

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

FINAL FINDING AND DECISION

**Proposed Land Offering
Snake Lake Remote Recreational Cabin Sites - ADL 231555
AS 38.05.035 (e), AS 38.05.045, and AS 38.05.600**

**Related Actions:
Mineral Order (Closing) No. 1155
AS 38.05.185**

This Final Finding and Decision complements and updates the Preliminary Decision dated December 24, 2013 for the proposed action(s) incorporated by reference herein.

Attachment I: Preliminary Decision
Attachment II: Vicinity Map

I. Recommended Action(s)

As detailed in Attachment I: Preliminary Decision, the State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) recommends offering for sale State-owned land for private ownership within the Snake Lake project area (ADL 231555).

DNR DMLW proposes to offer up to 50 authorizations to stake parcels ranging from 5 to 20 acres in this project area, for a maximum of 1000 acres sold through this offering under *AS 38.05.600 Remote Recreational Cabin Sites*. Authorizations will be awarded by lottery. When so authorized, entrants may stake a parcel within a defined staking area, lease the staked parcel during the survey, platting, and appraisal process, and convert the lease to a sale at a purchase price established by the appraised value, plus associated fees.

After the staking period closes, DNR DMLW may also identify and survey additional parcels in a staking area known as administrative parcels. Administrative parcels are not restricted to the 5-acre minimum and 20-acre maximum. Parcels that are staked but later relinquished, terminated, or expired before converting to sale, and parcels administratively created by DNR DMLW, will be offered at public auction or by another method under AS 38.05.045 Generally [Sale of Land]. The total number of staked and administrative parcels will not exceed the total number of authorizations offered, or the total number of acres to be conveyed.

There is one related action with this project: a mineral order.

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

Public notice for these related actions was conducted concurrently with the notice for the primary action's Preliminary Decision. These related actions have not been modified from the original proposed action.

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II. Authority

DNR has the authority under *AS 38.05.045 Generally [Sale of Land]* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by *AS 38.05.035(e) Powers and Duties of the Director*. Additionally, *AS 38.05.185 Generally [Mining Rights]* and *AS 38.05.300 Classification of Land* allow for closing lands to mineral entry.

III. Traditional Use Finding

The proposed project area is within the Unorganized Borough and is therefore subject to a traditional use finding in accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*. A traditional use finding was included in Attachment I: Preliminary Decision. Public comment in 2014 brought forth no new information indicating traditional use conflicts that were not apparent at the Preliminary Decision stage.

IV. Public Notice and Response to 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/ for the entire public notice period. Additionally, public notices with a request to post for 30 days were mailed to libraries and post offices in the general area of the proposed offering. Notices were also mailed to local community associations, cities, regional and village corporations; as well as adjacent land owners, permit holders, or managers of record. The public notice stated that written comments were to be received by 5:00pm January 30th, 2014 in order to ensure consideration and to be eligible to appeal.

DNR DMLW LSCAS received comments from multiple private individuals. Summary of comments and LSCAS responses are addressed below.

Comments regarding the area surrounding “Pete’s Pond” and Killian Creek: Multiple comments were received regarding the clover-leaf shaped pond that is locally known as “Pete’s Pond” in section 8 of Township 10 South, Range 58 West, Seward Meridian. The comments expressed concern for habitat in this area. One commenter states that “it has wildlife there all year round that should NOT be bothered by cabins or planes landing. We have seen Trumpeter Swans nesting every year and have pictures of them and their signets. Eagles nest close by. We have watched bears sunning on the shores of Pete’s pond and have canoed on the lake and saw Moose eating on the edge. The swans in the fall gather on the pond and start their migration together.” Another comment expressed similar concerns, and stated that “this area needs protecting and I would like to see it placed in a reserve status.” Another commenter expressed concerns for habitat in the area as well as hunting use and stated that “I am concerned that parcel disposal along Killian Creek may negatively impact current and future moose hunting use”.

DNR Response: An area surrounding Pete’s Pond as well as the Killian Creek valley, and the area between USS 9235 and the existing parcels to the east will be reserved from

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staking. The reserved area is intended to address the habitat concerns with Pete's Pond and the Killian Creek area, the wetland concerns with the land around Killian Creek, and provide access through the project area. For more information, and a description of the reserved area, see the **Modifications to the Decision and/or Additional Information** section.

Comments regarding access in the area adjacent to and nearby USS 9235: Multiple comments were received concerning access to the Project Area lands next to or past USS 9235. Concern about access and potential trespass issues being created was expressed. Three comments suggesting that the wedge between USS 9235 and existing parcels be reserved, and another commenter expressed that "public access should be retained between USS 9235 and the closest proposed recreational cabin sites."

DNR Response: There will be a reserved area created in the Killian Creek valley that will allow access to the project area, as well as preclude staking immediately adjacent to USS 9235. For more information, and a description of the reserved area, see the **Modifications to the Decision and/or Additional Information** section.

Comments regarding access to and boat launch area on the SE end of Snake Lake: Multiple comments were received regarding the boat launch and parking lot on the SE end of Snake Lake. Several commenters's expressed concern that the parking area is already overused, and that this access point needs to be expanded to allow for the increased usage that could be expected as a result of this project.

DNR Response: DNR is aware of this situation and will be working with DOT and Chugging Ltd. to pursue options to expand this parking area to accommodate any increase in use that this project creates.

Comment regarding firewood shortage in the area: A comment was received concerning the shortage of firewood in the area, and expressed that more residents would exacerbate this issue.

DNR Response: DNR is aware of the firewood shortages and will work with the Department of Forestry to help mitigate this issue as possible. In addition, the low density scope of this project will help to minimize the impact created on the firewood issue.

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 I: Preliminary Decision:

A reserved area will be retained in the Killian Creek valley and around "Pete's Pond" in Sections 5, 8, 9, and 17 of Township 10 South, Range 58 West, Seward Meridian. The reserved area will include the Southwest Quarter of Section 9, Township 10 South, Range 58 West; will extend approximately 2000 feet from the ordinary high water mark of Killian Creek and approximately 1500 feet from the ordinary high water mark of Pete's Pond; and will extend approximately 330 feet from the southwest boundary of USS 9235. DNR will insure a contiguous acreage of at least 800 acres be retained by this reserved area. The

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Division reserves the right to grant waivers to setbacks and reserved areas for this offering when necessary and if the original intent of the reserved area is still being met.

In addition, a reserved area will be created to provide an access corridor into the project area from the eastern boundary of Snake Lake. This reserved area will be no less than 300 ft wide, and will begin on the eastern boundary of Snake Lake in Section 13, Township 10 South, Range 58 West, and/or in Section 18, Township 10 South, Range 57 West Seward Meridian. This reserved area will preserve access into the project area, and will insure that wintertime snow machine recreation in this area is possible. Approximate location of this reserved area will be displayed on the Staking Map. The Division reserves the right to grant waivers to setbacks and reserved areas for this offering when necessary and if the original intent of the reserved area is still being met.

Recommendation and Approval of the Final Finding and Decision follow.

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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 recommended actions are consistent with constitutional and statutory intent for State-owned land.

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

July 7, 2014

Date

/s/

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

July 14, 2014

Date

/s/

Approved: Joe Balash
Commissioner
Department of Natural Resources, State of Alaska

July 31, 2014

Date

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Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Ste. 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. If reconsideration is not requested by that date or if the commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st calendar day after issuance. Failure of the commissioner to act on a request for reconsideration within 31 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.