

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

**PRELIMINARY DECISION**

of a  
**Proposed Land Offering in the Unorganized Borough  
Wien Lake West Subdivision – ADL 419308  
AS 38.05.035 (e), AS 38.05.045**

**There are no Related Actions Proposed**

**COMMENT PERIOD ENDS 2:30PM, TUESDAY, JANUARY 8, 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 Department's Northern Region, approximately 67 miles west of Nenana, 107 miles southwest of Fairbanks, and 24 miles north of Denali National Park by air, the project area is on the north and west shores of Wien Lake within portions of Sections 22, 23, 27, 28, 33, 34, all within Township 6 South, Range 19 West, Fairbanks Meridian. The project area consists of up to 700 conveyable acres within a larger, approximately 1,725-acre project area. 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 Wien Lake area, if deemed feasible, DNR may develop a subdivision of no more than 100 parcels varying in size from 2 to 40 acres each, totaling no more than 700 acres. If deemed practical and desirable, DNR DMLW may also survey additional parcels to be retained in State ownership, to facilitate access to and from Wien Lake within the project area, provide for the future development of an airstrip in the vicinity of the existing unauthorized airstrip at the northeast edge of the project area, and reserve additional areas associated with that airstrip that DNR DMLW's Northern Region Lands Section could choose to make available for storage of airplanes and equipment for authorized periods longer than 14 days. DNR DMLW is not proposing to improve or maintain the airstrip.

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Additionally, if deemed practical and desirable, DNR DMLW may choose to harden certain areas within the project area to facilitate ATV travel across trail areas that are wet or particularly susceptible to damage. Should DNR DMLW choose to harden portions of trails, DNR DMLW does not propose to conduct maintenance in the future. Subsequent trail maintenance would be the responsibility of landowners and/or future local government and may require additional authorizations from DNR DMLW.

Of note, if it is deemed necessary, DNR may consider parcels larger than 5 acres per the allowances listed in AS 38.04.020 (h) *Land Disposal Bank*. This proposed project area is located within the Unorganized Borough and therefore survey and platting will be completed to the relevant State subdivision standards. The project may be subdivided and offered in phases.

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

Pursuant to AS 38.05.945 *Notice*, this notice will also be posted on the State of Alaska Public Notice website at <http://notes.state.ak.us/pn/> for at least 30 consecutive days. The public is invited to comment on the proposed action. See Section X Submittal of Public Comments at the end of this document and Attachment C: Public Notice for details on how to submit a written comment for consideration. If after consideration of timely, written comments the proposed action is approved, DNR will issue a Final Finding and Decision.

## **II. Method**

DNR proposes to offer for sale the project area as described herein, through a future auction or another method 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.

## **III. Authority**

The State of Alaska, Department of Natural Resources (DNR) 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.

## **IV. Administrative Record**

The administrative record for the proposed action(s) consists of the documentation contained in the project file, ADL 419308. Incorporated by reference are the area plan and the Exploratory Soil Survey of Alaska (1979).

## **V. Scope of the Decision**

The scope of this proposal, under the statutes described in the preceding Section III Authority section 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. 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**

See Attachment B: Area Data Summary Table for a brief listing of the key descriptions for the project area. Additional details are provided in the following paragraphs.

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Location: Located within the Department's Northern Region, approximately 67 miles west of Nenana, 107 miles southwest of Fairbanks, and 24 miles north of Denali National Park by air, the project area is on the north and west shores of Wien Lake within portions of Sections 22, 23, 27, 28, 33, and 34, all within Township 6 South, Range 19 West, Fairbanks Meridian. See Attachment A: Vicinity Map for a graphic depiction of the approximate location of the project area.

Legal Description: Section 22, W1/2 W1/2 Section 23, Section 27, E1/2 Section 28, Section 33, and Government Lots 1 and 2 within Section 34, all within Township 6 South, Range 19 West, Fairbanks Meridian, containing 1,725 acres more or less, and excluding private inholdings USS 6452, USS 6538, USS 6635, USS 6655, USS 7693, and USS 8203, all located within the Manley Hot Springs and Fairbanks Recording Districts, Fourth Judicial District, State of Alaska.

