

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

PRELIMINARY DECISION

of a
Proposed Land Offering in the Unorganized Borough, Glennallen, Alaska
Snowshoe Subdivision – ADL 229514
AS 38.05.035 (e), AS 38.05.045

and its
RELATED ACTION:
Proposed Mineral Order #1159 (Closing)
AS 38.05.185 and AS 38.05.300

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, JUNE 24, 2015

I. Proposed Actions

Preliminary Decision: Snowshoe Subdivision – ADL 229514

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

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

Draft Mineral Order MO 1159 (Closing)

Primary Proposed Action The primary proposed action of this Preliminary Decision of the State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) Land Sales and Contract Administration (LSCAS) is to offer for sale State-owned land for private ownership within the identified project area. If approved, surveyed parcels will be offered for sale in a future offering (or offerings) under the methods described herein.

Located within DNR's Southcentral Region, approximately 2 ¾ miles west of junction of Glenn and Richardson Highways (Glennallen) just north of the Glenn Highway and approximately 177 road miles east of Anchorage, the project area is within S½ NW¼ excluding land east of ATV trail Section 23, Township 4 North, Range 2 West, Copper River Meridian, within the Unorganized Borough. The project area consists of approximately 40 acres identified for disposal by this proposed action. See Attachment A: Vicinity Map for a depiction of the approximate location of the project area.

In accordance with Copper River Basin Area Plan (CRBAP), and for the purposes of providing land for settlement, DNR proposes to sell land within the project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may survey and plat a subdivision of no more than 10 parcels varying from 3.5 to 10 acres in size. If it is deemed necessary, DNR may consider parcels over 5 acres per the allowances listed in

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AS 38.04.020 (h) Land Disposal Bank. This proposed project area is located within the Unorganized Borough and therefore survey, platting, and access will be subject to relevant State of Alaska subdivision standards. The project may be subdivided and offered in multiple stages.

If this proposed primary action is approved, the actual area offered for sale may consist of all or only a portion of the overall project area. After consideration of public comment, the size and boundaries of the development area will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. There may be adjustments to the development area prior to survey/subdivision as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with platting requirements. Although actions under this proposal are limited to the stated maximums, additional offerings may be authorized under separate future proposals within the remaining project or settlement area.

Proposed Related Action:

Mineral Order (Closing): DNR proposes a mineral order to close the project area to new mineral entry. Refer to the Reservation of Mineral Estate subsection of this document for more information on this proposed related action. The legal description for the mineral order is the same as the project area. A draft of Mineral Order #1159 accompanies this document.

The related action will be developed separately; however, public notice will be made concurrently as described below.

Public Notice of Proposal: In accordance with *AS 38.05.945 Notice*, during a period of at least 30 consecutive days, the public has the opportunity to submit written comment on this proposed project area and mineral order. 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 may issue a Final Finding and Decision.

II. Method of Sale

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]*.

III. Authority

DNR DMLW has the authority under *AS 38.05.045 Generally [Sale of Land]* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State under *AS 38.05.035 (e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska states that it is the policy of the State encourage the settlement of its land. 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*.

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

IV. Administrative Record

The project file Snowshoe Subdivision, ADL 229514 constitutes the administrative record for the proposed actions. Also incorporated by reference are the following:

- *Copper River Basin Area Plan for State Lands* adopted December 1986 and associated land classification files;
- *Alaska Interagency Wild land Fire Management Plan* (amended October 1998);
- *1979 Exploratory Soil Survey of Alaska* and/or *US Department of Agriculture Natural Resources conservation Service Custom Soil Report* for this project; and
- all other file documents, such as maps, access easements, right-of-ways, etc. pertaining to, contained in, or referenced in the project file.

V. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding Section III Authority of this document is limited and specific to DNR DMLW's proposal to offer State-owned land within the defined project area for disposal and to close the project area to new mineral entry. 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 multiple stages.

VI. Description

Location: within DNR's Southcentral Region, approximately 2 ³/₄ miles west of junction of Glenn and Richardson Highways (Glennallen) just north of the Glenn Highway and approximately 177 road miles east of Anchorage, the project area is within S¹/₂ NW¹/₄ excluding land east of ATV trail Section 23, Township 4 North, Range 2 West, Copper River Meridian, within the Unorganized Borough. See *Attachment A: Vicinity Map*, and *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 authority.

Native Regional and Village Corporations: Pursuant to *AS 38.05.945(c)*, notice of the proposed action will be given to the Native Regional Corporation, and any village corporation within 25 miles of the project area. The project area is within the boundaries of the Ahtna regional corporation. Public notice or courtesy notice will also be distributed to the following village corporations and councils: Native Village of Cantwell; Cheesh-Na [Christochina] Tribal Council; Chitina Village Council; Gakona Village Council; Gulkana Village Council; Native Village of Kluti-Kaah [Copper Center]; Mentasta Traditional Council; and Tazlina Village Council.

