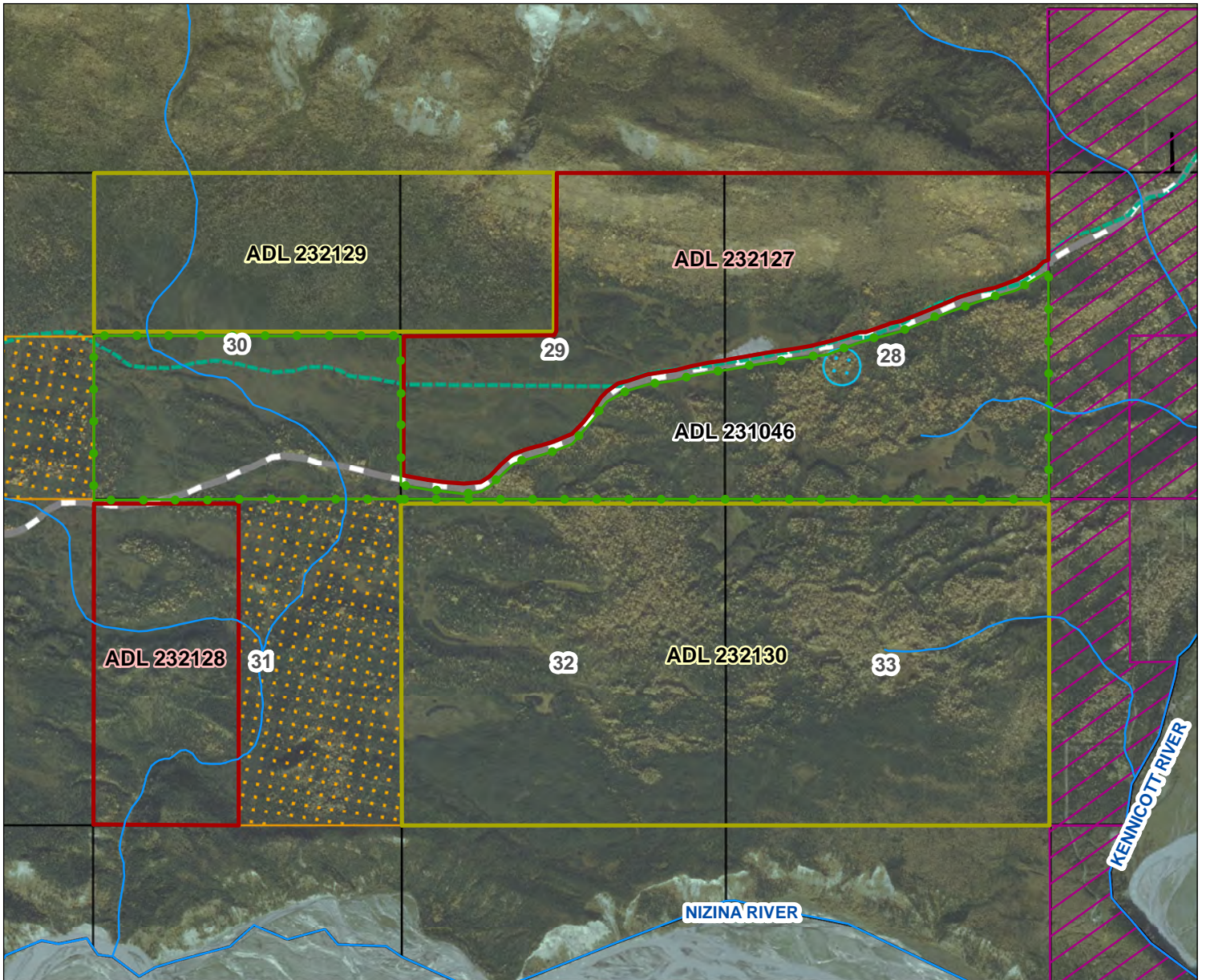
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Appeal Provision

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Ste. 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. If no appeal is filed by that date, this decision becomes a final administrative order and decision on the 31st calendar day after issuance. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

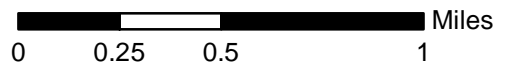


Attachment I: Vicinity Map
to the Final Finding and Decision for a
Proposed Land Offering in the Unorganized Borough
Sage Subdivision - ADL 231046

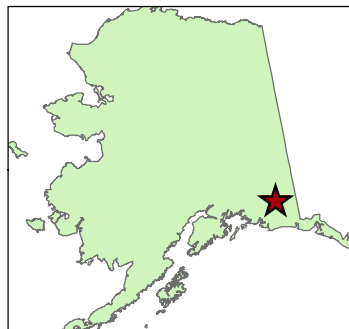


- Hydrology
- - - RST 372
- McCarthy Road
- Project Area
- Closed
- Potential Future Disposal
- Conveyed land
- University Trust
- Forestry ILMA
- Survey Boundary

Section 28, lying south of the road, Section 29, lying south of the road, and S1/2 Section 30, Township 5 South, Range 13 East, Copper River Meridian



LFR 11/4/2014



USGS QUAD 1:63,360
McCarthy B-6
For more information contact:
Lauren Rouen
DNR Division of Mining, Land, and Water
Land Sales and Contract Administration Section
550 W. 7th Ave, Ste 640
Anchorage, AK 99501
Phone 907.269.8851
Fax 907.269.8916
Email subdivision.sales@alaska.gov

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

PRELIMINARY DECISION

of a
**Proposed Land Offering in the Unorganized Borough
Sage Subdivision – ADL 231046**
AS 38.05.035 (e), AS 38.05.045

and its
RELATED ACTION:
Proposed Amendment to the Copper River Basin Area Plan
AS 38.04.065

COMMENT PERIOD ENDS 4:00PM, THURSDAY, AUGUST 22, 2013

I. Proposed Action(s)

Primary Proposed Action(s): 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) is to offer for sale State-owned land for private ownership within the identified project area. Surveyed parcels will be offered for sale in a future offering under the methods as described herein.

