

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

PRELIMINARY DECISION
Captain Cook North Subdivision – ADL 233106

Proposed Land Offering in the Kenai Peninsula Borough
AS 38.05.035 (e), AS 38.05.045

RELATED ACTIONS:
Proposed Amendment to the Kenai Area Plan
AS 38.04.065
Proposed Land Classification Order
AS 38.04.065 and AS 38.05.300
Proposed Mineral Order (Closing)
AS 38.05.185 and AS 38.05.300

PUBLIC COMMENT PERIOD ENDS 5:00PM, THURSDAY MARCH 26, 2020

I. Proposed Actions

Preliminary Decision: Captain Cook North Subdivision - ADL 233106

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

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

Draft Amendment to the Kenai Area Plan SC-99-002A14

Draft Land Classification Order CL SC-99-002A14

Draft Mineral Order (Closing) MO 1215

Primary Proposed Action: The primary proposed action of this Preliminary Decision of the State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales Section (LSS) is to offer for sale State-owned land within the identified project area. If approved, surveyed parcels will be offered for sale.

Located within DNR's Southcentral Region, approximately 1.5 miles north of Captain Cook State Recreation Area and approximately 30 miles north of Kenai, the project area is within Section 36, Township 9 North, Range 10 West, Seward Meridian, within the Kenai Peninsula Borough (KPB). The project area consists of approximately 229 acres; approximately 145 acres are identified for disposal by this proposed action. See *Attachment A: Vicinity Map* for a depiction of the project area.

In accordance with the governing area plan and proposed related actions, and for the purposes of providing land for settlement, DNR proposes to sell land within the Captain Cook North Subdivision project area. In order to offer these lands for sale, if approved and deemed feasible, DNR may develop a subdivision of no more than 25 parcels varying in size

no smaller than nominal 5-acres. This proposed project area is located within the KPB, and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards. The project area may be subdivided and offered in multiple stages.

After consideration of public comment, the size and boundaries of the project area will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. Additional adjustments may be made prior to subdivision, as described in the applications to the platting authority, as needed to reserve areas for public use, minimize conflicts between uses, or ensure compliance with platting requirements. Although actions under this proposal are limited to the stated maximums, additional offerings may be authorized under future proposals, which could increase the density of privately-owned parcels within, adjacent to, or near the project area.

Proposed Related Actions: These related actions will be developed separately, however; public notice is being conducted concurrently.

Area Plan Amendment: DNR proposes to amend the Kenai Area Plan (KAP) to change the designation of Unit 164A from Recreation and Tourism – Public Use Site to Settlement. The amendment will also replace the management intent for Unit 164A with: “This unit is appropriate for land sale offering.” Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

Land Classification Order: In relation to the Area Plan Amendment, DNR proposes to reclassify the project area in a Land Classification Order from Public Recreation land to Settlement land. Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

Mineral Order (Closing): DNR proposes to close the project area to new mineral entry. No mineral claims have been identified within the project area. Refer to the Mineral Activity and Order(s) subsection of this document for more information on this proposed related action.

These related actions will be developed separately. However, approval of the proposed actions is dependent upon one another in that one action will not proceed without 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.

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

II. Method of Sale

DNR proposes to offer for sale land within the project area as described herein, through a future offering under *AS 38.05.045 Generally*.

Parcels offered through this action are offered fee-simple for the surface estate only. For more information about the land sales program, please visit the website at <http://landsales.alaska.gov>.

III. 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." In addition, if it is deemed appropriate, DNR has the authority to develop and offer parcels larger than 5 acres under the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*.

For related actions, *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally* allow for amendments, land classifications, and mineral orders.

IV. Administrative Record

The project file, Captain Cook North Subdivision – ADL 233106, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- *Kenai Area Plan for State Lands (KAP, adopted 2000)* and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan (March 2019 Review)*;
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *USDA, Natural Resource Conservation Service Custom Soil Report for this project, dated August 14, 2018*;
- DNR case files: private non-exclusive pipeline ROW easement ADL 37591, pipeline lease ADL 69354, Shore Fishery Leases ADL 223087 and ADL 221416; and
- *KPB Comprehensive Plan (2005)*.

V. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section III**. **Authority**, is limited and specific to DNR DMLW's proposal to offer State-owned land within the defined project area for disposal and to conduct the proposed plan amendment, land classification order, and mineral order as described herein. 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 may be conducted in multiple stages.

VI. Description

Location: Within DNR's Southcentral Region, approximately 1.5 miles north of Captain Cook State Recreation Area and approximately 30 miles north of Kenai. See *Attachment A: Vicinity Map* and *Attachment B: Area Data Summary Table* for additional information.

The project area is within the KPB and subject to the borough's platting authority.

Native Regional and Village Corporations: The project area is within the boundaries of the Cook Inlet Regional Corporation (CIRI). The villages of Kenai, Salamatof, and Tyonek are within 25 miles of this proposed action, and notice will be sent to the following village corporations: Kenai Native Association, Inc; Salamatof Native Association, Inc.; and Tyonek Native Corporation. Notice will also be sent to the following Traditional Councils: Kenaitze Indian Tribe; Village of Salamatof; and Native Village of Tyonek.

Legal Description: Government lots 1, 2, 3, NE1/4SE1/4, and S1/2SE1/4 of section 36, Township 9 North, Range 10 West, Seward Meridian, located within the Kenai Recording District, Third Judicial District, Alaska.

Title: Information from Title Report No. 10902, current as of June 20, 2018 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 50-65-0414, dated January 19, 1965. The applicable State case file is SCH 24. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

State Reservations of Title:

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

The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all surface uses. The State may also lease these retained interests to mineral developers or allow mining locations to be staked. However, *AS 38.05.130 Damages and Posting of Bond* also provides that the land estate owner will be compensated for damages resulting from mineral exploration and development.

Navigable Waters: Per *AS 38.05.126 (b) Navigable and Public Waters*, "...the State has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the state." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the 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 To, Within, and Beyond Project Area* subsection of this document.

Federal navigability determination was not addressed in State Selection File SCH 24.

Where they exist within the project area, State third-party interests will be described in land sales brochures.

Physical Characteristics and Hazards: *Attachment B:* Area Data Summary Table describes the project area's physical characteristics. Information about the project area is based on internal research, information received during agency review, and ground field inspections conducted on August 8, 2018 and July 15, 2019. This is by no means a complete description of the project area and if this proposal is approved and the area offered for sale, it will be the responsibility of interested parties to inspect individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

Soils: The subdivision area is underlain by glacial deposits from 14,000 – 20,000 years ago composed of up to 30 feet of well-sorted, well-stratified, laminated to massive silt and clay, with some sand and pebbly sand, and may be covered by several feet of muck and peat in some locations. Soils within more than 2/3 of the project area generally consist of moderately decomposed plant material, silt loam, and gravelly sandy loam, mostly well-drained but occasionally poorly drained. About half of these soils are Class III non-irrigated land capability class soils and are potentially suitable for agriculture. These Class III soils are located mostly west of the Kenai Spur Highway along the top of the bluff; a few acres are located along the center part of the southern boundary. The other 1/3 of the project area consists of a steep cliff/coastal bluff by tideland rocky beach, poorly drained peat, muck, and silt loam soils ranging to wetland complexes, a small, freshwater pond, and a lake common to adjoining Gray Cliff Subdivision.

Wetlands: Freshwater Forested/Shrub Wetlands appear to exist within scattered portions of the project area, mainly around the east and south boundaries. There is an apparent Freshwater Emergent Wetland along the bluff, approximately midway along the northwest project boundary. Parcels that may include segments of wetlands will be of sufficient size to ensure adequate buildable areas.

Geologic Hazards: According to information provided by DNR, Division of Geological and Geophysical Surveys (DGGS), there is potential for erosion and collapse of the coastal bluff. LSS intends to reserve a vegetated building setback on the coastal bluff and extending 100-foot landward from the top edge of the coastal bluff. The proposed subdivision is not in close proximity to known active faults, but the region's overall seismic hazard potential is high. DGGS stated that standard best building practices should be used to accommodate the regional seismic hazard. Should any other geologic hazards be discovered in the development of this proposal, information will be included in offering materials.

