

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

PRELIMINARY DECISION

Proposed Non-competitive Sale to Preference Right Applicant **ADL 231829**
pursuant to AS 38.05.035(b)(5)

and

PROPOSED RELATED ACTIONS

Mineral Order (Closing) – AS 38.05.185 and AS 38.05.300

PUBLIC COMMENT PERIOD ENDS 3:30PM, WEDNESDAY, MARCH 25, 2020

I. Proposed Actions

Preliminary Decision: Approval of Non-competitive Preference Right Sale ADL 231829

Attachment A: Vicinity Map

Attachment B: Public Notice

Public is invited to comment on proposed related actions:

Draft Mineral Order (Closing) MO 1227

Primary Proposed Action: The Department of Natural Resources (Department), Division of Mining, Land and Water (Division), Land Sales Section has received an application to purchase a parcel of State land under *Alaska Statute (AS) 38.05.035(b)(5)*. The proposed decision will allow the subject parcel to be sold through a non-competitive sale to the applicant. The subject parcel is located near Monsoon Lake in Alphabet Hills approximately 60 miles northwest of Glennallen, Alaska. The legal description for the subject parcel is within SE 1/4 of Section 22, T.12 N., R. 8W., Copper River Meridian. See Attachment A: Vicinity Map.

AS 38.05.035(b)(5) allows the granting of state land to a person who occupied and improved that land pre-statehood. A 1972 amendment expanded the statute to cover heirs and devisees. A disposal under this authority shall be of a size consistent with the applicant's prior use, not to exceed five acres.

Proposed Related Action: This preliminary decision is dependent upon adoption of Draft Mineral Order 1227 (closing). The Department proposes to close the subject parcel to new mineral entry pursuant to *AS 38.05.185 and AS 38.05.300*. A draft of Mineral Order No. 1227 accompanies this preliminary decision for public review and is discussed in the Planning, Classification, and Mineral Orders Subsection (V)(e)(3) on page 8 of this document.

This related action will be developed separately; however, public notice is conducted concurrently through this preliminary decision. Approval of proposed actions is dependent upon one another in that one action will not proceed without the approval of all actions.

Public Notice of Proposal: In accordance with AS 38.05.945 *Notice*, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this proposal. Public notice for all actions is being conducted concurrently and will include this preference right claim, and Mineral Order 1227.

See **Section VII. Submittal of Public Comments** at the end of this document and *Attachment B*: Public Notice for details on how to submit a comment for consideration. If, after consideration of timely, written comments, the Department moves forward with the proposal, a Final Finding and Decision will be issued.

II. Authority

The Department has authority under AS 38.05.035(b)(5) 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."

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

III. Administrative Record

The administrative record for the proposed actions consists of the case file for this applicant, ADL 231829. Also incorporated by reference are:

- *Susitna Area Plan adopted in June 1985;*
- *BLM case files AA81916, AA085324, AA071468;*
- *DNR case files: ADL 228837, ADL 227695, ADL 227485, ADL 227482; and*
- *Additional documents as referenced in this Preliminary Decision.*

Also incorporated by reference are additional files and documents listed throughout this decision.

IV. Scope of the Decision

The scope of this decision is limited to determining if the applicant and the subject parcel qualify under AS 38.05.035(b)(5), if it is in the state's best interest to sell the subject parcel, and if it is in the state's best interest to sell the subject parcel to the applicant. The Division does not intend to impose deed restrictions to control post-patent land use. Restrictions regarding land use will be handled by the local zoning authority, if any.

The proposed related action will be issued concurrently with the Final Finding and Decision. This action is described in more detail in the Planning, Classification, and Mineral Order Subsection (v)(e)(3) on page 8.

V. Description

- a. Location: The subject parcel is located adjacent to an unnamed lake approximately 2 miles southwest of Monsoon Lake in the Alphabet Hills on USGS Quad Map Gulkana D-6. See Attachment A: Vicinity Map.

Platting Authority: The subject parcel is in the Matanuska Susitna Borough.