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

Located within the DNR's Southcentral Region, approximately 6 miles west of McCarthy, 127 miles southeast of Glennallen via the McCarthy Road, and 235 miles east of Anchorage, the project area is within the W1/2 Section 31, Sections 28-30, Sections 32-33, Township 5 South, Range 13 East, Copper River Meridian, within the Unorganized Borough. The project area consists of approximately 3,454 acres, of which no more than 900 acres are identified for disposal by this proposed action. See Attachment A: Vicinity Map for a graphic depiction of the approximate location of the project area.

For the purposes of providing land for settlement in the McCarthy area, if deemed feasible, DNR may develop a subdivision of no more than 300 parcels varying in size from 2 to 15 acres, with development phased over time. A maximum of 900 acres will be offered. The allowances listed in *AS 38.04.020 (h) Land Disposal Bank* will allow parcels over 5 acres in size to be considered for this offering. This proposed project area is located within the Unorganized Borough and therefore survey, platting, and road construction will be completed to the relevant State standards. The project may be subdivided and offered in phases.

Preliminary Decision

for a Proposed Land Offering in the Unorganized Borough
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Proposed Related Action: There is one related action with this proposal.

Area Plan Amendment: DNR proposes to amend the Copper River Basin Area Plan (CBAP, adopted 1986) to delete the requirement to offer a certain number of acres within the management unit before 1996 and a certain number of acres after 1996. No land within this management unit has been offered to date, so an amendment will allow the original intent of up to 900 acres of land to be sold within the project area. Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

This related action will be developed separately.

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 notice of the public comment period for all actions will be conducted concurrently. See Section VIII Submittal of Public Comments at the end of this document and Attachment C: Public Notice for details on how to submit a comment for consideration. If after consideration of timely, written comments the proposal is approved, DNR will issue a Final Finding and Decision.

II. Method

DNR proposes to offer for sale land within the project area as described herein, through a future offering under *AS 38.05.045 Generally [Sale of Land]*. If the parcels do not sell when offered at auction, they may be offered by another method under *AS 38.05.045 Generally [Land for Sale]*.

Offerings are noticed and administered by the DNR DMLW Land Sales and Contract Administration Section's Marketing and Sales Administration Team. DNR DMLW will announce an offering pursuant to *AS 38.05.945 Notice*. Public notice describes availability of land sale brochures, which usually advertise several previously surveyed parcels offered simultaneously across the state; provide conditions of the offering; describe the costs involved; and note appraised values and minimum bids. Participants submit bids certifying eligibility to participate in a public auction in an attempt to win a maximum of one parcel per offering in the subdivision of their choice. This method maximizes opportunity for eligible Alaska residents while providing for a means of return of and on the State's investment in development of the parcels. If the parcels do not sell when offered at auction, they may be offered by another method under *AS 38.05.045*.

III. Authority

DNR DMLW has the authority under *AS 38.05.035 (e) Powers and Duties of the Director* and *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. 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*.

For related actions, *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally [Mining Rights]* allow for amendments and special exceptions to area plans, land classifications, and mineral orders.

Preliminary Decision

for a Proposed Land Offering in the Unorganized Borough
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IV. Administrative Record

The project file constitutes the administrative record for this action. Also incorporated by reference are:

- Copper River Basin Area Plan for State Lands (CBAP, adopted 1986) and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan* (amended October 1998);
- 1979 *Exploratory Soil Survey of Alaska*; and
- DNR case files relating to an Interagency Land Management Agreement (ILMA) with the Division of Forestry, a University Trust disposal, and an RS2477 Trail: ADL 228606, ADL 229365, and RST 372.

V. Scope of the Decision

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 portion of the project area for disposal and to conduct the proposed related action 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 and offering may be conducted in phases.

VI. Description

Location: Located approximately 6 miles west of McCarthy, 127 miles southeast of Glennallen via the McCarthy Road, and 235 miles east of Anchorage, within the Unorganized Borough. 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 Unorganized Borough and is subject to the State of Alaska platting and zoning authority.

Native Regional and Village Corporations: Ahtna, Inc. is the regional corporation for the project area. As no villages are located within 25 miles of the project area, courtesy notification will be distributed to village corporations and councils in Chitina and Copper Center, whom potentially pursue traditional uses within the project area.

Legal Description: The project area is located within the W1/2 Section 31, Sections 28-30, Sections 32-33, Township 5 South, Range 13 East, Copper River Meridian, located within the Chitina Recording District, Third Judicial District, Alaska.

Title: Information from Title Report No. 3601, current as of May 16, 2012 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 1230044, dated December 14, 1962. The applicable State case file is GS 147. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

Retention and Access 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 retains ownership of the mineral estate that may be in or upon the land that it sells. This retention is

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for a Proposed Land Offering in the Unorganized Borough

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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.

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 surface owner will be compensated for damages resulting from mineral exploration and development.

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

The Bureau of Land Management has not made a navigability determination for waters within the affected townships for title purposes. There are no waters determined navigable within the project area. Refer to the [Access To, Within, and Beyond Project Area and Setbacks, Reserved Areas, and Easements](#) subsections of this document for additional information, found on pages 9-11.