Title: Information from Title Report No. 3073, current as of December 15, 2011 indicates the State of Alaska holds fee title to the land and mineral estate within the project area, excepting the portion of the project area that is in Section 23, under the statutory quitclaim deed dated April 23, 2010 from the Board of Regents, University of Alaska to the State of Alaska, Department of Natural Resources. The applicable State case files are GS 3609 and OSL 1447. The State appears to hold fee title to the land and mineral estate within Section 23 under Patent No. 50-2007-0529 dated June 29, 2007.

### *Chain of Title (for the project area excluding Section 23):*

- Tentative Approval dated August 30, 1982, issued for the land and mineral estates to the State of Alaska.
- Patent No. 50-88-0254 dated August 5, 1988, issued for the land and mineral estates to the State of Alaska.
- Patent No. 50-2007-0529 dated June 18, 2007, issued for the land and mineral estates to the State of Alaska.
- Quitclaim Deed No. 1655 dated May 21, 2008, from the State of Alaska, Department of Natural Resources to the Board of Regents, University of Alaska.
- Quitclaim Deed dated April 23, 2010, from the Board of Regents, University of Alaska to the State of Alaska, Department of Natural Resources.

An updated title report for the entire project area, which now includes the W1/2 W1/2 of Section 23, has been requested.

*Retained Interests:* In accordance with AS 38.05.125 *Reservation of Mineral Rights to Alaska*, the State retains ownership of oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells. 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. Under common law, this access reservation is superior to any and all surface uses. The State may also lease these interests to mineral developers or allow mining locations to be staked. However,

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AS 38.05.130 *Damages and Posting of Bond* also provides that the land estate (surface) owner will be compensated for damages resulting from mineral exploration and development.

Physical Characteristics: 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 DNR staff on August 24, 2011. If this proposed project is approved and 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.

Background: This subdivision project was identified in the Tanana Basin Area Plan (TBAP) (adopted 1985, updated 1991), within Subunit 3I2a. There have been no prior disposals of State-owned land within the boundaries of the project area, but the area does surround several parcels that were conveyed by the Bureau of Land Management during the 1980s and 1990s, prior to the project area being patented to the State. The State offered parcels within the greater Subunit 3I2, excluding this project area, under the Remote Recreational Cabin Sites program in 2008. Under that program, 12 parcels were staked or were administratively created along the shores of Wien Lake. Of those 12 parcels, 6 appear to be in State ownership at this time and may be offered to the public in the future.

Planning and Classification: The project area is within the Tanana Basin Area Plan (TBAP) Subregion 3 (Kantishna), Management Unit 3I (Zitziana River Corridor), Subunit 3I2a (Wien Lake Subdivision). Settlement is the current, primary surface use designation for this unit. The area is classified Settlement through Classification Order CL-NC-90-002. Requirements affecting the proposed action were derived from TBAP Chapter 2 - Areawide Land Management Policies and Chapter 3 – Land Management Policies for Each Management Unit.

*Areawide Considerations*: This proposal was reviewed for consistency with the TBAP Chapter 2 - Areawide Land Management Policies with regard to Agriculture and Grazing, Fish and Wildlife Habitat and Harvest, Forestry, Lakeshore Management, Materials, Public Access, Recreation and Tourism, Settlement, Stream Corridors and Instream Flow, Subsurface Resources, Trail Management, Transportation, and Wetland management. Discussion of specific, relevant management guidelines and requirements follow:

- Lakeshore Management: The TBAP provides for protections involving public water bodies, including:
  - retained public ownership of all islands;
  - retained public ownership of at least 50% of all public land within 500 feet of the lakeshore;
  - establishment of a 50-foot public access easement from the ordinary high water mark where property is to be conveyed to private ownership; and
  - establishment of a 100-foot building setback from the ordinary high water mark where property is to be conveyed to private ownership.

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These requirements are met by this proposal. Presently approximately 18% of the Wien Lake shoreline is in private ownership. This action, if approved, could result in a conveyance of up to approximately 15% more of the lakeshore into private ownership, leaving approximately 67% of the shoreline in State ownership. Refer to the Access To, Within, and Beyond the Project Area subsection of this document for more information.

- Settlement: Of specific note, Management Guidelines for Subdivision Design within the Areawide Land Management Policies for Settlement state that the minimum parcel sizes should be:
  - not less than 1 acre for areas with 0-12% slope;
  - not less than 4 acres for areas with 13-20% slope; and
  - not less than 10 acres for areas with slopes of 21-30%.