Native Regional/Village Corporations/Councils: The regional corporation is Ahtna Inc. (Ahtna). There are no native village corporations or tribal councils in this area.

- b. Legal Description: The subject parcel is located within the SE ¼ of Section 22, Township 12 North, Range 8 West, Copper River Meridian located within the Chitina Recording District, Third Judicial District, containing less than 5 acres. The parcel will be surveyed and the legal description will be updated, should this application proceed forward.
- c. Title: The State received title to the land on June 15, 2010, under Tentative Approval (TA) # 2011-0007. The state file is GS 6149. Title Report #11690 was issued April 8, 2019. No third-party interests were identified. The parcel is subject to reservations, easements, and exceptions of record, contained in TA # 2011-0007 (GS 6149).

State Reservation of Title: The State retains ownership of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells (AS 38.05.125). 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 land uses. The State may also lease them to mineral developers or allow mining locations to be staked. However, Alaska law also provides that the landowner will be compensated for damages resulting from mineral exploration and development (AS 38.05.130).

Navigable Waters: Pursuant to 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 Constitution of the State of Alaska and protected in the United States Constitution. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters

cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made and access will be reserved per *AS 38.05.127 Access To and Along Public and Navigable Water*. For more information, see Access, Including To and Along Public or Navigable Water subsection of this document.

Native Interest: The regional corporation is Ahtna, Inc. There are no Native village corporations or tribal councils within this area.

Other Conflicts or Pending Interest: The West Fork of the Gulkana River flows through an unnamed lake which abuts the subject parcel. The West Fork of the Gulkana River and the unnamed lake are subject to special protections and permitting requirements pursuant to AS 16.05.871. Setback requirements/restrictions are described in the Access, Including Access to and Along Navigable Waters section below.

RST 294 Gulkana- Denali Trail. This route is described as a main freighting and transportation route for hauling supplies to the headwaters of the Gulkana and Maclaren River systems.

- d. Background and Discussion: In 1953, Maynard Perkins Sr., an Alaska Master Hunting guide, established a big game hunting camp in the Alphabet Hills near Monsoon Lake, approximately 60 miles northwest of Glennallen. In 1955, Maynard Perkins Sr. moved his main operations to the area encompassing the subject parcel, adjacent to an unnamed lake southwest of Monsoon Lake.

Affidavits by Maynard Perkins Sr., Maynard Perkins Jr., and Kenneth Perkins II establish 1955 as the year of entry. Affidavits also establish that sometime before 1958, Maynard Perkins Sr. cleared brush and tent sites, set up a log wall tent frame and other tent sites, dug a latrine and constructed a meat rack. The information provided by Maynard Sr. was a narrative produced in 1999, while Maynard Jr. and Kenneth II provided affidavits for the purposes of this application, which was submitted in 2013 by Kenneth Perkins II, Maynard Sr.'s grandson and Maynard Jr.'s Nephew.

Maynard Perkins Sr. utilized the area continuously for his commercial hunting operations through the early 1970's. In 1974, Maynard Perkins Sr. was granted an Exclusive Guide Area (EGA) by the Alaska Department of Fish and Game which allowed him to exclude all other guides from conducting commercial hunting operations in the area. He continued operations under his EGA until the system of EGA's was found to be unconstitutional by the Alaska Supreme Court and abolished in 1988. Maynard Perkins Sr. subsequently retired and his son, Kenneth Perkins, took over the business.

Although the EGA's were established and managed by the state, the subject area and surrounding land was still in federal ownership. When the EGA's were abolished in 1988, the Bureau of Land Management (BLM) resumed actively managing the land requiring permits for surface use of the land. In 1989, the BLM issued Kenneth Perkins (Kenneth Perkins II's father) a Recreation Use Authorization with a five-year term, serialized as federal case number AA 071468. The Recreation Use Authorization allowed for continued use of the subject parcel for commercial guiding operations but prohibited permanent structures other than what was already established.