Legal Description: the project area to be developed is within S¹/₂ NW¹/₄ excluding land east of ATV trail Section 23, Township 4 North, Range 2 West, Copper River Meridian. It is

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located within the Unorganized Borough, Chitina Recording District, Third Judicial District, Alaska.

Title: Information from Title Report No. 4625, current as of 8/27/2013, indicated the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 50-65-0127 dated 8/20/1964. These lands were acquired under Statehood entitlement, General Purpose Grant, under the Act of July 7, 1958, 72 Stat. 339 as amended. The applicable State case file is GS 1082. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

Retention of and Access to Mineral Estate: In accordance with *Section 6 (i) of the Alaska Statehood Act* and *AS 38.05.125 Reservation [of Rights to Alaska]*, the State retains ownership of the mineral estate that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals, such as gold, copper and silver; and leasable 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 land estate owner will be compensated for damages resulting from mineral exploration and development.

Navigable Waters: Per *AS 38.05.126 (b) Navigable and Public Waters*, “the State has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the state.” This trust is in accordance with the principles of the Public Trust Doctrine, which are included in *Article VIII, Section 14 of the 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, 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 township for title purposes. There appear to be no navigable waters in the proposed project area.

Physical Characteristics and Hazards: Attachment B: Area Data Summary Table describes the project area’s physical characteristics. In addition, the following paragraphs describe the project area based on internal research and 3 separate ground field inspection visits conducted by LSCAS and DNR Survey staff on July 27, 2005, July 25, 2013, and July 31, 2014. 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

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inspect individual parcels prior to bidding or applying to purchase to familiarize themselves with the physical characteristics of the land.

Geologic Hazards: There is potential for discontinuous, ice-rich permafrost to be present in local soils. Comments received at the September 30, 2014 Scoping Meeting in Glennallen indicated that the general area may have underlying ice lenses that could be a challenge to stable foundation construction. Siting and design of structures should be carried out in accordance with appropriate building standards that would account for best practices for local geologic conditions. Each site may have micro-conditions that could vary from neighboring parcels. Should any additional geologic hazards be discovered in the future, they will be considered in the project's design and described in the project file and offering materials.

Fire Hazards: Potential for wild land fire is high in Interior Alaska, and Southcentral Alaska may experience varying degrees of wildfire danger if dry spells occur. The 2013 *Alaska Interagency Fire Management Plan* described the fire management option for this site as Critical – the highest priority for suppression action and assignment of available firefighting resources. It is important to note, however, that DNR Division of Forestry warns that DNR Division of Mining, Land, and Water inform participants there is no guarantee their property will be defended or spared from harm from a wild land fire. Alaska Interagency Coordination Center history showed small fires, 2 acres or less, in the area in 1951 and 2003. The closest fire protection facility would be the Glennallen Volunteer Fire Department; Glennrich Fire and Rescue Department is located in Copper Center. Landowners with structures are encouraged to follow the Alaska Wild land Fire Coordinating Group *Firewise Alaska* recommendations. DNR provides applicants with information regarding wild land fire prevention and encourages them to locate parcels in defensible areas such as hardwood stands with access to water. The general proposed project area is readily accessed by existing roads and would therefore facilitate site improvement work for fire hazard mitigation as well as response of fire suppression equipment.

Flood Hazard: No relevant Federal Emergency Management Agency (FEMA) flood information or map data are available for the area. Soil reports indicate no frequency of flooding for any soil type in the area. There may be potential for seasonal standing water during break-up or on sites with permafrost, especially in low-lying areas. We will continue to investigate and consider reserving areas prone to shallow water tables from the offering.

Background:

This proposed project is located approximately ¼ mile north of the Glenn Highway in the core area of Glennallen; hence there are a number of already developed subdivisions and commercial lots in close proximity to the proposed project. In the recent past there have been questions regarding the legal and physical location of Snowshoe Street between the highway and the project area. This matter is being resolved by the State of Alaska completing a Record of Survey to identify the Rights-of-Way boundary for Snowshoe Street ADL 231847 and to set Right of Way corners. The north ½ mile of Snowshoe Street has been a public right-of-way as shown by ASLS 79-250/Plat 80-10, Chitina Recording District.

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There are already existing State and private subdivisions in the area. This proposed project is similar and in keeping with existing development in the area. Some adjacent parcels to the south, used for community ball fields, were occupied by DOT/PF and military facilities in the past. Concerns about possible residual contamination from buildings and materials at these locations appear to be limited to parcels at lower elevations outside of the proposed project area.

Several unimproved ATV trails were identified during the July 2014 field visit; portions of these trails will be incorporated into platted access within the potential subdivision design where practical. No other evidence of wildfire, trespass structures or items, or hazardous materials was observed. Because there are large spaces of lowlands found to the east and north of the project boundaries, these areas will remain in State ownership under separate ADL 232141. If, in the future, Mt. Sanford Dr. or other ROWs can be extended to or near the center quarter corner of section 23, then it may be possible that additional buildable acreage could be made available in the eastern upland portion of this settlement area.