Subdivision design, lot size, and slope requirements will be met in the subdivision design. Areawide Land Management Policies for Settlement and the Management Guidelines for Easements will also be met. See the Access To, Within, and Beyond the Project Area subsection of this document for more information.

*Unit 312 (Zitzianna River Corridor):* The TBAP identifies a 700-acre subdivision project located within Subunit 312, but mentions initial indications that the soils in this greater area were not likely suitable for settlement and that the area might be redesignated to another use in a future area plan update. The TBAP is currently undergoing just such an update and this area now falls within the new Yukon-Tanana Area Plan (YTAP). If approved as proposed in the public review draft, the YTAP continues to designate the greater project area (encompassing large portions of two townships) as suitable for settlement. In addition, more in depth internal research and a field investigation conducted on August 31, 2011 indicate that although there are areas of poorly drained soils within the larger Subunit 312 that would not be conducive to higher-density settlement, this specific project's boundaries were chosen specifically because the soils appear well drained and suitable for subdivision.

Of note, the YTAP is currently in the Intent to Adopt phase. Although easement and building setback guidelines as they pertain to the project area remain the same in the YTAP, the new plan as proposed in the public review draft removes several of the project size and slope-specific parcel-size restrictions currently present in the TBAP. The YTAP instead makes more general statements that slope is to be considered in the design of any proposed development. Ultimately, this project is consistent with the Management Guidelines and intent of both the TBAP and the YTAP. In addition, this proposal is also consistent with the guidelines and requirements for the governing plans, including Settlement, Shorelands and Stream Corridors, and Public Access considerations.

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,

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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 (surface) owner be compensated for damages resulting from mineral exploration and development. Refer to the Mineral Order(s) section of this document for more information on restrictions on use of the mineral estate within the project area.

*Mineral Order(s)*: The project area is presently closed to mineral entry by Mineral Order Nos. 1049 (closing) and 1083 (closing).

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.

Hazardous Materials and Potential Contaminants: During a field inspection conducted on August 31, 2011, staff encountered several apparently empty, portable, metal fuel cans in one small portion of the project area. Staff did not, however, observe any hazardous wastes, spills, or other potential contaminants within the area. 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. 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.

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*.

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Information obtained from the TBAP and prior research indicate the lands in the vicinity of the Wien Lake project area have traditionally been used for recreation, trapping, hunting, and homesteading. Primary access to the subregion is by riverboats or airplanes. Primary access to the Wien Lake project area is by airplane.

There are a few seasonal residents on Wien Lake occupying properties that were created as federal conveyances or surveyed in a Remote Recreational Cabin Sites offering by the State in 2008. Currently, privately-owned parcels are used for seasonal recreation, fishing, trapping, and hunting, but the number of year-round residents in the proposed project area is unknown. 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 practiced by private-property owners. A vast majority of the uplands and a minimum of approximately 67% of the shoreline of Wien Lake would still remain in State ownership if this proposed action were approved. Impacts on existing resource users will be minimized by protecting public access along the shore of Wien Lake and by protecting riparian and shoreline habitat as directed in the area plan. The public is invited to comment on traditional uses during the public comment period. See Section X Submittal of Public Comments at the end of this document and Attachment C: Public Notice for more information.

Local Planning: Where they exist, local zoning and related ordinances govern private land use. The project area is within the Unorganized Borough and platting actions are subject to the State platting authority.

Access To, Within, and Beyond the Project Area: Access to the project area is primarily by float plane in the summer and ski plane and overland recreational trails in the winter. There is also an unauthorized, privately-maintained, dirt/grass landing strip on State-owned land at the north end of the lake that appears to be in use. In addition, an apparently well-established unserialized trail extends across State-owned land from the landing strip in Section 23 southwest to an existing, private inholding in Section 27. DNR DMLW may choose to incorporate this trail into the subdivision design for public access. Individual lots would be accessible via platted internal easements or directly from the lake. In accordance with the TBAP, appropriate public access easements and riparian protections will be incorporated into the subdivision design.

*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 38.05.027:

- navigable water are generally lakes larger than 50 acres in size or streams larger than 50 feet in average width;
- public waters are generally lakes larger than 10 acres in size or streams larger than 10 feet in average width; and

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- 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.