In 1999, the subject parcel was still under federal ownership and subject to the additional requirements set out in Section 906(k) of the Alaska National Interest Lands Conservation Act (ANILCA); requiring BLM to obtain the state's concurrence prior to issuing certain land use authorizations. Upon obtaining concurrence from the state, serialized as state case file ADL 227695, BLM issued a new permit to Kenneth Perkins, serialized as federal case number AA 081916, to allow for continued use of the subject parcel for his commercial guiding operations for a term of five-years.

Maynard Perkins Sr. held professional guide licenses GUIR 239 from 1974-1990 and GUIC 172 from 1974-1990, while Kenneth Perkins held licenses GUIR 626 from 1988-2002 and GUIA3925 from 1997-2003.

In 2003, Kenneth Perkins passed away unexpectedly. His son, Kenneth Perkins II, applied for and obtained upon concurrence from the state serialized as state case file ADL 228837 two new permits from BLM, serialized as federal case numbers AA 085323 and AA 085324, for continued use of the subject parcel for his commercial guiding operations. Kenneth Perkins II has operated his commercial guiding service in the subject area under the requisite state and federal permits continuously since 2004 and is authorized under ADL 228837 to continue operations through May 2022. Kenneth Perkins II holds business license #741443 for his guiding business. It was issued in 2007 and expires in 2020.

On June 15, 2010, the federal government issued Tentative Approval 2011-0007 to the State of Alaska, tentatively approving the subject parcel and surrounding land for acquisition by the state.

On October 28, 2013, the applicant applied to the Division for purchase of the subject parcel area not to exceed five acres on State land. On January 25, 2019, the Division received an affidavit from Maynard Perkins Jr., the applicant's uncle, providing additional information validating this preference right in addition to an affidavit by the applicant (Kenneth Perkins II) and written information by the applicants grandfather (Maynard Perkins Sr.), who originally entered onto the

land and built improvements. Current photos of the site show the tent sites, a meat rack, and a latrine.

On April 26, 2019, the applicant verified that access to the subject parcel is by floatplane and fixed wing aircraft to the unnamed lake.

On May 14, 2019, the applicant verified with the Division that no permanent structures are within 150 feet of the unnamed lake, however, the applicant also indicated that a meat rack and wall tent frame may be within 150 feet of the lake.

Discussion: AS 38.05.035(b)(5) states that, "...when the director determines it is in the best interest of the state and will avoid injustice to a person or the heirs or devisees of a person, disposal of land, by direct negotiation to that person who presently uses and who used and made improvements to that land before January 3, 1959, or the heirs or devisees of the person; the amount paid for the land shall be its fair market value on the date that the person entered the land, as determined by the director; a parcel of land disposed of under this paragraph shall be of a size consistent with the person's prior use, but may not exceed five acres".

The applicant entered upon and made improvements to the land prior to statehood (January 3, 1959) as established by the affidavits of Kenneth Perkins II, Maynard Perkins Jr., and written correspondence from Maynard Perkins Sr. in 1999. There is a long and continuous commercial use history of the site by the applicant and the applicant's family as shown by the EGA designation from 1974-1988 and subsequent professional and business licensing spanning from 1974 through today. It is the Department's interpretation of AS 38.05.035(b)(5) that the applicant's use of the parcel must be commercial or residential in nature (and not solely recreational). The evidence in this application shows the use to be commercial, as established by the affidavits in the administrative file and the continuous history of commercial guiding permits and business licenses.

Documents show a history of complying with use and permitting requirements, as shown by the applicant's compliance with recreational authorization AA 071468 precluding the building of additional improvements. The EGA from 1974 and federal authorizations cited above show authorized use from 1974 through 2022, without gaps in authorization. While there is no evidence of authorization before 1974, it is the Division's finding that compliance with use authorizations since 1974 is evidence of compliance with state and federal statutes for a significant period of time. It is not clear whether the applicant had the opportunity to gain authorization for the improvements pre-statehood.

Review of Department records shows this is the only application for this family, which is a Department requirement for disposal under AS 38.05.035(b)(5).