A public Scoping Meeting was held in Glennallen the evening of September 30, 2014. A dozen people came to share information and impressions on this proposed project. While no one voiced opposition, a common theme was expressed for having parcels of sufficient size to accommodate local conditions for building needs and in avoiding the wetland areas. The present proposal has incorporated information and ideas shared at the meeting.

Project research and development includes consideration of economic factors utilizing market data compiled by DNR qualified staff. This is an ongoing process.

Based on evaluating the research done so far, considering agency review information, physical conditions of the land, projected economic feasibility, area plan guidelines, and access issues, DNR DMLW is moving forward with this preliminary decision and public notice with public comment period. After a review of public comment received, DNR DMLW will evaluate the project again and if deemed feasible may issue a Final Finding and Decision. If the Final Finding and Decision is approved, and in order to offer the property, a combination of survey, subdivision, and/or plat actions may be required and will be completed to the relevant state subdivision standards.

Planning and Classification: The general management intent of the area plan unit and subunit were reviewed for consistency with the proposed offering. The project area is within the Copper River Basin Area Plan (CRBAP) adopted December 1986, Glennallen-Gulkana Management Unit 23, Management Subunit 23D. The project area is designated Settlement and classified Settlement under Land Classification Order No. SC-79-010.

Project Development Team members reviewed the area plan's Chapter 2 Areawide Land Management Policies. Goals and Management Guidelines specified for Settlement, Trail Management, and Wetlands are addressed below, and these considerations will be incorporated into development of this project. Chapter 3 Land Management Policies were also reviewed for Management Unit 23, Glennallen-Gulkana, Subunit 23D regarding this project. CRBAP Appendix A, B, and D were likewise considered. Additional details are discussed under appropriate subsections found below.

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Settlement Guidelines: This project is intended to meet CRBAP goal for year-round residences or community expansion. Management Guidelines under A -- E have been considered. Public feedback from a local Scoping Meeting September 30, 2014 in Glennallen indicated interest in making quality State lands available for private ownership. Proposed Snowshoe Subdivision, ADL 229514 offers such an opportunity in accordance with these guidelines. DMLW is not aware of any local comprehensive plan. There is no local government entity for this area. It is intended that parcels will be offered over time in order to avoid flooding the real estate market. Subdivision design work will incorporate the CRBAP considerations into the development of the project. Lots will be of sufficient size to allow for residential enjoyment, privacy, and construction feasibility accommodating the guidelines referenced. The proposed Snowshoe Subdivision portion of Settlement Management Subunit 23D is bound by State lands to the north and east and by municipal or private lands to the south, and west. Public right-of-ways will be platted to allow access within and thru the proposed subdivision; existing ATV trails will be retained and incorporated into the layout design. Continued access to public lands or uses does not appear to be inhibited by this proposed subdivision. Where appropriate, lands to be retained in public ownership, conditions, and reservations will be shown on the plat and considered in the land sale brochure preparation.

Trail Management: There are no RS2477 trails within the project boundary. RST 565, Copper Center – Nelchina Trail, is located over a mile south on the other side of the Glenn Highway. RST 275, Ewan Lake Seismic Trail is approximately 6 miles to the west of the project's west boundary.

Aerial photos and DMLW staff field investigations in July of 2005, 2013, and 2014 verified the presence of several apparently well used ATV trails within the settlement subunit and the proposed project area. One existing trail is mostly on high and dry ground and runs from Snowshoe Street east-northeastward to where it intersects with a generally N-S running ATV trail. Farther to the north, this trail becomes very wet, eventually deteriorating to long stretches of standing water. The 2014 field team followed that route northward until it petered-out; it did not connect to any open space system or regional or statewide trail. September 30, 2014 Scoping Meeting comments indicated that the general public utilizes these trails for jogging or walking exercise or to view the surrounding wetlands or ponds. Subdivision design will incorporate these existing pathways into the right-of-way design that will protect public access within the proposed development area and allow for continue use to, thru and beyond the project area.

Wetlands Management: There are minimal Class III wetlands within the proposed project area. Where wetlands may be part of a lot or abut parcel boundaries a 50-foot building setback will be specified. LSCAS includes comments in offering brochures that activities in wetlands may also be subject to provisions of the Federal Clean Water Act and the US Army Corps of Engineers (COE) permitting requirements. DMLW is confident that the proposed project will not be a threat to the well being or public enjoyment of near-by wetlands.

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

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

Mineral Activity and Mineral Order Proposal: No mineral activity has been identified on these lands. The entire project area will be closed to mineral entry (approximately 40 acres) if the mineral order is approved in accordance with *AS 38.05.185 Generally [Mining Rights]* and *AS 38.05.300 Classification of Land* for a land disposal. Closing the entire project area to mineral entry is consistent with the management intent of the CRBAP.