Wien Lake is the only water body identified as public within the project area. In accordance with the TBAP, appropriate public access easements and riparian protections will be incorporated for parcels adjacent to Wien Lake. No anadromous waters have been identified in the area.

*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 ordinary high water (OHW) mark of public and navigable water to protect access, fish and wildlife habitat, and personal property. Except for 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, 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 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. Final width and location of easements and reservations will be determined as part of the platting process.

Parcels may be subject to a variety of reservations where appropriate, such as:

- public access and utility easements along interior parcel boundaries;
- easements centered on any surveyed or protracted section lines;
- 50-foot continuous easements upland from the ordinary high water mark of public or navigable water bodies, including Wien Lake;
- 100-foot building setbacks from the ordinary high water mark of public or navigable water bodies, including Wien Lake;
- building setbacks from wetland areas; and

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- survey easements from the nearest practical point on the property boundary to control monuments within a parcel, easements with a radius around the control monument, and as applicable, a direct line-of-sight easement from the control station to an azimuth mark or other control monument.

Survey, Platting, and Appraisal: Depending on agency and public commentary, physical conditions of the land, and access issues, DNR DMLW may survey and subdivide the project area as discussed herein to prepare and offer the property for sale if deemed feasible. This proposed project area is located within the Unorganized Borough and therefore survey and platting will be completed to the relevant 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.

## **VII. Agency Comments**

Agency review was conducted from March 20, 2012 through April 30, 2012. An additional agency review invitation was sent to the State of Alaska, Department of Fish and Game (DFG) on August 3, 2012, when it was discovered that they were not included in the original mailing. Comments from DFG were received on August 16, 2012. Comments pertinent to this proposed action received during agency review have been considered and addressed in the following paragraphs. Additional 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.

The aforementioned agency review notice did not include the lands proposed within the W1/2 W1/2 of Section 23, nor did it include the proposal to survey additional lots to be retained in State ownership for the preservation of access to the project area. As such, DNR DMLW will be conducting an additional agency review concurrent with the public comment period. Any additional agency comments 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 (DMLW), Water Resources Section comment: No objection.

DNR DMLW LSCAS response: DNR DMLW LSCAS appreciates your acknowledgement of our proposal.

DNR, DMLW, Public Access Assertion and Defense Unit comment: No comment.

DNR DMLW LSCAS response: DNR DMLW LSCAS appreciates your acknowledgement of our proposal.

DNR Division of Parks and Outdoor Recreation (DPOR), Office of History and Archaeology (OHA) comment: The Alaska Heritage Resources Survey indicates that there are no recorded cultural resources within, or in proximity to the project area. Should inadvertent discoveries of cultural resources occur during the land disposal process, OHA shall be notified so that an evaluation of the resource can be conducted.

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DNR DMLW LSCAS response: OHA will be notified should any such discoveries occur. Additionally, offering materials typically warn prospective purchasers that the Alaska Historic Preservation Act prohibits the appropriation, excavation, removal, injury, or destruction of any historic, prehistoric (paleontological), or archaeological site without a permit from the Commissioner of DNR (AS 41.35.200 *Unlawful Acts*); and should any sites be discovered, activities that may damage the site must cease and OHA must be immediately contacted.

DNR, DMLW, Resource Assessment and Development Section (RADS) comment: RADS recommends that the Public Review Draft of the upcoming Yukon-Tanana Area Plan (YTAP) be reviewed, as that plan will, if approved, replace TBAP in this area in the near future.

DNR DMLW LSCAS response: We have reviewed the Public Review Draft of the YTAP for consideration in the potential development of this project. This project, as proposed, is consistent with the YTAP. Please refer to the Planning and Classification subsection of this document for discussions of the specific considerations for this project area. Ultimately, this project is consistent with both the TBAP and the YTAP.

DNR, Division of Geological and Geophysical Surveys (DGGs) comment: Discontinuous permafrost with low ice content is likely to be present in this area. Although the vegetation in the area is mixed with several species of spruce, hardwoods, and low bushes, there is no definitive surface indicator of permafrost. As such, anyone planning to build in this area should be aware of the possibility of local areas of ice-rich permafrost and design accordingly.

DNR DMLW LSCAS response: DMLW recognizes that land conditions and building sites may vary within the project area. Interested parties are highly encouraged to inspect individual parcels prior to purchase.