A requirement of AS 38.05.035(b)(5) is that application denial causes the applicant an injustice. The applicant's predecessors entered onto and made improvements to the land pre-statehood, which were subsequently used for commercial purposes by the applicants' predecessors and the applicant for 65 years. The Division recognizes the long and historied authorized use of the site and improvements by the applicant and his family, and that the loss of access to the site and use of the improvements would be significant both for commercial reasons and sentimental reasons. If the Department were to deny the application, there is no guarantee that the applicant would have authorized use of the improvements far into the future: in fact, the applicant might be required to remove the improvements.

Once initial improvements were made, the applicant complied with subsequent federal authorizations preventing the establishment of additional improvements to the land. It is often the case that land users build improvements in trespass, and then seek to remedy a land management issue through existing statutes. In this case, the applicant has a history of authorized use grandfathering in pre-statehood improvements, and did not expand upon those improvements in compliance with subsequent authorizations despite having a pre-statehood claim. While investments in the improvements is not as substantial as many applications approved under this statute, the long history of authorized use supports conveyance to the applicant. It is the intent of the Division to treat preference rights applications similarly, regardless of the management cost or lack thereof of approving or denying any given application. Though the improvements here do not constitute a large management issue to the state, the Division will treat this application the same as other preference right applications where improvements do constitute a management issue and are a consideration in the sale of land to an applicant.

Denial of the application causes uncertainty for long-term commercial guiding and any residential uses of the subject parcel by the applicant and discourages the applicant and his heirs from improving the site for continued business or residential endeavors. It is true that there is no guarantee of commercial use of surrounding lands were this application to result in purchase of the parcel. However, current management plans allow for commercial guiding and it is not the purpose of this application to guess at future lands management.

Based on the background and discussion above, the Division finds that the application of Kenneth Perkins II, ADL 231829, meets Division standards and qualifies under the statute.

e. Planning, Classification, and Mineral Orders:

1. *Planning:* The subject parcel is located within Management Unit 1, Subunit 1a, of the June 1985 Susitna Area Plan (SAP) adopted April 24, 1985. Recommended land use for this management unit includes providing

opportunities for a variety of public recreational activities in the area and protecting fish and wildlife habitat.

2. *Land Classification:* The subject parcel is depicted as Subunit 1a, Management Unit 1 in the SAP and is not classified land. This Subunit is labeled as Private Land, with the primary uses of public recreation and wildlife habitat.

The Department is authorized under *AS 38.05.035(c)* and *11 AAC 55.040(i)(3)* to convey land without classification or reclassification. The proposed action is consistent with area-wide land management policies and general management intent of the June 1985 SAP; therefore, the subject parcel may be sold as proposed, without classification, pursuant to the applicable statutes and regulations.

3. *Mineral Order:* The Division proposes to close the subject parcel to new mineral entry in accordance with *AS 38.05.185* for land disposals. There are no current mining claims located within the subject parcel. If approved by the Commissioner, Mineral Order 1227 will close the subject parcel to new mineral entry. If the Department approves the sale as proposed, the mineral order will accompany the Final Finding and Decision. The approval of the mineral order is a separate action, occurring concurrent with the Final Finding and Decision.

Area plan subsurface management policy states that, in general, areas or parcels scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between land estate and mineral estate users.

Mineral orders for closures, where they have been established, close the area to exploration and development of locatable minerals such as gold, copper, platinum, etc. Mineral orders do not apply to leasable minerals, including oil and gas, coal, shallow gas, or exploration licensing for such, nor do they preclude reasonable surface access to these resources. However, Alaska law also provides that the surface owner will be compensated for damages resulting from mineral exploration and development (*AS 38.05.130*).

4. *Local Planning:* A review of Matanuska-Susitna Borough Comprehensive Plan – 2005 Update, adopted January 3, 2006, did not indicate any conflicts with the proposed sale.
- f. Traditional Use Findings: A Traditional use finding is not necessary because the subject parcel is located within an organized borough.
 - g. Access, including access to and Along Navigable and Public Waters:

Public Access: Access to the parcel is by plane onto the adjacent lake.