Mineral closing orders, where established, close an area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. Such mineral orders do not apply to leasable minerals, including oil and gas leasing, coal leasing, shallow gas leasing, or exploration licensing for such, nor do they preclude reasonable surface access to these resources. However, *AS 38.05.130 Damages and Posting of Bond* stipulates that the land estate owner will be compensated for damages resulting from exploration and development.

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

Local Planning: Where they exist, local zoning and related ordinances govern private land use. There is no local government entity for this area. The project area is within the Unorganized Borough and platting actions are subject to State platting authority.

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*. Information obtained from the CRBAP, research, agency review, public meetings, and site inspection indicates that the project area appears to be used for occasional, mostly local, recreation activity along the trails through the project area. DNR is aware of general regional traditional use but does not have knowledge of specific traditional use pursued within the project area. Therefore, information specific to this site regarding current or traditional use is welcomed and can be given during the public comment period. See the Section VIII Submittal of Public Comments at the end of this documents and Attachment C: Public Notice for details on how to submit comment. If this proposal is approved, comments will be addressed in a subsequent Final Finding and Decision if issued.

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There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a probable increase in the various traditional activities that may be practiced by new private-property owners.

Access To, Within, and Beyond Project Area: Access via Snowshoe Street will be shown by Record of Survey, ADL 231847; this survey will resolve a past issue of ROW location. The north ½ mile of Snowshoe Street was dedicated as a public right-of-way by ASLS 79-250/Plat 80-10 and abuts the west boundary of this proposed Snowshoe Subdivision project. Individual lots will have platted access incorporating existing ATV trails within the project area when practical. Section-line Easements provide access to lands beyond this project area. No RS2477 trails have been identified within the project area. The proposed Snowshoe Subdivision settlement portion of Management Subunit 23D is bound by state lands to the north and east, and municipal or private lands to the south and west.

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*.

Although no public or navigable waters have been identified within the project area, for the purposes of reserving access to public or navigable water under the aforementioned statutes and regulations, if a water body is determined to be public or navigable prior to disposal, a continuous easement extending upland from the ordinary high water mark (OHWM) will be reserved within parcels located along said waters. An alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult. If a water body determined to be public is located entirely within a parcel, a public use access easement from the parcel boundary to and along the water body will be reserved and dedicated at the time of field survey. Refer to the *Easements, Setbacks, and Retained Lands* subsection for additional information.

Building Setbacks From Public or Navigable Water: If subdivision is deemed feasible, DNR DMLW proposes to place a note on the final survey plat describing a building setback upland from the OHWM of public and navigable water to protect access, fish and wildlife habitat, and personal property. Except for utilities, water-dependent

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structures whose purpose is access to or across the stream or lake, or minor accessory structures for uses that must be in or adjacent to the water body in order to function, structures and subsurface sewage disposal systems will not be permitted within the building setback. We will continue to develop and apply criteria as needed and the public is invited to comment. Refer to the Section VII Agency Comments section of this document for additional information.

Easements, Setbacks, and Retained Lands: Parcels may be subject to a variety of easements, setbacks, and retained lands which will be identified on the subdivision plat and included in related informational documents. Final width and location of easements and reservations will be determined as part of the State platting process.

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

- a public access and utility easement along interior parcel boundaries pursuant to *11 AAC 53.440*;
- a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with *AS 19.10.010 Dedication of Land for Public Highways* and *11 AAC 51.025 Section-line Easements* unless vacated under *AS 19.30.410 Vacation of Rights-of-Way* and *11 AAC 51.065 Vacation of Easements*;
- a 50-foot continuous easement upland from the OHW of public or navigable water bodies in accordance with *AS 38.05.127 Access To Navigable or Public Water*;
- a 100 foot building setback from the OHW of public or navigable water bodies;
- a 50-foot building setback from wetland areas as appropriate if any are discovered prior to platting; and
- a 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5' direct line-of-sight easement from the control station to an azimuth mark or other control monument as appropriate

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

Hazardous Materials and Potential Contaminants: During ground field inspections in July of 2005, 2013, and 2014 DNR staff did not observe any hazardous wastes, spills, or other potential contaminants within the project area; however, the site has apparently been used for multiple ATV activities, as evidenced by several well beaten trails within the area. While there are no known environmental hazards present within the project area, 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

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are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal.

DNR DMLW recognizes there are potential environmental risks when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the State of Alaska, Department of Environmental Conservation. Given the high degree of interest from both the legislature and citizens in sale of State-owned land, DNR DMLW is of the opinion that the benefits outweigh the potential risks.

Survey, Platting, and Appraisal: After evaluation of public comment and conditions of the land, DNR will determine if it is in the State's best interest to offer the proposed project area. In order to offer the property, a combination of survey, subdivision, and/or platting actions may be required. The project area is located within the Unorganized Borough, and therefore survey and platting will be subject to State of Alaska subdivision standards after an approved Final Finding and Decision authorizes the project to move into that stage.