Where they exist within the project area, known private parcels and State third-party interests will be depicted on maps in land sales brochures.

[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 by Land Sales and Contract Administration (LSCAS) staff with the assistance of DNR Survey staff on August 10, 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: There is potential for seasonal flooding and erosion of parcels adjacent to streams. There is also potential for discontinuous, ice-rich permafrost to be present in area soils.

Fire Hazards: Land near Long Lake (west of the project area) burned as recently as 2002. Bureau of Land Management (BLM) data also indicates that a small portion of the project area burned in 2011 (less than one acre).

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for a Proposed Land Offering in the Unorganized Borough

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Potential for wildland fire is high in Interior Alaska. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. DNR provides all entrants with information regarding wildland fire prevention and encourages them to locate parcels in defensible areas such as hardwood stands with access to water.

Fire management options and policies for the area are identified in the Alaska Interagency Wildfire Management Plan available from the Department of Natural Resources (DNR) Division of Forestry. The current fire management option for most of the project area is “Full.” The policy on areas with the “Full” management option reads, “Fires occurring within or immediately threatening this designation will receive aggressive initial attack dependent upon the availability of suppression resources.” It is important to note, however, that the DNR Division of Forestry warns that DNR Division of Mining, Land, and Water inform participants there is no guarantee their property will be spared from harm from a wildland fire, even if the area is designated “Full” fire management option.

Flood Hazard: Flood Information Rate Maps are not available for the project area. Potential for flooding hazards within the project is unknown. Should flooding hazards be identified during site investigation, DNR DMLW will consider reserving areas prone to excessive flooding.

See Attachment B: Area Data Summary Table for more information on the description of the project area.

Background: A disposal occurred in 1963 immediately adjacent to and east of the proposed project area. The “1963 McCarthy Area Disposal” was a disposal of parcels ranging from 37 to 292 acres. Very little information on this disposal is available, except that over 2,800 acres of land were sold. Many of the lots purchased have since been subdivided by private landowners. Lots within Fireweed Mountain Subdivision approximately 1 mile west of the project area were first offered in 1983. The subdivision consists of 41 lots totaling 235 acres. All 41 lots were offered at the 1983 Auction. Various parcels within the subdivision have returned to the state over the years and were reoffered at subsequent auctions.

The Division of Forestry has an ILMA (ADL 228606) within the project area. Corners for the 5-acre parcel will be set as part of the survey of this subdivision. The subdivision should not interfere with the purpose or function of the ILMA, as the State will retain a buffer from the road and the ILMA location.

A meeting with local residents of the McCarthy area in 2010 indicated that this area may be used for the collection of firewood. Because a maximum of only 900 acres within the 3,454 acre project area will be offered at this time, there will still be land available on which to collect firewood. Some portions of the remaining state land will also be surveyed as tracts to be retained in state ownership for traditional uses. McCarthy area residents also expressed concerns about wildlife habitat near to and north of the pond in Sections 28 and 29. The subdivision design will take these concerns into consideration, and tracts may be retained for wildlife corridors.

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Utilities are not currently available in the McCarthy area. Buffers of state land will be reserved along the edge of the McCarthy Road right-of-way. Reservation of utility easements will be an allowable use within the buffers, subject to approval by the DNR DMLW Southcentral Region Office.

Access to the subdivision will be from the McCarthy Road via platted rights-of-way. Rights-of-way may be brushed. The Denali to Wrangell – St. Elias Management Plan indicates that access from the McCarthy Road should be minimized to retain the rustic character of the road. DNR DMLW will take this into consideration in the final subdivision design process.

Planning and Classification: The project area is within the Copper River Basin Area Plan (CBAP) Region Long Lake/Fireweed Mountain, Unit 24D. Settlement is the current, primary surface use designation for this unit. The area is classified Settlement through Classification Order No. (CL) SC-86-030.

A review of the area plan's guidelines included an evaluation of Chapter 2 Areawide Land Management Policies regarding Fish and Wildlife Habitat; Forestry; Public Access; Recreation, Cultural and Scenic Resources; Settlement; Stream Corridors and Instream Flow; Trail Management; Transportation; and Wetlands Management, and LSCAS will incorporate these considerations into the development of the project. Lands to be retained in public ownership, conditions, and reservations will be indicated in the land sale brochure and maps.

The proposed offering will be consistent with area-wide land management policies and general management intent of the CBAP and specific management unit if the proposed related action is approved in accordance with *AS 38.04.065 Land Use Planning and Classification*. The land is currently classified settlement. The management intent states that up to 900 acres of land can be sold within this management unit and that a buffer should be retained between this land offering and privately-owned lands east of the project area. Management Guidelines also include a requirement to phase the land offering and to maintain scenic views from the McCarthy Road. The proposed area plan amendment will delete all references in the plan to only allowing a certain amount of land to be sold before and after 1996. Without an amendment only 450 acres of land would be allowed to be sold within this management unit because it is after 1996, even though no land was sold within this management unit prior to that time. Therefore, this amendment will allow the original intent of up to 900 acres of land to be sold within the management unit. Other references without specific dates to phasing will be retained.

AS 38.04.065 (b) Requirements: The factors identified in this section of statute have been considered in this plan amendment and the proposed action is consistent with that portion of statute.