Easements and Setbacks:

- A building setback and riparian buffer of undisturbed vegetation, 150 feet in width from the ordinary high-water mark, will be reserved along both sides of the West Fork of the Gulkana River and around the unnamed lake which abuts the subject parcel, pursuant to the Susitna Area Plan and as recommended by the Alaska Department of Fish & Game. Only water dependent uses are permitted in riparian buffers.
 - A public access easement 50 feet in width from the ordinary high-water mark along both sides of the West Fork of the Gulkana River and around the unnamed lake which abuts the subject parcel, pursuant to AS 38.05.127, *Access to Navigable of Public Water*.
 - An R.S. 2477 right-of-way for the Gulkana-Denali Trail, serialized as RST 294, in accordance with AS 19.10.010 *Dedication of Land for Public Highways* and AS 19.30.400 *Identification and Acceptance of Rights-of-Way*.
 - A section line easement, 50 feet in width 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*.
 - A survey easement, 5 feet in width, 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-foot direct line-of-sight easement, 5 feet in width, from the control station to an azimuth mark or other control monument.
 - If post survey of the subject parcel reveals that structures are located within a setback pursuant to AS 16.05.871 or AS 38.05.127, the structures (if any) may remain and are grandfathered into the subject parcel, but may not be enlarged or rebuild within the setback if they are destroyed or removed.
 - Additional reservations or restrictions required by the local platting authority.
- h. Reservation of Mineral Estate: In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125, 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, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.
- i. Hazardous Materials and Potential Contaminants: There is no known contamination of, or hazardous materials on, the subject parcel. The applicant is expected to inspect the subject parcel to ascertain the quality and condition of the land. The state makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances,

hazardous wastes, contaminants, or pollutants on the land proposed for conveyance to the applicant. The State does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

The Department recognizes there are potential future environmental risks associated 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 Department of Environmental Conservation. The risk is no greater than when private vacant land undergoes development. Given this land has been designated as commercial – settlement for transfer into private ownership, and given the high degree of interest from both the legislature and citizens in transferring State-owned land into private ownership, the Department is of the opinion that the benefits outweigh the potential risks.

- j. Performance Guaranties and Insurance: Not applicable to this decision.
- k. Survey: Upon Department approval for purchase of the parcel, the applicant will be required to complete an Alaska State Land Survey (ASLS) at the applicant's expense. This survey must be approved by the Department and the local platting jurisdiction, if any. The parcel will not exceed five acres.
- i. Compensation/Appraisal: If the purchase is approved, the parcel will be sold at fair market value, on "the date that the person first entered the land" pursuant to 38.05.035(b)(5). The date of entry is June 10, 1955. At the appropriate time, the Division will notify the applicant to begin the appraisal process and will provide a list of approved appraisers. The Appraisal Unit will provide appraisal instructions to an approved appraiser. The applicant bears the cost of appraisal.

VI. Agency Review

Agency review is being conducted concurrent with the public notice of this preliminary decision. Agency comments received will be addressed in the Final Finding and Decision along with public comment.

VII. Submittal of Public Comments

Pursuant to AS 38.05.945, the Division is issuing public notice inviting comment on this Preliminary Decision and the proposed related actions.

In accordance with AS 38.05.946(a), 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 to hold a public hearing.

The Division will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision or proposed related actions, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the Preliminary Decision and proposed related actions, including any deletions, minor changes, and summary of comments and Division responses will be issued as a subsequent Final Finding and Decision, and Mineral Order 1227 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom the Division receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision, and Mineral Order 1227. Upon approval and issuance of a Final Finding and Decision, a copy of the decision, orders, and amendment will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the appeal process to any party who provides timely written comment.

