

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

**FINAL FINDING AND DECISION**

of a  
**Proposed Land Offering in the Matanuska-Susitna Borough  
Willow Creek Woodlands Subdivision – ADL 231768**  
and  
**Proposed Public Access Easement  
ADL 231916**  
*AS 38.05.035 (e), AS 38.05.045, AS 38.05.850*

This Final Finding and Decision complements and updates the Preliminary Decision dated August 9, 2016, see attached. The preliminary decision has had the required public review.

**I. Recommended Action(s)**

Land Offering: The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales Section (LSS) recommends offering for sale State-owned land for private ownership within the Willow Creek Woodlands project area (ADL 231768), as described in the attached Preliminary Decision. Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally*.

For the purposes of providing land for settlement in the Willow Creek Woodlands project area, DNR may develop a subdivision of no more than 15 parcels no smaller than 30 acres. This project area is located within the Matanuska-Susitna Borough and therefore survey, platting, and road construction will be completed to the relevant subdivision standards. The project may be subdivided and offered in multiple stages.

Public Access Easement: DMLW recommends authorization of a public access easement 5,280 feet in length and 100 feet in width, centered on the North-South center  $\frac{1}{4}$  line within Section 6, Township 19 North, Range 3 West, Seward Meridian, containing approximately 12.1 acres. The public access easement will provide access within and across the project area. The easement, ADL 231916, will be issued to the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water.

**II. Authority**

DNR has the authority under *AS 38.05.045 Generally* to sell State-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by *AS 38.05.035(e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska states: "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest."

DNR DMLW has the authority under *AS 38.05.850 Permits* to issue easements on State Land.

### III. Public Participation and Input

All State requirements for public notice and public comment input have been met as covered in detail in Section V below. Further information may lead to alterations of design of this project within the parameters set forth through this decision. Should this project move forward with State approval, final subdivision design and survey will be completed by an Alaska licensed surveyor. The surveyor will submit a platting application including a preliminary plat to the local platting authority prior to survey. This process will be subject to Borough Platting Authority ordinances and codes. During the process the public will have opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

Subdivision design will be submitted to the Borough Platting Authority for review in accordance with the Matanuska-Susitna Borough's Title 43 Subdivision Ordinance, Chapter 43.15.012, Forty-Acre Exemption.

### IV. Traditional Use Findings

In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a traditional use finding is required for project areas located within the Unorganized Borough. This project area is within an organized borough; therefore, no Traditional Use Finding is required.

### V. Summary of Public Notice and Comments

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment appeared on the State of Alaska Online Public Notices website at <http://notes.state.ak.us/pn/> and was posted on the DNR DMLW LSS website at [http://dnr.alaska.gov/mlw/landsale/public\\_notice/](http://dnr.alaska.gov/mlw/landsale/public_notice/) for the entire public notice period.

Notification and decision copies were sent directly to area state legislators and to multiple state agencies. Public notice was sent to other interested entities including landowners in the vicinity of the offering; additionally, parties were notified via the subscribers list by email. Information was also posted to Twitter and Facebook. Notices were mailed to the Matanuska-Susitna Borough (MSB) per *AS 38.05.945 (c) (1)*, as well as Cook Inlet Regional Corporation per *AS 38.05.945 (c) (2)-(3)*. Additionally, notices and a request to post for 30 days were sent to postmasters and librarians in the vicinity of the offering.

The public notice stated that written comments were to be received by 4:00PM, September 16, 2016 in order to ensure consideration and eligibility to appeal. For more information, refer to the Preliminary Decision.

DNR DMLW LSS received comments from the Matanuska-Susitna Borough and two private individuals. Statements of no comments or no concerns were received from the Department of Environmental Conservation (DEC) Drinking Water Protection group, the Mental Health Trust Land Office, the Division of Parks and Outdoor Recreation (DPOR), and the DPOR Office of History and Archeology. All comments received during the public comment period are summarized below.

Matanuska-Susitna Borough (MSB) Comment: The Land and Resource Management Division of the Matanuska-Susitna Borough wrote,

1. "Request dedication of the section line easement around 19N03W06 pursuant to *AS 19.10.010* be shown on the plat. The section line easement within the north boundary of the project area, from Fishhook Road, provides legal access to borough parcels in

20N03W32 and 19N03W05 and the north-south section line easements also provide access to borough parcels.

2. Request dedicated easements along the Haessler-Norris trail system prior to the sale. This trail is not an RS2477 but is included in the Southeast Susitna Area Plan. The trail is located on the attached map and includes segments in 19N04W01, 19N03W06, and along the south section lines of 19N04W01, 19N03W06, and 19N03W05.”

DNR DMLW LSS Response: Section line easements of varying widths already exist in the areas requested for dedication by MSB. The Capital Loop segment of Haessler-Norris trails referenced significantly impact Government Lots 6 and 7; therefore, these lots will be removed from the project area. Where these trails, serialized as ADL 230260-E, exist in the remainder of the project area, they will be located and shown on the final record of survey along with all easements of record, including section line easements. LSS will also consider establishing additional easements for access within the project area.