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. Sale of project area parcels in multiple offerings over time will mitigate "flooding" the local market; the two year appraisal requirement must still be followed.

VII. Agency Comments

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from September 11, 2014 through October 14, 2014. Comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional, timely comments received during the Public Notice comment period for this Preliminary Decision on the proposed project and mineral order will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

Office of History and Archaeology (OHA) Comment:

OHA reported "The Alaska Heritage Resources Survey (AHRIS) database indicates that there are no recorded cultural resource sites within the proposed subdivision area." However, only a small portion of the state has been field surveyed for cultural resources. Therefore, "...should inadvertent discoveries of cultural resources occur during the duration of the project, our [OHA] office should be notified so that we [OHA] may evaluate whether the resources should be preserved in the public interest (as specified at Section 41.35.070[d])."

DNR DMLW LSCAS Response:

LSCAS concurs with the comments provided, and routinely includes this information in public offering documents.

Division of Oil & Gas (DOG) comment:

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”DOG recommends that LSCAS continue to make potential applicants aware the State reserves oil, gas, coal, minerals, fissionable material, geothermal resources, and fossils ...” and reserves the right to enter, explore, develop, and produce such resources in or upon lands offered for sale. Furthermore, “... the proposed mineral order closing the area to mineral entry will not apply to leasable mineral resources.” DOG also commented that “Currently there are no DOG authorizations or pending applications for exploration licenses or oil and gas leases in the vicinity of the proposed land disposal. However, State-owned lands in the area are available for exploration licensing under Division of Oil and Gas Exploration Licensing Program”

DNR DMLW LSCAS Response:

LSCAS routinely includes information in the auction brochure explaining the reservation of the mineral estate for locatable and leasable minerals, and the application of closing lands to mineral entry. Also see discussion above under Title and at Reservation of Mineral Estate in Section VI above.

DNR DMLW Resource Assessment and Development Section (RADS) comment:

An extensive and detailed response provided background and a discussion of the Copper River Basin Area Plan (CRBAP) of December 1986, especially pertaining to Subunit 23D and subsequent CRBAP guidelines for Settlement, Trail Management, and Wetlands Management. RADS advised that LSCAS must address guidelines for these topics. A concluding recommendation statement confirmed that settlement remains appropriate for the project area.

DNR DMLW LSCAS Response:

The in depth interest and comments provided are appreciated. LSCAS concurs with the importance of the specific topics noted for special attention. Information received from RADS has been incorporated into the development of this decision. CRBAP guidelines pertaining to Settlement, Trail Management, and Wetlands Management are addressed at pages 6-7 above, under Planning and Classification. Furthermore, LSCAS is happy to cooperate with timely recommendations that will ensure compliance with all governing principles as we strive to optimize the quality of state land sale offerings.

The following agencies all responded with comments of non-objection:

Department of Fish and Game (ADF&G), Division of Wildlife Conservation

Alaska Railroad Corporation (ARRC)

Division of Parks & Outdoor Recreation (DPOR)

Division of Agriculture (DOA)

Department of Commerce, Community, & Economic Development (DCCED)

Mental Health Trust Land Office (MHTLO)

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State Pipeline Coordinator's Office (SPCO)

DNR DMLW LSCAS Response:

The time taken to send a response is appreciated.

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

Department of Environmental Conservation (DEC)

Division of Forestry (DOF)

Department of Transportation & Public Facilities (DOT/PF)

University of Alaska (UAA)

VIII. Submittal of Public Comments

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

Pursuant to *AS 38.05.945 Notice*, DNR issues public notice inviting comment on this proposed project and mineral order. 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.

All timely, written comments received by DNR DMLW LSCAS will be considered. All comments should clearly explain the facts on which they are based and how they pertain to the proposed action. If analysis of timely written comments received indicates the need for significant changes to the proposed project or mineral order, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to either proposal will not be considered significant changes requiring additional public notice.

If both proposals are approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and the DMLW responses, may be issued as a subsequent Final Finding and Decision without further notice. The mineral order and associated documents will be developed separately but approved concurrently with the Final Finding and Decision.

Only persons from whom DNR DMLW LSCAS receives timely, written comment during the identified comment period will be eligible to file an appeal or request for reconsideration on the Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision may be made available online at <http://dnr.alaska.gov/mlw/landsale/> and

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will be sent with an explanation of the appeal or reconsideration process to any party who provides timely written comment.

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

DEADLINE TO SUBMIT WRITTEN COMMENT IS 5:00 PM, WEDNESDAY, JUNE 24, 2015

IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Develop a subdivision of no more than 10 parcels varying from 3.5 to 10 acres in size, and offer those parcels for sale. The development and offering of these parcels may be done by more than one sale over time.

Alternative 2: Do not subdivide the project area prior to offering. Offer the project area as a single, approximately 40-acre parcel.