Fire Information: Pursuant to observations from the August 8, 2018 field inspection and information received from the Division of Forestry (DOF), fire risk in the area is likely moderate to high depending on seasonal conditions. There is no reported history of fires within the immediate vicinity. More than 18 miles east of the project area, The Swan Lake Fire of 2019 burned 150,000 acres to the east of Swan Lake and burned into the Mystery Creek foothills and mountains of the Chugach National Forest. The project area is within the Nikiski Fire Service Area.

Potential for wildland fire can be high. DOF has noted the prevalence of beetle-killed spruce in the area which adds to the potential wildfire fuel load. DMLW LSS is coordinating with DOF to the feasibility of conducting a sanitation timber harvest of dead spruce within the project area prior to offering. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska*

recommendations. Offering materials include information regarding wildland fire prevention.

Fire management options and policies for the area are identified in the Alaska Interagency Wildland Fire Management Plan available from DNR Division of Forestry. The current fire management option for the project area is "Full." The policy on areas with the "Full" management option reads, "Wildfires occurring in the Full Management Option are assigned a high priority for suppression actions and assignment of available firefighting resources but are below wildfires within or threatening a Critical management option area or site." It also states that the designation of a fire management option does not ensure protection from wildfire, that a protection response will be based on various factors, and "Ultimately it is the personal responsibility of the [landowner] to mitigate and minimize risk to their property and structures and to be 'Firewise'."

Flood Hazard: The project area is within FEMA Flood Insurance Rate Map Community Panel 0200121375A (not printed). There is no Flood Insurance Rate Map available for the project area. There is potential for seasonal flooding and erosion of parcels adjacent to water bodies, especially in low-lying areas.

Water Resources: All surface and subsurface waters on all lands in Alaska are a public resource, subject to appropriation in accordance with the Alaska Water Use Act (AS 46.15). No water rights have been identified within the vicinity of the project area. There is no well or water quality information within the area. Water quality is unknown.

Background: The project area was identified based on KPB's plan to extend the Kenai Spur Highway north past Gray Cliff Subdivision. The Captain Cook North project area was proposed because the Kenai Spur Highway extension would provide improved access to the project area. Part of the project area is already designated settlement in the Kenai Area Plan for State Land. DMLW Resources Assessment and Development Section (RADS) found no objection to proposing a KAP amendment and Land Classification Order to change all portions of the project area to Settlement designation and Settlement land classification. PDT staff made field inspections on August 8, 2018, and July 15, 2019.

Known uses of the land include ADL 69354 pipeline lease and ADL 37591 pipeline easement crossing the project area parallel to the highway Right-of-Way (ROW) near the center of the project. The Nikiski Alaska Pipeline ROW Lease, ADL 69354, was issued on January 30, 1976 for a 10.75-inch diameter liquid petroleum products pipeline and connects a petroleum refinery in Nikiski to Anchorage. ADL 37591 states the ROW is 50-feet in width and occupies approximately 4.68 acres. This will allow for the installation of a 10-inch pipeline alongside of a decommissioned 16-inch pipeline required for compliance with federal regulations. The State Pipeline Coordinator's Section (SPCS) was contacted early in the development process and asked for input regarding their interest in the project area, including verification of any activity that SPCS could provide regarding history of past, present, and future/pending actions that might impact the development of this land sale project. SPCS requested they be included in notices and in review of the survey and stated that the proposed subdivision should continue and maintain the 300-foot utility corridor surveyed in the adjacent Gray Cliff Subdivision. SPCS requested that LSS coordinate with the pipeline ROW lessee for subdivision design and access across the pipeline. LSS intends to follow these requests. Additionally, the ROW lease will be retained in State ownership. The Gray Cliff Subdivision north of the project area also has access across the

pipeline, and LSS anticipates no issues with creating a subdivision design with similar access considerations.

The pipeline route has been cleared for years, and the public has used this route to access lands to the north, mainly via snowmachine or ATV. LSS has no information on the nature of hunting or other use that may occur within the project area, if any. Agency Review comments from ADF&G and other agencies did not address other possible uses. PDT Staff did not observe any evidence of other uses in the project area during field inspections.