The Department 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 the attached Public Notice.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
3:30 PM, WEDNESDAY, MARCH 25, 2020**

VIII. Stipulations

The applicant will be required to comply with the following stipulations to complete the proposed land sale:

1. A notice to proceed to survey will be issued if no appeals are received, or when appeals are resolved, after issuance of a Final Finding. Within six months from the date of the notice to proceed to survey, the applicant must hire a surveyor and the surveyor must apply to the Division's Survey Section for survey Instructions.
2. Within three years after issuance of the survey Instructions, the applicant must submit a completed survey to the Division's Survey Section for review. The applicant must have the survey approved by the Department and the local platting jurisdiction, if any, as set forth in the Survey Instructions.
3. Upon approval and recording of the survey, a notice to proceed to appraisal will be issued. Within two years from the date of the notice to proceed to appraisal, the applicant must hire an appraiser, the appraiser must apply for appraisal instructions

issued by the Division, and then must submit to the Division a completed fair market value appraisal in accordance with appraisal instructions issued by the Division.

4. Upon approval of the appraisal, a notice to proceed to purchase will be issued to the applicant. Within the time period specified in this notice, the applicant must submit to the Division the following:
 - A completed and signed Declaration of Intent Form;
 - A signed and notarized Veterans Land Discount form (if applicable);
 - A signed and notarized Relinquishment of Land Use Permit form;
 - Payoff amount plus patent application and recordation fees OR minimum 5% of the purchase price as deposit plus land sales contract application and recordation fees. Fees are established under to 11 AAC 05.100 & 200, and are subject to change. Some fees have been reduced by Director's Order Number 3.
5. Prior to the completion of the purchase and issuance of a state conveyance document, the applicant must remain in good standing with respect to all terms of the Contract for the Sale of Real Property throughout its term, if such a contract is issued. The applicant must also remain in compliance with all applicable state and local ordinances and regulations, including all applicable taxes. Failure to do so may result in termination of the Contract for the Sale of Real Property.

If extenuating circumstances delay any of the stipulations listed above, the applicant is responsible for notifying the Division and receiving Division approval for the delay with new timeframes for completion to be given. Failure to do this could result in the closure of the purchase application. The purchase cannot be completed until all the above stipulations have been satisfied.

IX. Alternatives and Discussion

The following alternatives were considered.

Alternative 1: Sell

Offer the subject parcel for sale as proposed in this decision in accordance with AS 38.05.035(b)(5).

Alternative 1 provides an opportunity for a qualified applicant to purchase land his family has continuously used for generations. The applicant has met all statutory and regulatory requirements. The subject parcel meets statutory and regulatory requirements for disposal into private ownership. The sale of land will provide settlement land to the private sector, generate revenue for the State, and acknowledge a pre-statehood use of the land. Therefore, it is in the best interest of the state to sell the parcel as proposed in this decision.

This is the preferred alternative.

Alternative 2: Retain

The Department will take no action and retain the subject parcel.

Under Alternative 2, the State would need to expend resources managing the land, the improvements on the land, and associated permits to allow continued use by the applicant, while forgoing the income that could have been generated by a sale. Retaining the subject parcel in state ownership is not in the best interests of the State. This alternative is not preferred.

Alternative 3: Lease

Under Alternative 3, the state may lease to the applicant the subject parcel. Under this option the Department expends resources administrating the lease and managing land as an absentee landowner, which are expensive endeavors. The state retains ownership of the parcel. In this scenario, the applicant may be discouraged from placing permanent structures and expanding business due to uncertain future interest in the land. The applicant has communicated to the state that is not his preferred alternative and has established that by requesting to buy the parcel under AS 38.05.035(b)(5). This alternative is not preferred.

See the next page for preliminary decision recommendation and signatures.

X. Recommendation and Preliminary Decision

Alternative 1 is believed to be in the overall best interest of the state and is consistent with the requirements of AS 38.05.035(b)(5). This Preliminary Decision recommends disposal of the subject parcel to the applicant.

After public notice, the subsequent review process may result in changes to the preferred alternative. A Final Finding and Decision will address any significant issues or concerns raised during the public review process.