Area-wide Considerations: The management guidelines in CBAP Chapter 2-Settlement provide that subdivisions in certain areas, including Management Unit 24, should be phased over time. This section also states that land offerings along scenic roads will be designed so as to minimize their impact on these scenic views. The management guidelines in CBAP Chapter 2-Wetlands Management stipulate that Class I and Class II wetlands be retained in public ownership. Class I wetlands are defined as wetlands larger than 100 acres and wetlands of any size that have a locatable stream outlet. Class II wetlands are

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defined as wetlands between 40 and 100 acres in size and that do not have a stream outlet. This section stipulates that buffers 100 feet in width should be retained adjacent to Class I wetlands. Buffers of 60 feet are to be retained adjacent to Class II wetlands. Class III wetlands, defined as wetlands that are less than 40 acres in size with no outlet, do not require buffers and may be sold into private ownership.

Unit/Region 24D: Up to 900 acres of land can be sold within this subunit. The plan currently states that only half of this offering can occur within the first ten years of the plan (1986-1996); the remaining land can be sold after 1996. This was intended to minimize the impact on local residents and resources. Stipulations also state that a buffer should be retained between the land offering and private lands east of the project area. The area plan stipulates that land that is not offered for settlement should be retained in state ownership for forestry and recreation purposes. CBAP stipulates that McCarthy area residents be notified as part of the land offering design process, including notice by radio or posting at prominent locations within the community. DNR is also required to provide notice to the Superintendent of Wrangell – St. Elias National Park for use of state lands that may significantly impact the park. The plan also states that the land offering be phased and that purchasers be prohibited from subdividing lots until their contract is paid off. CBAP stipulates that land uses be set back from the McCarthy Road and natural vegetation retained along the road to protect views and rustic character. Adjudicators are advised to refer to the Denali to Wrangell – St. Elias Management Plan. The area plan also stipulates that the trail that runs towards the Lakina River within Section 29, Township 6 South, Range 13 East, Copper River Meridian be retained in state ownership.

Area Plan Proposal: DNR proposes the following related actions:

Area Plan Amendment: DNR proposes to amend the Copper River Basin Area Plan (CBAP, adopted 1986). DNR proposes to amend the plan to delete the parenthetical statement following Fireweed Mountain II on page 2-30 in the chart listing settlement areas and potential net acres. This area plan amendment will delete the statement “(500 acres delayed until after 1996).” The area plan amendment will also delete the statement on page 3-160 of the plan under the “Management Subunit 24D – Fireweed Mountain Land Offering.” section that states, “Only half (450 acres) of this offering may occur during the first 10 years of the plan (before 1996) in order to minimize the impact on local residents and resources.” Also on page 3-160 under the “Land Offering – Phasing.” section the following statement will be deleted: “450 acres will be offering in the next 10 years and an additional 450 acres can be offered after 1996.” Without an amendment only 450 acres of land would be allowed to be sold within this management unit because it is after 1996, even though no land was sold within this management unit prior to that time. Therefore, this amendment will allow the original intent of up to 900 acres of land to be sold within the management unit. Other references without specific dates to phasing will be retained.

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

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purposes of exploring for, developing, and producing the reserved mineral resources. Exploration and development, that could occur, would be consistent with AS 38.05.130 *Damages and Posting of Bond* and any other applicable statutes and regulations, which provide that the land estate owner be compensated for damages resulting from mineral exploration and development.

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

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

The project area is also subject to the following management plan: Denali to Wrangell – St. Elias, Assessment and Management of Scenic Resources along the Highways between Denali and Wrangell – St. Elias National Parks (hereinafter referred to as the Denali to Wrangell – St. Elias Management Plan). The western half of the project area falls within Management Unit 29: Lakina River and Long Lake. Within this management unit, the plan calls for a 50 foot wide greenbelt for privately owned lands along the road and states that permanent structures should be limited within this green belt. The plan also states that the first 25 feet of existing land cover should be retained and only selective clearing should be allowed in the remaining 25 feet of the greenbelt. The plan states that 100 foot wide greenbelts should be utilized on publicly-owned lands along the road. No clearing of vegetation or disturbance should occur within this strip, except for access roads. The plan states that access roads should be kept to a minimum and should service as many parcels as possible. The eastern half of the project area falls within Management Unit 30: Roads End – McCarthy. The plan states that residential development should be dispersed and should be not visible from the road for the most part. The plan reiterates the use of greenbelts for privately and publicly-owned lands, as well as minimization of access roads, for this management unit. LSCAS intends to follow these stipulations in the proposed project design.

Local Planning: The project area is located within the Unorganized Borough, and DNR is therefore the platting authority. There is no local planning authority.

Coastal Issues: The project area is not within the zone of coastal influence.

Access To, Within, and Beyond the Project Area: Access to the project area is via the McCarthy Road. Access to lots will be via platted rights-of-way, which may be brushed. Any access points will be outside the boundaries of the Division of Forestry ILMA. DNR DMLW will strive to

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maintain access to portions of the project area that will not be subdivided at this time. Existing trails within the project area will be protected by rights-of-way, by surveying them out within tracts during the survey stage, or by altering subdivision design to protect existing access.

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

For the purposes of AS 38.05.127:

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

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 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* and **Agency Comments** sections for additional information.

There are no known navigable or public water bodies within the project area. If any water bodies are deemed public or navigable, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.

There are no known anadromous streams within the project area. Should any streams be identified throughout the design phase, DNR DMLW will evaluate the appropriateness of buffers for such water bodies.