DNR, Joint Pipeline Office, State Pipeline Coordinator's Office (SPCO) comment: This project does not conflict with any existing or proposed Pipeline lease managed by SPCO.

DNR DMLW LSCAS response: DNR DMLW LSCAS appreciates your response.

DFG, Division of Sport Fish comment: DFG recommends that during subdivision design, DNR consider offering fewer, larger lots along the lake. This will reduce the number of water-dependent structures on the lake and therefore reduce impacts to shoreline habitat. DFG also recommends that several lots along the lake be retained in State ownership so the public, and private landowners without lake front property, can have access to Wien Lake. Consideration should also be given to developing a community dock area for these upland land owners as well as adequate access to the lake and existing airstrip. All lots along Wien Lake should be subject to a 50-foot public access easement along the ordinary high water mark and a 100-foot building setback.

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DNR DMLW LSCAS response: We will consider a variety of configurations during subdivision design, including lot size and the possibility of retaining a tract for community use. This proposal preserves public access to Wien Lake consistent with the governing area plan. Additionally, if this proposal is approved, only a maximum of about 15% additional lakeshore would be transferred to private hands, leaving the majority of the surrounding uplands and approximately 67% of the Wien Lake shoreline in State ownership. Of note, surveying several lots along the shoreline for the purpose of retention, as suggested, is less practical than retaining a single tract. Construction of a community dock is beyond the scope of this decision, but such a dock could be created by future landowners should the governing bodies agree to such an application. Parcels along Wien Lake will be subject to the easements and building setbacks described in the document. Refer to the Easements, Setbacks, and Retained Lands section of this document for specific information.

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

- Department of Environmental Conservation
- Department of Natural Resources
  - Division of Agriculture
  - Division of Mining, Land, and Water
    - Mining Section
    - Northern Region, Lands Section
    - Appraisals Section
    - Survey Section
    - Realty Services Section
  - Division of Oil and Gas
  - Division of Forestry
  - Division of Parks and Outdoor Recreation
    - Northern Area
- Department of Transportation and Public Facilities
- Fairbanks Soil and Water Conservation District
- University of Alaska Land Management

## **VIII. Alternatives and Discussion**

DNR DMLW is considering the following alternatives:

- Alternative 1: (Preferred) Survey and plat a subdivision and offer those parcels for sale as proposed and detailed herein. The development and offering of these parcels may be phased.
- Alternative 2: Do not subdivide the project area prior to offering. Offer the project area as a single, 700-acre parcel, or offer the area through another land disposal program such as the Remote Recreational Cabin Sites program.
- 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 the commissioner of 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. Subdividing the project area prior to offering will maximize opportunity for conveyance to private ownership and better utilizes this relatively small area of contiguous well-drained land that is suitable to higher settlement density. Alternative 2 is not preferred.

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

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

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**IX. Recommendation**

This Preliminary Decision for the proposed primary and any related actions described throughout this document and its attachments are 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 actions. If the decision is approved, any related actions described here will accompany and precede the Final Finding and Decision.

/s/

Prepared by: Thomas Beaucage  
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Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

November 20, 2012

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

November 20, 2012

Date

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## **X. Submittal of Public Comments**

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

Pursuant to AS 38.05.945 *Notice*, a public notice inviting comment on this Preliminary Decision will be posted on the State of Alaska Public Notice website at <http://notes.state.ak.us/pn/>. Notices will also be published in newspapers in statewide circulation and newspapers of general circulation in the vicinity of the land offering. In addition, notices will be mailed to parties known or likely to be affected by the action; relevant postmasters of permanent settlements; relevant municipalities if the land is within the boundaries of a municipality; relevant regional corporations if the land is within their corporation boundary; relevant village corporations if the land is within 25 miles of the village for which the corporation was established; and relevant soil and water conservation districts.