The proposed project area is approximately 1.5 miles north of the Captain Cook State Recreation Area. Land adjoining the south boundary of the project area is owned by the KPB to the southwest, and the Kenai National Wildlife Refuge to the southeast. There is legal access to the Kenai National Wildlife Refuge via an east-west 50-foot wide section-line easement along the southerly boundary of the project area. Gray Cliff Subdivision (Plat 82-80, Kenai Recording District), adjoins the project area on the easterly boundary and is private property. Gray Cliff Subdivision is a large subdivision, extending approximately 8-miles to the northeast along Cook Inlet. Parcels adjacent to the proposed project range in size from about 4 to 12 acres. In consideration of the terrain, soils, and other factors, the proposed project will likely offer parcels similar in size to those in the Gray Cliff Subdivision. Currently, there are no residential utilities serving the Gray Cliff Subdivision or the proposed Captain Cook North Subdivision area.

Parcels within the Gray Cliff Subdivision which are adjacent to Cook Inlet are platted to the Mean High Water (MHW) line of Cook Inlet. The western portion of the proposed project area includes the bluff that drops to the rocky beach and Cook Inlet. LSS intends to plat parcels within the Captain Cook North project area to the MHW of Cook Inlet. DNR will place a 50-foot public access easement upland from MHW (in accordance with AS 38.05.127); or extended the easement to Mean High-High Water (MHHW), whichever is greater. LSS also intends to place a building setback on the coastal bluff, extending to 100-feet landward from the top edge of the bluff.

There are two Shore Fishery Leases (ADL 223087 and ADL 221416) along the northeast boundary of the project area. As these leases are outside of the project area and located below the MHW of Cook Inlet, LSS does not anticipate any conflict with these leases.

The field visit of July 15, 2019 confirmed that the Kenai Spur Highway construction was completed through and beyond the project boundaries. Access to subdivision parcels will be from the Kenai Spur Highway to platted subdivision ROWs. LSS proposes no more than two crossings over the pipeline easement to connect parcels to the Kenai Spur Highway. Parcels on the west side of the Kenai Spur Highway may access directly to the highway or via platted ROWs.

The proposed subdivision design will be consistent with surrounding land development and will have access to the Kenai Spur Highway. Portions of the project area contain Class III non-irrigated land capability class soils, suitable for agriculture; which will be described in offering materials. The proposed project will generate revenue for the State and will offer opportunity for residential and recreational uses.

Planning and Classification: The general management intent of the area plan was reviewed for consistency with the proposed offering. The project area is within the Kenai Area Plan (KAP, adopted 2000), Region 5, Management Unit 164A and Unit 164B. Unit 164A is

currently designated Recreation and Tourism – Public Use Site and classified Public Recreation land under Land Classification Order No. SC-99-002. Unit 164B is designated Settlement, and classified Settlement land under Land Classification Order No. SC-99-002. The project area includes all the area of these two management units, although LSS intends to offer only a portion of the units as some acreage will be retained by the State.

Unit 164A/Region 5 Considerations: Management intent recommends adding this parcel to the Cook Inlet State Recreation Area. The plan notes that the resource or use for which the unit is designated is that the State owns only limited coastline along upper Cook Inlet, this parcel provides potential recreation and access uses for the public, and that there is an excellent scenic view potential. LSS has found no evidence of current recreation use in the project area, other than perhaps use along the Kenai Spur Highway. LSS consulted the Division of Parks and Outdoor Recreation (DPOR) early in the development of the proposed project. DPOR stated that they have no interest in adding this parcel to the Captain Cook State Recreation Area. LSS proposes an amendment to the KAP and an associated Land Classification Order (LCO) to change the designation and classification of Unit 164A to Settlement.

Unit 164B/Region 5 Considerations: The area plan does not provide any specific management intent for this parcel other than the designation of Settlement. The plan notes that the resource or use for which the unit is designated is that the area is 70% well drained, and the remainder of the unit is two small lakes and wetlands.