Building Setbacks From Public or Navigable Water: DNR DMLW proposes to place a note on the final survey plat describing a building setback upland from the ordinary high water (OHW) mark of public and navigable water to protect access, fish and wildlife habitat, and personal property. Structures and sewage disposal systems are not permitted within the building setback. Exceptions to this restriction include utilities, water-dependent structures whose purpose is access to or across the stream or lake, or minor accessory structures for uses that must be in or adjacent to the water body in order to function. DNR will continue to develop and apply criteria for water protection as needed and the public is invited to

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comment. Refer to the Easements, Setbacks, and Retained Lands and Agency Comments sections of this document for additional information.

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.

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

- a 10-foot utility easement along interior parcel boundaries;
- a 50-foot-wide public access easement on each side of surveyed or protracted section lines on State-owned land, unless formally vacated;
- a 50-foot continuous easement upland from the ordinary high water mark of public or navigable water bodies;
- a 100-foot building setback from the ordinary high water mark of public or navigable water bodies;
- a 5' survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a 5' radius around the control monument, and as applicable, a 5' direct line-of-sight easement from the control station to an azimuth mark or other control monument;
- 60-foot subdivision rights-of-way (ROW) or public access easements;
- a 100-foot right-of-way for the McCarthy Road; and
- CBAP reservations and buffers required along private lands, the McCarthy Road, trails and wetlands are found in Chapter 2, pages 2-53 through 2-54 and Chapter 3, page 3-160. For this project, the following will be used:
 - a minimum 50-foot buffer from the private lands east of the project area;
 - a minimum 50-foot buffer adjacent to the edge of the McCarthy Road right-of-way;
 - a 100-foot right-of-way for RST 372;
 - a 100-foot buffer from Class I wetland areas;
 - a 60-foot buffer from Class II wetlands areas; and
 - Class I and Class II wetlands will be retained in state ownership. If discovered, Class III wetlands may be sold.

Reservation of utility easements is an allowable use within any buffers or tracts adjacent to the McCarthy Road right-of-way, subject to approval by the DMLW Southcentral Region Office. Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

Hazardous Materials and Potential Contaminants: During field inspections in August 2010 staff did not observe any hazardous wastes, spills, or other potential contaminants within the area.

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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.

Traditional Use Finding: The project area is located within the Unorganized Borough and a traditional use finding is therefore required per *AS 38.05.830 Land Disposal in the Unorganized Borough*.

A meeting with local residents in November 2010 indicated that there are traditional firewood harvest areas within the project area, which may be affected by this disposal. In addition, traffic levels on the McCarthy Road may be impacted by this decision. Impacts on existing resource users will be minimized by protecting public access along the McCarthy Road, RST 372 and other historic trails within the project area. Over 2,500 acres of land within the 3,454 acre project area will still be available for these traditional activities and uses.

Any changes to traditional uses of the land and resources of this area as a result of the proposed action are not expected to be significant, other than a probable increase in the various traditional activities practiced by private-property owners. Additional information on traditional use is welcome during the public comment period and, if this proposal is approved, information received will be addressed in the Final Finding and Decision. See Section VIII **Submittal of Public Comments** at the end of this document and Attachment C: Public Notice for details on how to submit comment.

Survey, Platting, and Appraisal: After consideration and evaluation of agency and public commentary, physical conditions of the land, and access issues, DNR DMLW proposes to offer the property for sale within the 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 Unorganized Borough, and therefore survey and platting will be completed to the relevant State 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.

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VII. Agency Comments

Agency review was conducted from Thursday, May 23, 2013 through Friday, June 14, 2013. 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 the Final Finding and Decision if the proposal proceeds to that step.

DNR, Division of Mining, Land and Water, Easements Unit (Easements) Comment: Easements recommended that specific utility easements be reserved adjacent to, rather than within, exterior boundaries of any dedicated public access routes. They also recommended that consideration be given to the future need to locate service lines along the McCarthy Road by establishing a utility corridor or stating within the decision that utility easements are an allowable use within tracts of land adjacent to the road, per Southcentral Region Office approval.

DNR DMLW LSCAS Response: Thank you for your comments. DNR DMLW will indicate that utility easements are an allowable use within buffers or tracts adjacent to the McCarthy Road right-of-way, per Southcentral Region Office approval, via this decision.

Department of Fish and Game, Division of Sport Fish (DFG) Comment: DFG noted that this disposal would likely result in an increase in recreational uses in the McCarthy area. They indicated concern that the resulting increase in waste could lead to more bear-human interactions. They recommended that a landfill or waste transfer site be considered during the design phase of the subdivision. DFG also recommended an additional 100-foot building setback or buffer be reserved along both sides of RST 372 to allow for public use and to protect private landowners from any potential trespass issues.

DNR DMLW LSCAS Response: Thank you for your comments. If McCarthy area residents are interested in obtaining a lease for a landfill or waste transfer site they should contact the DNR DMLW Southcentral Region Office for information on how to apply. As part of the process, the Department of Environmental Conservation must be involved in identifying a location for a site, among other requirements. In regards to RST 372, LSCAS will follow the CBAP requirement (see Chapter 2: Trail Management, page 2-51) to reserve a 100-foot wide buffer for this trail, 50 feet on either side of the centerline.

DNR, Division of Geological and Geophysical Surveys (DGGS) Comment: DGGS indicated that there are no mineral occurrences within the subdivision project area. They indicated that there is a remote chance of undiscovered mineralization in bedrock under the northern part of the subdivision based on other mineralization near the project area. They also indicated the presence of anomalous arsenic in a mineral occurrence north of the subdivision, suggesting a possibility of elevated levels of trace metals in groundwater originating from this area. DGGS did not see either of these possibilities as significant issues for the project area. They stated that there is discontinuous permafrost within the project area, underlain by glacial ice-stagnation deposits. In some areas this may be underlain by glaciolacustrine deposits, which have high contents of fine-grained silt and clay. They also stated that the Nizina and Chitina Rivers are suspected glacier outburst flood courses. Because most of the project area is 200-300 feet above river level (with some areas in

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Section 33 within 100 feet of river level), it is unlikely that such flooding would be on a magnitude large enough to affect the project area.