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 Department Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

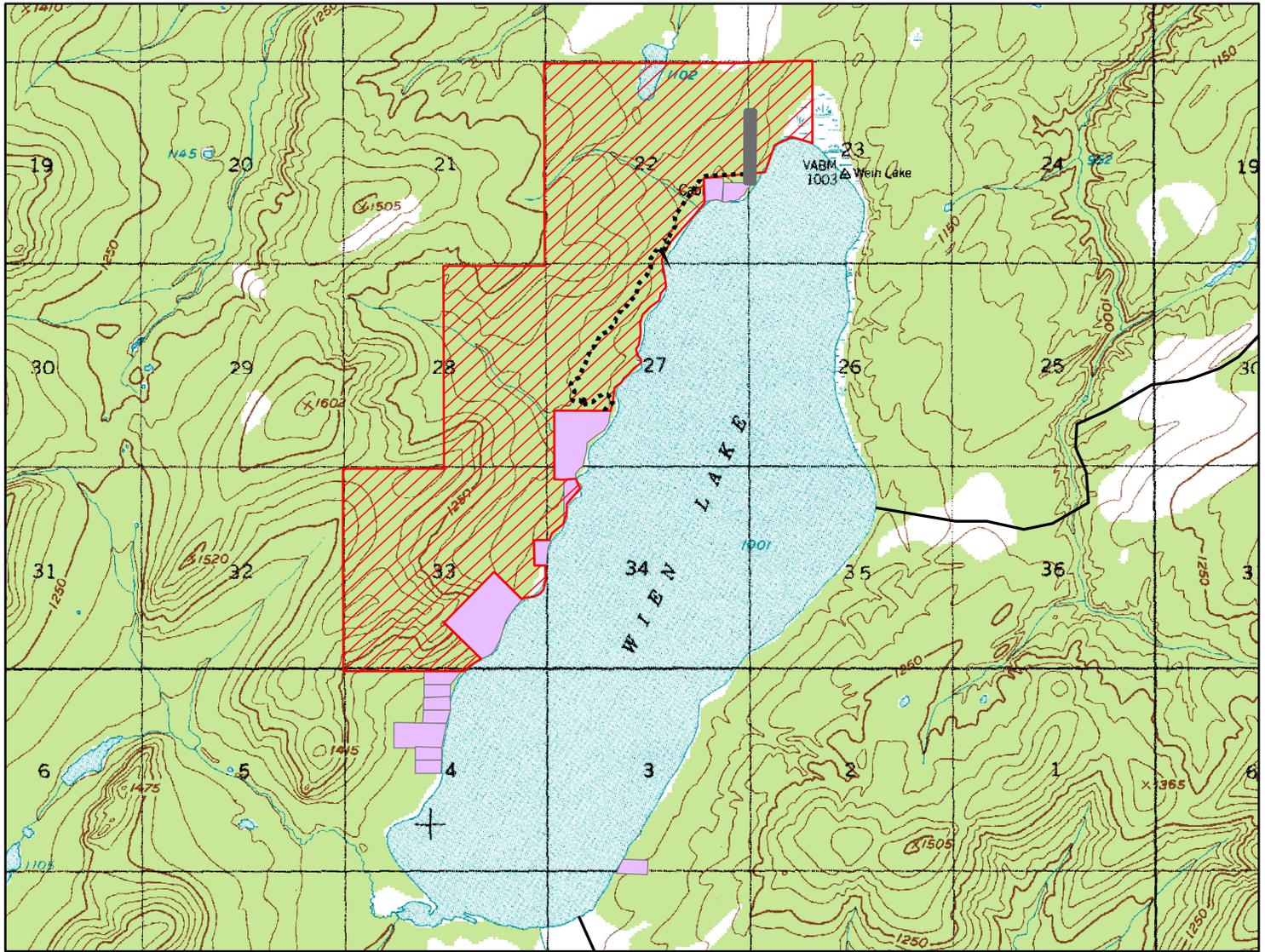
DNR DMLW will consider all timely comments. If timely, written comments received in response to this notice indicate the need for significant changes to the Preliminary Decision, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes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

If the proposed action is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and Division responses, will be issued as a subsequent Final Finding and Decision without further notice. Only persons from whom the Department 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 to any party from whom DNR DMLW LSCAS receives timely, written comment.