The state does not guarantee the condition or usefulness of the subject land. The land is offered "as is" with no guarantees, expressed or implied, as to its suitability for any planned or potential use, or as to the availability of any public or private services.

If conditions for which this application was made change before proceeding to purchase, either by contract or payment in full, an amended decision, including further public notice, may be required prior to the completion of the purchase.

The proposed action may be in the best interests of the state and the Preliminary Decision is hereby approved to proceed to Public Notice in accordance with AS 38.05.945.

Prepared by:

[signature on file]
Jane Boer
Natural Resource Specialist
Land Sales Section
Department of Natural Resources
State of Alaska

2/19/2020
Date of Signature

Approved by:

[signature on file]
Rachel Longacre, Section Manager
Land Sales Section
Department of Natural Resources
State of Alaska

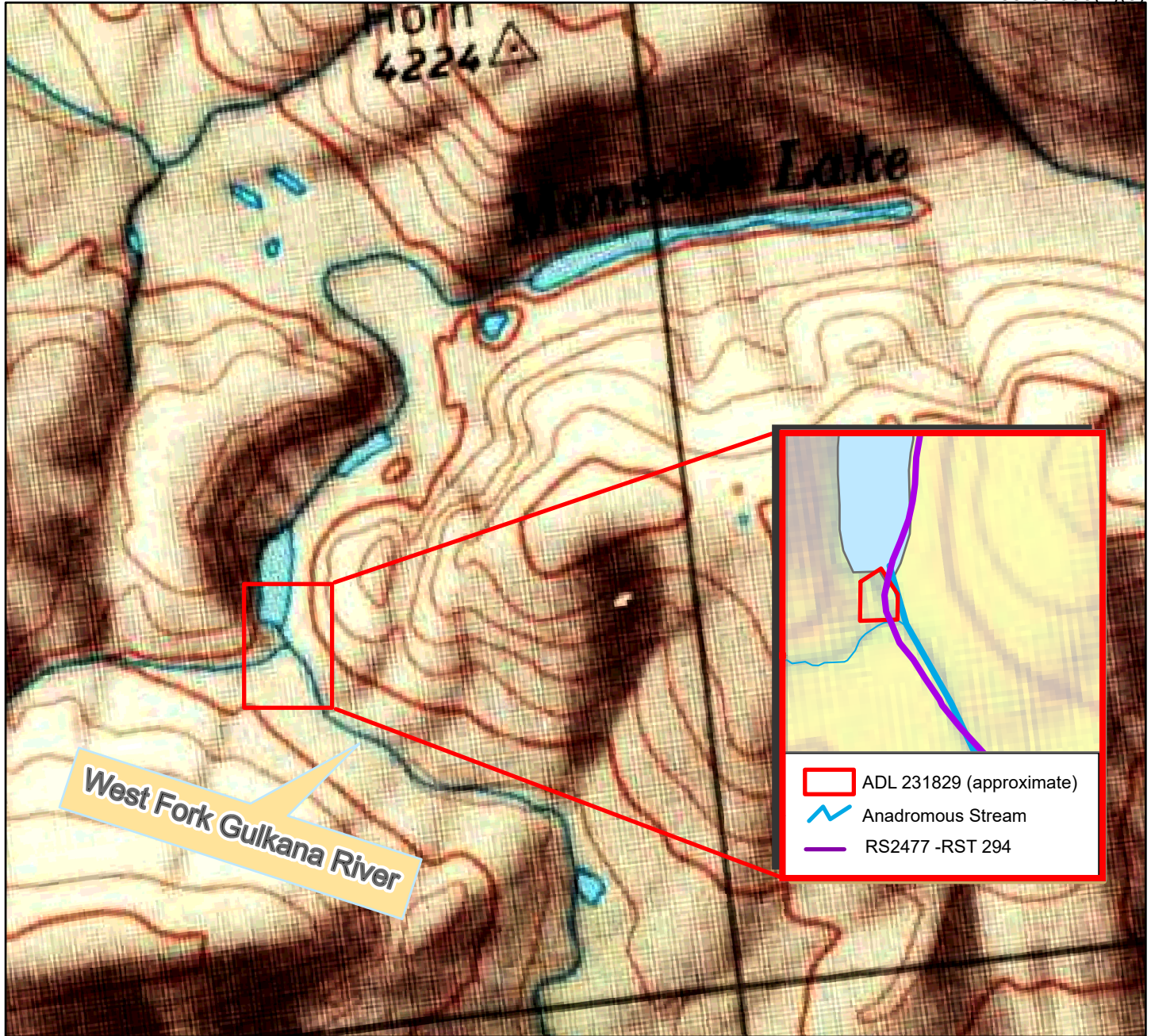
2/19/2020
Date of Signature



Ken Perkins- ADL 231829

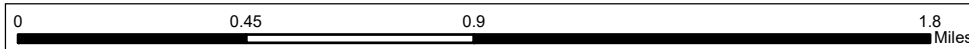
Attachment A: Vicinity Map

Preliminary Decision for a Proposed Noncompetitive Sale
Pursuant to AS 38.05.035(b)(5)



West Fork Gulkana River

- ADL 231829 (approximate)
- ~ Anadromous Stream
- RS2477 -RST 294

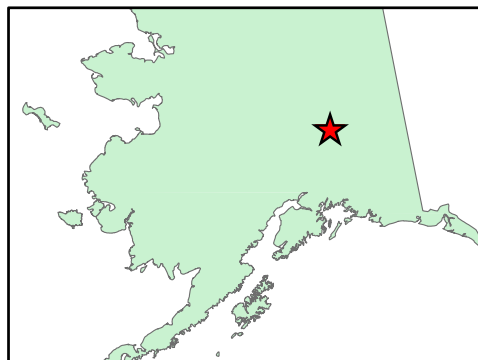


JRE 5/2/2019

Section 22, Township 12 North,
Range 8 West, Copper River Meridian

USGS QUAD 1:63,360
Gulkana D-6
Township 12 North, Range 8 West,
Copper River Meridian

For more information contact:
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales Section
John Easton
Phone: 907-269-5639
Fax: 907-269-8916
Email: john.easton@alaska.gov



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

PUBLIC NOTICE

Requesting Input for Proposed Non-competitive Sale to