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

Article VIII, Section 1 of the Alaska Constitution states, 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, and the State legislature has provided funding to administer this charge.

Alternative 1 provides a method for DNR to help meet the obligations laid out in the Constitution and statute, and to accommodate interest expressed by local people at the September 2014 scoping meeting to buy high quality parcels near Glennallen. Alternative 1 maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. A subdivision will allow DNR DMLW to create a design that will maximize use of the land and provide a greater number of the public an opportunity to purchase land within this area suitable for settlement. Due to the unique amenities in and around the Glennallen location, and the existence of near-by residential property, the project area is best suited to subdivision action prior to offering.

Alternative 2 does not maximize public interest and financial return to the State. Offering the project area as a single parcel would limit the offering to only one purchaser and deny Alaskans the opportunity to directly purchase State land in this desirable area. Alternative 2 is not preferred.

Alternative 3 inhibits DNR DMLW from meeting its Constitutional and legislative obligations. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Not offering the project area would deny Alaskans the opportunity to obtain land in an area that is suited to settlement. Alternative 3 is not preferred.

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

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X. Recommendation

This Preliminary Decision for the proposed project and mineral order 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; 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 evaluation of subsequent public review may result in changes to the preferred alternative or disapproval of the proposed primary action and/or the accompanying related action. If the decision is approved, the mineral order will accompany any Final Finding and Decision issued.

/s/
Prepared by: John W. Thomas, Adjudicator
Natural Resource Specialist III
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

5/15/2015
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

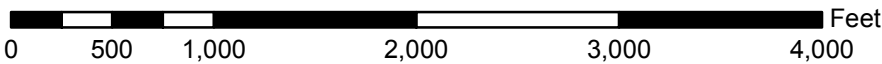
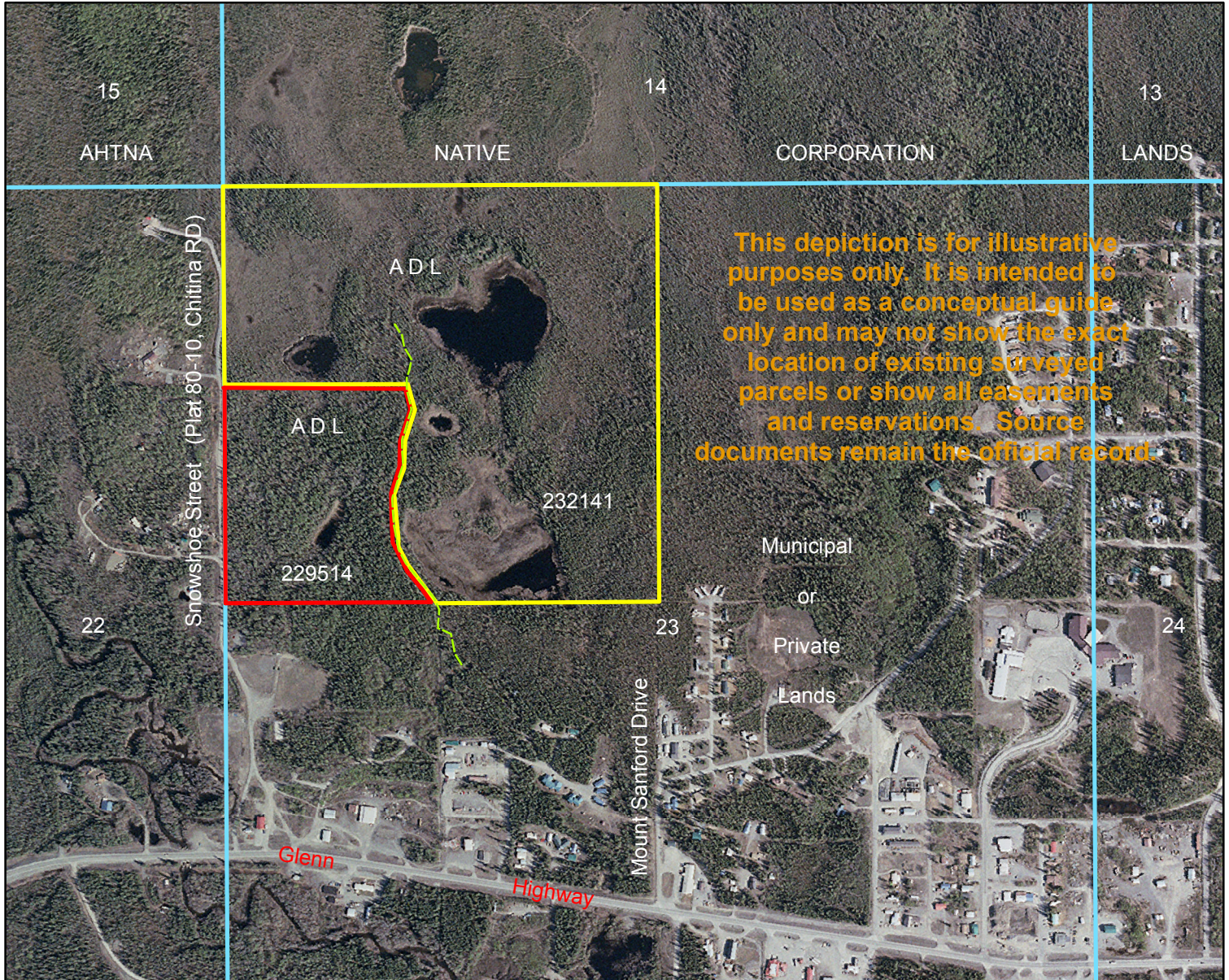
5/15/2015
Date