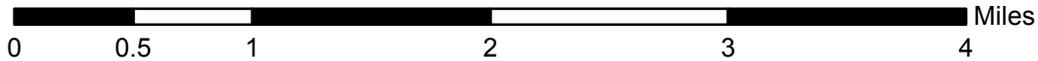


# Attachment A: Vicinity Map

to the Preliminary Decision for a  
Proposed Land Offering in the Unorganized Borough  
Wien Lake West Subdivision - ADL 419308

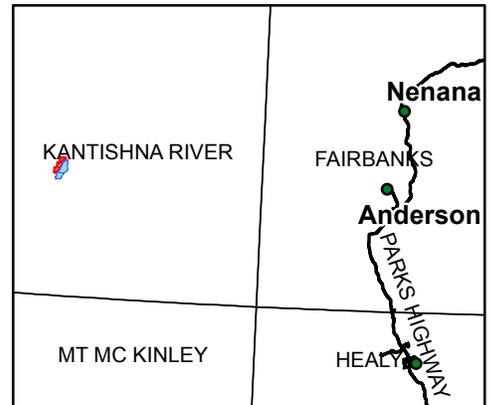
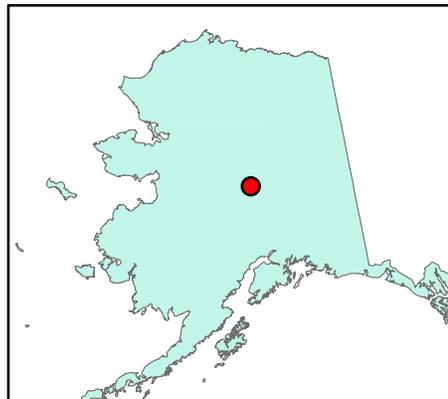


TJB 11/1/12



Within Sections 22, 23, 27, 28, 33 and 34 Township 6 South, Range 19 West, Fairbanks Meridian, AK

- Legend**
- Trail
  - Approximate airstrip location
  - Easement
  - Existing Parcel



**USGS QUAD 1:63,360**  
 Kantishna River B-3  
 For more information contact:  
 Thomas Beaucage  
 State of Alaska  
 Department of Natural Resources  
 Division of Mining, Land, and Water  
 3700 Airport Way  
 Fairbanks, AK 99709  
 Phone: (907)451-2730  
 Fax: (907)451-2751  
 Email: [subdivision.sales@alaska.gov](mailto:subdivision.sales@alaska.gov)

This map is for graphic representation only. It is intended to be used as a guide only, and may not show the exact location of all existing easements, reservations, or third party interests.



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

**ATTACHMENT B: AREA DATA SUMMARY TABLE**

**to the  
Preliminary Decision  
for a  
Proposed Land Offering in an Organized Borough  
Wien Lake West Subdivision – ADL 419308**

<b>Project Area Acreage</b>	~1,725 acres overall with up to 700 acres conveyable
<b>Proposed Number of Parcels, Acres per Parcel</b>	Up to 100 parcels for sale, varying in size from 2 to 40 acres each, totaling no more than 700 acres
<b>Location</b>	107 miles southwest of Fairbanks, 67 miles west of Nenana, and 24 miles north of Denali National Park by air  On the north and west shores of Wien Lake
<b>Area Access</b>	Access to Wien Lake is primarily by float plane in the summer and ski plane and overland recreational trails in the winter
<b>Native Regional &amp; Village Corporations within 25 miles</b>	Doyon, Limited
<b>Platting Authority, Coastal Issues, &amp; Local Planning Considerations</b>	The project area is within the Unorganized Borough and subject to the State platting authority  The project area is not within the zone of coastal influence
<b>Title</b>	Title Report No. 3073, current as of December 15, 2011, (excepting Section 23)  State of Alaska holds fee title to the land and mineral estate under statutory quitclaim deed dated April 23, 2010  The State appears to hold fee title to the land and mineral estate within Section 23 under Patent No. 50-2007-0529 dated June 29, 2007  An updated title report for the entire project area, including Section 23, has been requested