Individual Comment: The commenter expressed opposition to the project area. The commenter noted that there are a number of homes and property already available for sale in the vicinity of the proposed project area, and by offering the project area the State would be doing a disservice to citizens attempting to sell their property. Additionally, the 568 plus acres being considered for sale is one of three plateaus in an approximate 20-mile stretch of Hatcher Pass Road from approximately Mile 29 to the end at Mile 49. The project area is located on the plateau beginning at the bottom of the steep incline at Mile 41, stretching to approximately Mile 45. This plateau provides an access corridor, primarily for moose migration in the fall from the mountains to the lower plateaus. Bears also come down from Bald mountain to prey on moose calves and feed on salmon. The project area is in the middle of the natural corridor that provides the easiest crossing of Willow Creek from the Talkeetnas. The lower plateau (from mile 45.5 to mile 49), is the most populated making the second plateau desirable for wildlife. The commenter noted that if the land is offered, it will place additional pressure on the animals in the area.

DNR DMLW LSS Response: Thank you for your comments. LSS will spread the sale of the proposed parcel over multiple years so as not to flood the local market. The parcels proposed may offer unique amenities and different acreage from the land currently on the market in this area.

LSS contacted ADF&G regarding concerns about the use of this area by wildlife. ADF&G indicated that while they believe the concerns to be valid, they do not have specific survey data for these areas and do not anticipate the subdivision causing a population level impact on bears or moose in the area. The low density subdivision that is proposed and the large wetland areas will leave plenty of open space for wildlife to continue to use this area. ADF&G recommended that wildlife safety information, such as information found at <http://www.adfg.alaska.gov/index.cfm?adfg=livewith.main> be provided with subdivision information. LSS provides cautions to the public in offering materials about interacting with wildlife, including links to the referenced information.

Individual Comment: The commenter provided a map of trail system within and near the project area, and indicated that they have apparently been in use since 1978. The commenter explained that their mushing kennel is at the northern end of the trail system, another musher is located to the southwest of the trail system, and that these are the only trails accessible from

their property. The commenter described that they teach a mushing course from their property, and use these trails for that course. The commenter expressed the importance of these trails to them, their dogs, and their lifestyle.

DNR DMLW LSS Response: Thank you for describing the trails you are currently using within the project area. Please note that the commercial use of State lands that you have described requires a commercial day use registration or commercial recreation permit through DNR's Southcentral Region. You can find more information at: <http://dnr.alaska.gov/mlw/commrec/>. In addition, we note that a portion of the trail that you are using in Sections 5 and 6 is on private property, where no section line exists. LSS recommends you ensure that you have permission to use this land from the private property owner.

LSS staff conducted a field investigation on June 9, 2016. Staff walked along the northern boundary of the project area to the proposed ADL 231916 access easement and then south along this easement to the center of the section before walking northwest within the project area back to the northern boundary of the project area. Staff did not find visible evidence of the trails in this area as indicated. Staff witnessed only one well used trail within the area that crosses ADL 231916 south of the southern boundary of Government Lots 2 and 3.

In order to preserve access along the established Haessler-Norris trails, LSS has removed Government Lots 6 and 7 from the project area. LSS will reserve the easements, serialized as ADL 230260-E and known as the Capital Loop of Haessler-Norris trails system, within Government Lots 5, NE1/4SW1/4 and SE1/4SW1/4 as verified by the Record of Survey. There is a large network of existing trails within this trail system, as well as the connecting Emil Stancec trail system to the north of Willow-Fishhook Road that remain available for use. Additionally, legal access will be established through the project area via ADL 231916 and section line easements. These easements will continue to give access to the Haessler-Norris trails for neighbors and adjacent land owners in the area. Additionally, state land to the south of this project area is designated "forestry". Winter and mushing trails, either for commercial or recreational use, are a more compatible use with a forestry designation.

## **VI. Modifications to Decision and/or Additional Information**

Pursuant to public comment, field inspection, and additional research, the following modifications from the original proposed action(s) described the Preliminary Decision.

The project area has been modified to remove Government Lots 6 and 7 due to existing trails. In addition to this modification, LSS would like to clarify the legal description of the project area, in accordance with the legal description of the land as it was received from the Federal Government. The legal description of the project area is: Government Lots 1-5, S1/2N1/4, SE1/4NW1/4, E1/2SW1/4, W1/2SE1/4, and SE1/4SE1/4 of Section 6, Township 19 North, Range 3 West, Seward Meridian. The project area now encompasses approximately 506 acres. See updated vicinity map (attached).

The removed Government Lots 6 and 7 are captured within ADL 232696.

LSS will consider establishing additional easements for access within the project area.

### Haessler-Norris Snowmachine Trails

Portions of the modified project area which contains Haessler-Norris trails, serialized as ADL 230260-E, The Capital Loop segment, will be subject to this easement.

Recommendation and Approval of the Final Finding and Decision follow.

### **VII. Final Finding and Decision**

The Department recommends proceeding with the proposed action as described in the Preliminary Decision and as supplemented, amended, changed, or deleted herein. This action is undertaken under relevant authorities. Offering these parcels for sale will help meet the State's goal to provide land for settlement for sale to the public and raise revenue for the State. The Public Access Easement will provide legal access to parcels within this subdivision and to adjacent State-owned lands.

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

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

/s/

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

November 16, 2016

Date

/s/

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

November 16, 2016

Date

**Appeal Provision**

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 907.269.8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). If no appeal is filed by that date, this decision goes into effect as a final order and decision on the 31<sup>st</sup> day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.