DNR DMLW LSCAS Response: Thank you for this information. Please note that the project area has already been closed to mineral entry via Mineral Order 1118 (MO 1118).

DNR, Division of Oil and Gas (DOG) Comment: DOG stated that there are currently no authorizations or pending applications for exploration licenses or oil and gas leases within the vicinity of the proposed subdivision. DOG recommended that “LSCAS make potential bidders aware the State reserves oil, gas, coal, 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 proposed mineral order closing the area to mineral entry will not apply to these mineral resources.”

DNR DMLW LSCAS Response: Thank you for this information. LSCAS will make potential bidders aware of this information via the annual auction brochure.

DNR, Division of Mining, Land and Water, Public Access & Assertion Defense (PAAD) Comment: PAAD requested 100-foot width protections for both the McCarthy Road and RST 372.

DNR DMLW LSCAS Response: We concur. Both RST 372 and the McCarthy Road will be protected by 100-foot rights-of-way.

DNR, Division of Mining, Land and Water, Realty Services Section (RSS) Comment: Realty Services asked that an updated title report be requested.

DNR DMLW LSCAS Response: Thank you for your comment. An updated title report will be requested sometime prior to final plat approval.

Other Agencies: The following agencies or groups submitted statements of non-objection:

- State Pipeline Coordinator’s Office
- Department of Natural Resources
 - Division of Mining, Land and Water
 - Municipal Entitlements
 - Southcentral Region Office Leasing
 - Mental Health Trust Land Office (MHTLO)

The following agencies or groups were included in agency review, but did not submit comments:

- Department of Commerce, Community & Economic Development (DCCED)
- Department of Environmental Conservation (DEC)
- Department of Natural Resources (DNR)

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- Division of Agriculture
- Division of Forestry
- Division of Mining, Land and Water (DMLW)
 - Mining Section
 - Resource Assessment and Development Section (RADS)
 - Water Section
- Division of Oil and Gas
- Division of Parks and Outdoor Recreation (DPOR)
- Alaska Railroad Road Corporation (ARRC)

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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 and related actions, if any. If commenting on more than one proposed action, separate comments should be submitted for each.

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

DMLW will consider all timely comments. If timely written comments received in response to this notice indicate the need for significant changes to the Preliminary Decision or related actions, if any, 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 DMLW responses, will be issued as a subsequent Final Finding and Decision without further notice. The related actions, if any, will be developed separately. Approval of the primary and related actions is dependent upon one another. One action will not proceed without approval of the subsequent actions.

Only persons from whom DNR 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
4:00 PM, THURSDAY, AUGUST 22, 2013**

IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 300 parcels varying in size, and offer those parcels for sale. The development and offering of these parcels may be phased.

Alternative 2: Do not subdivide the project area prior to offering. Offer a single, 900-acre parcel within the project area.

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

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

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. 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.

Alternative 2 does not maximize public interest and is not preferred. Due to the unique amenities of the area, location relative to the community of McCarthy, the project area is better suited to subdivision prior to offering. Subdividing the project area prior to offering will maximize the opportunity for conveyance to private ownership. 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

for a Proposed Land Offering in the Unorganized Borough
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X. Recommendation

This Preliminary Decision for the proposed primary and any related actions 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 primary action and the accompanying related action. If the decision is approved, the related action will accompany and precede any Final Finding and Decision issued.

/s/
Prepared by: Lauren Rouen
Natural Resource Specialist II
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