Preference Right Applicant, ADL 231829
A Preliminary Decision under AS 38.05.035(b)(5) / AS 38.05.035(c) and its
Proposed Related Actions:
Mineral Order (Closing) – AS 38.05.185 and AS 38.05.300

COMMENT PERIOD ENDS 3:30PM, WEDNESDAY, MARCH 25, 2020

The Alaska Department of Natural Resources, Division of Mining Land and Water (DNR DMLW), is conducting a public notice for a non-competitive land sale located near Monsoon Lake in the Alphabet Hills approximately 60 miles northwest of Glennallen, Alaska. The Subject parcel is located within Section 22 of Township 12 North, Range 8 West, Copper River Meridian.

To obtain the notice, Amended Final Finding and Decision, or instructions on submitting comment, go to <http://dnr.alaska.gov/mlw/landsale/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907.269.8400 or Fairbanks at (907) 451-2705 or the Southeast Land Office in Juneau at (907) 465-3400 or TTY: 711 for Alaska Relay or 1-800-770-8973 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, Friday, March 6, 2020.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comment on draft Mineral Order (MO 1227) and the Preliminary Decision (ADL 231829), 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 3:30PM, WEDNESDAY, MARCH 6, 2020.** Only persons from whom DNR DMLW 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 Jane Boer, 550 West 7th Ave, Suite 640, Anchorage, AK 99654 or by fax at (907) 269-8916 or by email at jane.boer@alaska.gov.

If no significant change is required, the preliminary decision, including any minor changes and a summary of comments and responses, will be issued as the final finding and decision without further notice. A copy of the final finding and decision will be sent to any persons who commented timely on the preliminary decision.

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