**Preliminary Decision**

Proposed Land Offering in the Unorganized Borough

Wien Lake West Subdivision – ADL 419308

Attachment B: Area Data Summary Table

Page 2 of 3

<b>Legal Description</b>	Sections 22, 23 (W1/2 W1/2), 27, 28 (E1/2), 33, and 34 (Government Lots 1 and 2), all within Township 6 South, Range 19 West, Fairbanks Meridian, containing 1,725 acres more or less, and excluding private inholdings USS 6452, USS 6538, USS 6635, USS 6655, USS 7693 and USS 8203, located within the Manley Hot Springs and Fairbanks Recording Districts, Fourth Judicial District, State of Alaska
<b>Area Plan</b>	Currently within the Tanana Basin Area Plan (TBAP) (adopted 1985, updated 1991), Management Unit 31  Proposed to be in the Yukon-Tanana Area Plan (YTAP) - public review draft in Intent to Adopt phase
<b>Classification</b>	Settlement
<b>Mineral Order</b>	The entirety of the project area is presently closed to mineral entry - MO Nos. 1045, 1083 (closing)
<b>Topographic Map</b>	USGS Quad Kantishna River B-3 Wien lake is approximately 1,000 feet above sea level, land within the project area generally slopes up from the lake to the west and varying from 0 to 20%
<b>Geologic Hazards</b>	No geologic hazards have been identified within the project area; should 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
<b>Soils</b>	1976 Exploratory Soil Survey of Alaska indicated area soils are IR6, occupying rounded hills with long foot slopes and broad intervening valleys in the interior; a field inspection on August 31, 2011 found apparently well-drained soils; 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
<b>Vegetation</b>	Field inspection August 31, 2011 noted vegetation generally mixed with several species of spruce, hardwoods, and low bushes  Information from the 1976 Exploratory Soil Survey of Alaska, YTAP, and <u>DNR, Division of Geological and Geophysical Surveys (DGGs)</u> noted soils common in this area tend to be wetlands and some scattered evergreen forests with several species of spruce, hardwoods such as birch and aspen, and low bushes

**Preliminary Decision**

Proposed Land Offering in the Unorganized Borough

Wien Lake West Subdivision – ADL 419308

Attachment B: Area Data Summary Table

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<b>Fire Hazards</b>	Portions of the project area and vicinity have both Limited and Full management options; Alaska Interagency Wildland Fire Management Plan is updated annually; contact DNR's Division of Forestry for updated information regarding management options  Much of the project area is located in hardwood stands and near Wien Lake and much of the land in the vicinity of, but not including, the project area burned in a 2010 fire, reducing the potential for widespread fire
<b>Navigable Waters</b>	Wien Lake
<b>Public Waters</b>	Wien Lake
<b>Anadromous Streams</b>	None
<b>Flood Zone</b>	No FEMA flood zone data is available for this area.

## ATTACHMENT C: PUBLIC NOTICE

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

#### PUBLIC NOTICE

**for a Preliminary Decision of a Proposed Land Offering:**

**Wien Lake West Subdivision – ADL 419308**

AS 38.05.035 (e), AS 38.05.045

**There are no Related Actions Proposed**

**COMMENT PERIOD ENDS 2:30PM, TUESDAY, JANUARY 8, 2013**

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

Located within the Department's Northern Region, approximately 67 miles west of Nenana, 107 miles southwest of Fairbanks, and 24 miles north of Denali National Park by air, the project area is on the north and west shores of Wien Lake, within portions of Sections 22, 23, 27, 28, 33, and 34, all within Township 6 South, Range 19 West, Fairbanks Meridian.

Project size: ~700 acres proposed development area, up to 100 parcels sized from 2 to 40 acres, totaling no more than 700 conveyable acres within a larger, approximately 1,725-acre project area.

To obtain the notice, Preliminary Decision, or instructions on submitting comment, or to request auxiliary aids, services, or special accommodations, go to <http://notes.state.ak.us/pn/> or <http://dnr.alaska.gov/mlw/landsale/>. For assistance in obtaining the documents by an alternative method, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907.269.8400 (TDD for the hearing impaired: 907.269.8411) or Fairbanks at 907.451.2705 (TDD for the hearing impaired: 907.451.2770), or the Southeast Land Section 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, December 27, 2012.

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 2:30PM, Tuesday, January 8, 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 Tom Beaucage at DNR DMLW's Northern Region Land Sales and Contract Administration Section at 3700 Airport Way,

**Preliminary Decision**

Proposed Land Offering in an Organized Borough

Attachment C: Public Notice

Wien Lake West Subdivision – ADL 419308

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Fairbanks, Alaska 99709, by fax at 907.451.2751, or by email to [subdivision.sales@alaska.gov](mailto:subdivision.sales@alaska.gov).  
If you have questions, call Tom Beaucage at 907.451.2730, or Tim Shilling at 907.451.2734.

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