July 1, 2013
Date

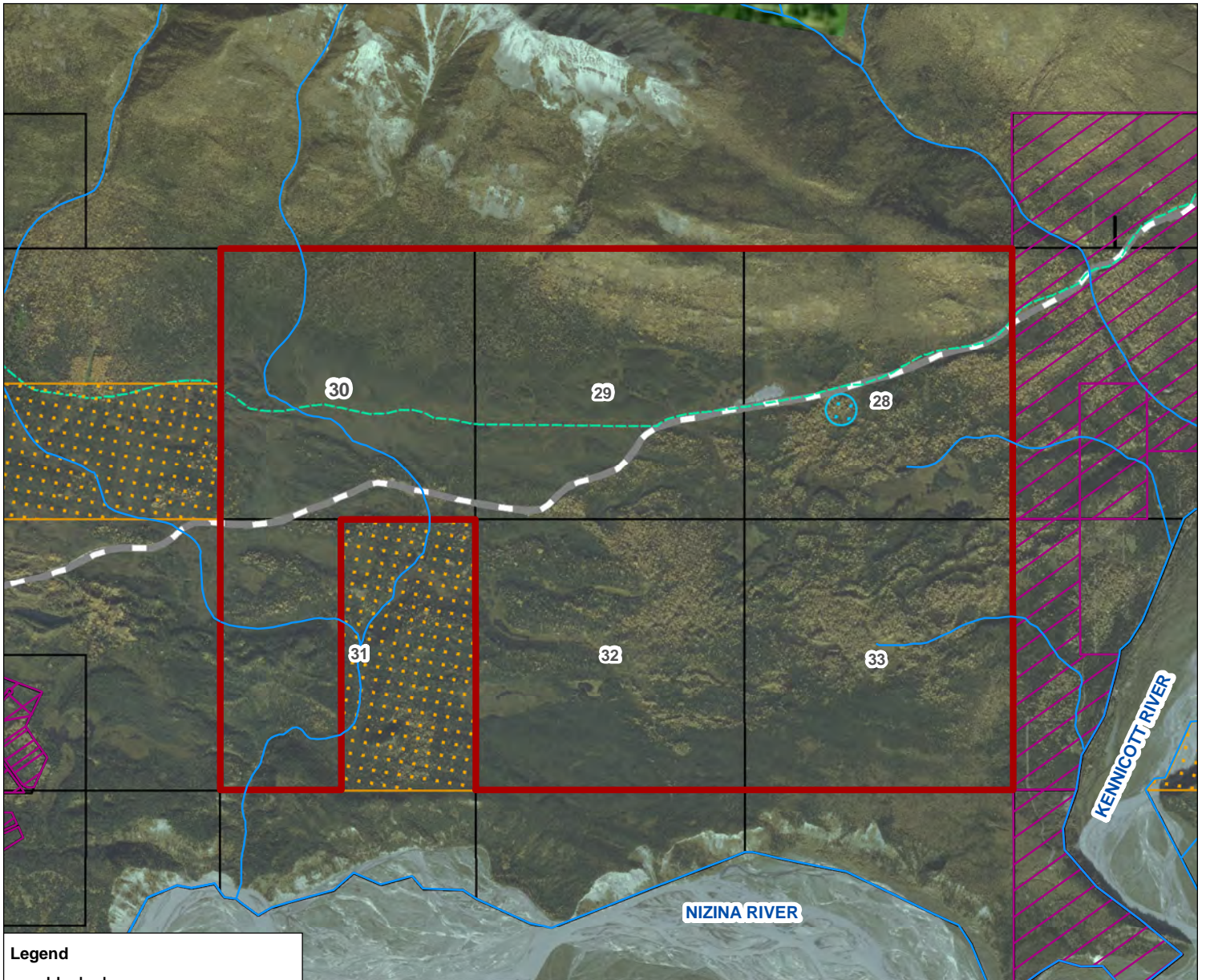
/s/
Approved by: Kathryn Young
Section Manager
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

July 1, 2013
Date



Attachment A: Vicinity Map

to the Preliminary Decision for a
Proposed Land Offering in the Unorganized Borough
Sage Subdivision - ADL 231046

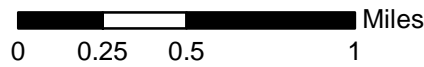


LFR 06/17/2013

W1/2 Section 31, Sections 28-30 and 32-33, Township 5 South, Range 13 East, Copper River Meridian

Legend

- Hydrology
- Project Area
- Land Disposal - Conveyed
- University Trust
- Forestry ILMA
- RST 372
- McCarthy Road
- Survey Boundary



USGS QUAD 1:63,360
 McCarthy B-6
 For more information contact:
 Lauren Rouen
 DNR Division of Mining, Land, and Water
 Land Sales and Contract Administration Section
 550 W. 7th Ave, Ste 640
 Anchorage, AK 99501
 Phone 907.269.8851
 Fax 907.269.8916
 Email subdivision.sales@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 an Unorganized Borough
Sage Subdivision – ADL 231046**

Offering Information	
Proposed Number of Parcels	Up to 300 parcels
Proposed Parcel Size	Varying in size from 2 to 15 acres
Proposed Related Actions	Plan Amendment to delete the requirement to offer a certain number of acres before 1996 and a certain number of acres after 1996.
Project Area	
Location	The project area is located approximately 6 miles west of McCarthy, 127 miles southeast of Glennallen via the McCarthy Road, and 235 miles east of Anchorage
Project Area Acreage	3,454 acres. Up to 900 acres will be sold.
USGS Topography Map	USGS Quad McCarthy B-6
Legal Description	The entirety of Sections 28-30 and 32-33, and W1/2 Section 31, within Township 5 South, Range 13 East, Copper River Meridian
Title	Patented State-owned land
Area Plan and Classification	Copper River Basin Area Plan (CBAP) (adopted 1986), Management Unit/Region 24D. Lands are classified Settlement.
Mineral Orders	MO 1118
Physical Characteristics	
Access	Access to the project area is via the McCarthy Road.
Terrain and Major Features	South of the highway, the terrain is mostly flat to gently sloping and begins to slope down more steeply as it approaches the Nizina River in the very southeast corner of the project area. The western portion of the subdivision is somewhat hilly. North of the highway the land is mostly flat to gently sloping. On the eastern side of the project area it then slopes steeply up to a ridge.
View	Wrangell-St. Elias National Park, Nizina River.
Climate	Temperature extremes range from -58°F to 91°F. Annual snowfall averages 52 inches, with total precipitation of 12 inches per year.