SNOWSHOE SUBDIVISION ADL 229514

Attachment A: Vicinity Map

to the Preliminary Decision for a
Proposed Land Offering
in the Unorganized Borough



JWT 3/29/2015

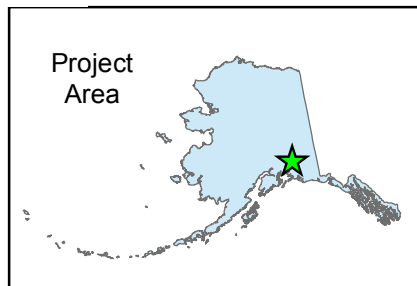


- ATV Trail, Portion Of
- ADL 229514 Subdivision Development Area
- ADL 232141 Area Retained by State of Alaska
- Section Lines

Township 4 North,
Range 2 West
Copper River Meridian

USGS QUAD 1:63,360

Gulkana A-4
 For more information contact:
 John W. Thomas or Cliff Baker
 Department of Natural Resources
 Division of Mining, Land, and Water
 Land Sales & Contract Administration Section
 Phone 907 269-8591 or 269-8522
 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 the Unorganized Borough

Snowshoe Subdivision – ADL 229514

Offering Information	
Proposed Number of Parcels	Up to 10 parcels
Proposed Parcel Size	Varying in size from 3.5 - 10 acres
Proposed Related Actions	Mineral Order No. 1159 (closing)
Project Area	
Location	Approximately 2 ¾ miles west of junction of Glenn and Richardson Highways (Glennallen) just north of the Glenn Highway and approximately 177 road miles east of Anchorage
Project Area Acreage	~40 acres developable
USGS Topography Map	USGS Quad: Gulkana A-4
Legal Description	S½ NW¼ excluding land east of ATV trail Section 23, Township 4 North, Range 2 West, Copper River Meridian
Title	Patent 50-65-0127 dated 8/20/1964 to State of Alaska under General Grant (GS 1082)
Area Plan and Classification	Copper River Basin Area Plan (CRBAP) adopted December 1986, Glennallen-Gulkana Management Unit 23, Management Subunit 23D. Lands are classified Settlement.
Mineral Orders	Proposed Mineral Order No. 1159 will close the project area to new mineral entry and be approved with the project's Final Finding and Decision.
Physical Characteristics	
Access	Snowshoe Street from Glenn Highway. Individual lots will have platted access incorporating existing ATV trails within the project area.
Terrain and Major Features	Project area consists of nearly level terrain with large, well drained benches up to 15 ft. higher in elevation than adjacent expanses of lower lands. The majority of the NW ¼ section 23 has been reserved to the State by separate ADL # 232141 and includes the lower wetland areas.

Attachment B: Area Data Summary Table

to the Preliminary Decision and its Related Actions
 for a Proposed Land Offering in the Unorganized Borough
 Snowshoe Subdivision – ADL 229514
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View	Possible local view of lake and ponds; some clearing may allow view of distant mountains to the south and east.
Climate	Mean January temperature -10°F to July 56°F with extremes -50°F to +80°F; snowfall averages 39 inches with total precipitation of 9 inches per year
Soils	USDA Natural Resource Conservation Service report for project area: approximately 50% Klawasi peat, 30% Wrangell peat and smaller areas of Gakona silt loam and Kuslina peat. Unstable ice lenses may occur in the area. While higher sites appear to be well drained, widespread permafrost and high water tables are common in the Copper River Basin. 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.
Vegetation	2013 & 2014 Field Work verified white & black spruce, aspen, some birch with low brush including willow & alder, moss and wetland grasses and sedges; some trees 35'+ in height. No evidence was observed on field visits of recent wild land fire
Water Source	Well water can be less than optimum throughout the Copper River Basin. Water quality at this site is unknown.
Anadromous Waters	None
Local Management Information	
Fire Management Option	<i>Alaska Interagency Fire Management Plan</i> described the fire management option as Critical – the highest priority for suppression action and assignment of available firefighting resources. Nonetheless, there is no guarantee of complete protection of land or structures from wild land wildfires. Alaska Interagency Coordination Center history showed small fires, 2 acres or less, in the general area in 1951 and 2003. The closest fire protection facility would be the Glennallen Volunteer Fire Department; Glennrich Fire and Rescue Department is located in Copper Center.
Game Management Unit	ADF&G game management unit 13A.
Local Authority	The project area is within the Unorganized Borough and therefore is subject to State of Alaska platting authority. There is no municipality in the area.
Flood Zone	No relevant Federal Emergency Management Agency (FEMA) flood information or map available for the area. Soil reports indicate no frequency of flooding for any soil type in the area.
Utilities	This area is served by Copper Valley Electric Association; power lines area present along Snowshoe St. A piped sewage system is of service to a limited number of homes and businesses in downtown Glennallen; most residents use septic tank systems with sometimes marginal success which then may necessitate special (above ground) disposal methods. Refuse collection services and Class II landfill are available.
Waste Disposal	All on-site waste water disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Attachment B: Area Data Summary Table