Attachment B: Area Data Summary Table

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for a Proposed Land Offering in the Unorganized Borough
Sage Subdivision – ADL 231046
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Soils	<p>The US Department of Agriculture, Natural Resources Conservation Service exploratory soil survey of Alaska from 1979 describes soils in the area as loamy with nearly level to roaming association to very gravelly with hilly to steep association.</p> <p>A Division of Geological and Geophysical Surveys (DGGS) report from 1985 indicates that the project area is within the zone of discontinuous permafrost and is underlain primarily by glacial ice-stagnation deposits, which are generally composed of sand and gravel with some finer grained components. The area is underlain in part by glaciolacustrine deposits, which may have high concentrations of fine-grained silt and clay.</p> <p>Wetlands exist within the project area. The State will follow area plan guidelines and consider retaining wetland areas for protection. 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	A mix of brush, coniferous and deciduous trees.
Water Source	Small streams within the project area. Nizina and Kennicott Rivers. Water quality is unknown.
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	Full fire management option.
Game Management Unit	Game Management Unit 11. No state restricted areas. See www.adfg.alaska.gov/ for more information.
Local Authority	The project area is within the Unorganized Borough and subject to the State of Alaska platting authority.
Flood Zone	Flood Information Rate Maps are not available for the project area.
Utilities	No known services exist within the project area.
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
Setbacks, Reserved Areas, Easements, and Conditions	
Improvements	Prior to construction of any structure or waste disposal system, contact the Department of Environmental Conservation 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 the ordinary high water mark of water bodies determined to be public or navigable. Water-dependent structures may be allowed within the building setback. Area plan guidelines and DMLW riparian protection guidelines will be consulted during the decision process to determine additional setbacks and other restrictions.

Attachment B: Area Data Summary Table

to the Preliminary Decision and its Related Action
for a Proposed Land Offering in the Unorganized Borough
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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 interior parcel boundaries; • a 50-foot-wide public access easement on each side of surveyed or protracted section lines on State-owned land, unless formally vacated; • a 50-foot continuous easement upland from the ordinary high water mark of public or navigable water bodies; • a 100-foot building setback from the ordinary high water mark of public or navigable water bodies; • a 5' survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a 5' radius around the control monument, and as applicable, a 5' direct line-of-sight easement from the control station to an azimuth mark or other control monument; • 60-foot subdivision rights-of-way (ROW) or public access easements; • a 100-foot right-of-way for the McCarthy Road; and • CBAP buffers required along private lands, the McCarthy Road, trails and wetlands are found in Chapter 2, pages 2-53 through 2-54 and Chapter 3, page 3-160. For this project, the following will be used: <ul style="list-style-type: none"> ○ a minimum 50-foot buffer from the private lands east of the project area; ○ a minimum 50-foot buffer adjacent to the edge of the McCarthy Road right-of-way; ○ a 100-foot right-of-way for RST 372; ○ a 100-foot buffer from Class I wetland areas; ○ a 60-foot buffer from Class II wetlands areas; and ○ Class I and Class II wetlands will be retained in state ownership. If discovered, Class III wetlands may be sold.
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	Ahtna, Inc.
Villages and Tribal Councils	None. The Native Village of Chitina is the nearest native village, approximately 45 miles from the project area; hence, they will be notified of this project area. The native village and native association in Copper Center will also be notified of this decision.

Attachment B: Area Data Summary Table

to the Preliminary Decision and its Related Action
for a Proposed Land Offering in the Unorganized Borough
Sage Subdivision – ADL 231046
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Oil and Gas Activity	None known.
Mining Activity	None known.
Comments	<p>The Division of Forestry has a 5-acre ILMA (ADL 228606) within the proposed subdivision project area for a public education and fire prevention center. The subdivision should not interfere with the purpose or function of the ILMA, as the State will maintain a buffer from the road and the ILMA location.</p> <p>The historic trails and old rail bed will be tracted out of proposed lots. A buffer between the McCarthy Road and the proposed subdivision will be tracted out to maintain aesthetics from the McCarthy Road, per the Denali to Wrangell - St. Elias Management Plan.</p>

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 Proposed Land Offering:
Sage Subdivision – ADL 231046
a Preliminary Decision and its Proposed Related Action:
Amendment to the Copper River Basin Area Plan

OPEN HOUSE

7:00 pm, Tuesday, July 23, 2013
Tony Zak's Community Center
McCarthy, AK

COMMENT PERIOD ENDS 4:00PM, THURSDAY, AUGUST 22, 2013

This proposed project includes offering for sale surveyed parcels in a future offering under the method and the related action as described in the Preliminary Decision document. The project may be subdivided and offered in phases.

Located within the DNR's Southcentral Region, approximately 6 miles west of McCarthy, 127 miles southeast of Glennallen via the McCarthy Road, and 235 miles east of Anchorage, the project area is within the W1/2 Section 31, Sections 28-30, Sections 32-33, Township 5 South, Range 13 East, Copper River Meridian, within the Unorganized Borough. The project area consists of approximately 3,454 acres, of which 900 acres are identified for disposal by this proposed action. Development will be phased over time. Public input is requested for this proposed subdivision.

Project size: 900 acres maximum development area, up to 300 parcels sized from 2 to 15 acres, with development phased over time.

There is one related action with this proposal: an Area Plan Amendment to the Copper River Basin Area Plan (CBAP). If approved after consideration of public comment, this related action will be developed as a separate action, accompany the Final Finding and Decision, and be approved prior to approval of the Final Finding and Decision. Public notice is being conducted concurrently with the primary action's Preliminary Decision.

A public Open House will be held Tuesday, July 23, 2013 at 7:00 pm at Tony Zak's Community Center in McCarthy.

To obtain the notice, Preliminary Decision, or instructions on submitting comment, go to <http://dnr.alaska.gov/mlw/landsale/> 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

Attachment C: Public Notice

to the Preliminary Decision and its Related Action
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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, Thursday, August 15, 2013.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment on these proposed actions for which notice is being conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 4:00PM, THURSDAY, AUGUST 22, 2013.** 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 at 907.269.8916, subdivision.sales@alaska.gov. If you have questions, call Lauren Rouen at 907.269.8851.

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 comments timely on the preliminary decision.

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