to the Preliminary Decision and its Related Actions
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 Snowshoe Subdivision – ADL 229514
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Setbacks, Reserved Areas, Easements, and Conditions	
Improvements	Prior to construction of any structure, driveway, or waste disposal system, purchasers should contact the platting authority and/or DEC for any permits or for required setbacks from water bodies, lot lines, and easements.
Building Setbacks	<ul style="list-style-type: none"> • a 100' building setback from the OHWM of public or navigable water bodies; • a 50-foot building setback from wetland areas
Public Access and Utility Easements	<p>Parcels may be subject to the following:</p> <ul style="list-style-type: none"> • a public access and utility easement along interior parcel boundaries pursuant to <i>11 AAC 53.440</i>; • a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with <i>AS 19.10.010 Dedication of Land for Public Highways</i> and <i>11 AAC 51.025 Section-line Easements</i> unless vacated under <i>AS 19.30.410 Vacation of Rights-of-Way</i> and <i>11 AAC 51.065 Vacation of Easements</i>; • a 50-foot continuous easement upland from the OHW of public or navigable water bodies in accordance with <i>AS 38.05.127 Access To Navigable or Public Water</i>; • a 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5' direct line-of-sight easement from the control station to an azimuth mark or other control monument.
Public or Navigable Water Bodies	A federal navigability determination has not been done. No public or navigable waters have been identified within the project area. If any water bodies are deemed public or navigable, DNR DMLW will comply with building setbacks and statutory requirements to provide access to and along said water bodies.
Additional Information	
Native Regional Corporations	Ahtna, Inc.
Villages and Tribal Councils	Native Village of Cantwell; Cheesh-Na [Christochina] Tribal Council; Chitina Village Council; Gakona Village Council; Gulkana Village Council; Native Village of Kluti-Kaah [Copper Center]; Mentasta Traditional Council; and Tazlina Village Council
Oil and Gas Activity	None known
Mining Activity	None known
Comments	None.

ATTACHMENT C: PUBLIC NOTICE

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

PUBLIC NOTICE

Inviting Public Comment on a Proposed State Land Sale:
Snowshoe Subdivision – ADL 229514
a Preliminary Decision and its Proposed Related Action:
Mineral Order #1159 (Closing)

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, JUNE 24, 2015

Surveyed parcels will be offered for sale to the public as described in the Preliminary Decision (PD) document. The project may be subdivided and sold in multiple offerings over time. Located within DNR's Southcentral Region, approximately 2 ¾ miles west of junction of Glenn and Richardson Highways (Glennallen) just north of the Glenn Highway about 177 road miles east of Anchorage, the project area is within S½ NW¼ Section 23, Township 4 North, Range 2 West, Copper River Meridian, within the Unorganized Borough. Project size: ~40 acres proposed for development; up to 10 parcels sized from 3.5 to 10 acres

To obtain copy of 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 documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, M-F, 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. Those requiring special assistance must make request to the Public Information Center in Anchorage no later than 4:00 PM, JUNE 15, 2015.

Pursuant to AS 38.05.945 Notice, public comment is invited on all actions proposed in this notice. All comments should clearly explain the facts on which they are based and how they pertain to the proposed action. **The deadline for public comment is 5:00PM, WEDNESDAY, JUNE 24, 2015.** Only persons from whom DNR DMLW LSCAS receives written comment by this deadline will be recognized as eligible to file an appeal or request for reconsideration on the Final Finding and Decision. Written comment or inquiries must be received by fax, email, or postal mail at: fax 907 269-8916; subdivision.sales@alaska.gov; or DNR Land Sales, 550 W. 7th Ave., Suite 640, Anchorage, AK 99501. For questions, call DNR Land Sales, 907 269-8594.

If no significant change is required, the preliminary decision, including any minor changes and a summary of comments and responses, may be issued as a Final Finding and Decision without further notice. A copy of the Final Finding and Decision will be sent to any persons who commented timely on the preliminary decision. DNR reserves the right to waive technical defects in this notice.