Area-wide Considerations: LSS reviewed the area plan's guidelines in Chapter 2 Areawide Land Management Policies. All Chapter 2 guidelines will be considered and incorporated into the design and development of the project as appropriate. Lands to be retained in public ownership, conditions, and reservations will be included on the plat and in offering materials as appropriate. Specific area-wide management intent and management guidelines that may relate to this proposal are discussed below.

Fish and Wildlife Habitat and Harvest: Areawide Management guidelines for Fish and Wildlife Habitat and Harvest do not address any specific management intent or management guidelines specific to settlement. However, management guidelines provide that DNR and the Alaska Department of Fish and Game (ADF&G) will evaluate the use or development of State lands and the benefits or impacts it may have. ADF&G reviewed the proposed Captain Cook North project stated no objection to the development of this subdivision or the reclassification of Unit 164A to settlement. LSS believes the proposed project will result in minimal if any negative impact to fish and wildlife habitat and harvest in the project area. The Kenai National Wildlife Refuge abuts the southern boundary and provides mitigation space for any impact to fish and wildlife habitat, harvest, or concentration or movement of waterfowl or wildlife. LSS intends to retain portions of the project area, including larger wetland areas. These retained lands will assist in providing wildlife habitat and movement corridors and mitigate impact to wildlife.

Forestry: Management guidelines allow for timber harvest in settlement units if not otherwise prohibited by management intent. LSS is actively coordinating with DOF to consider, if feasible, conducting a beetle-killed spruce timber salvage harvest prior to offering.

Heritage Resources: Management guidelines provide that cultural surveys or inventories should be conducted prior to the design of land offerings in areas that the Office of History and Archaeology (OHA) determines to have high potential to contain important heritage sites and for which information is inadequate to identify and protect these sites. Management intent also provides that when found, heritage sites should be reported to the OHA. LSS coordinated with OHA early in the development of this proposed project. OHA indicated there are no reported cultural resource sites within the identified area and determined that no cultural resource survey was recommended. OHA will be notified should any discovery of cultural resources occur during the development of this project and offering material will include information regarding archaeological sites.

Materials: Management guidelines provide that generally, if a unit is designated Settlement but contains high-value material resources, a pit area will be identified prior to the land offering and be retained in public ownership. No significant material resources have been identified within the proposed land sale area. Hence, DNR does not intend to retain a material site in this project.

Mineral Resources: Areawide management guidelines do not address mineral resources or mineral orders for areas designated settlement; however, KAP *Land Use Designations* states that areas designated Settlement should be closed to mineral entry prior to sale. There are no known mineral claims or activities within the project area, and LSS proposes to close the project area to mineral entry should this project be approved.

Public Recreation and Tourism: The KAP does not address any specific management intent or management guidelines regarding settlement. Management Unit 164A is currently designated Public Recreation and Tourism – public use site, and the management intent recommends addition to the Captain Cook State Recreation Area. LSS has not identified any current recreational use within this unit. DPOR wrote they do not want to pursue including parcel 164A in Captain Cook SRA. LSS proposes an area plan amendment and associated land classification order to change Unit 164A to Settlement.

Settlement and Agriculture: Management guidelines applicable to this proposed project provide for coordination with local governments; the identification of open space or recreational lands within a subdivision where appropriate; and to the extent feasible, evaluation of flood and erosion hazards in connection with the proposed disposal. LSS staff reviewed the KPB Comprehensive Plan (and 2019 update) and found no conflicts with this proposed offering. The KPB will be included in the public notice process. Although LSS has not identified any lands within the project area to be retained specifically for open space or recreation use, LSS intends to reserve portions of the project area in State ownership. These areas are largely centered around some of the larger wetland areas, and although not specifically reserved for that purpose, can serve for recreation and open space. There is no FEMA Flood Map for the project area; however, given the location of the development area on higher elevations, flood risk is rather limited. Information from the USDA custom soils report did not identify any specific concerns with erosion issues; however, DGGs reported that coastal bluffs may be subject to erosion and collapse. DNR Division of Agriculture (DAg) reported that some of the area to be sold has soils

appropriate for agricultural uses; however, parcels to be offered will not be limited to agricultural use.

Shoreline, Stream Corridors and Wetlands: Management guidelines provide that when transferring land out of State ownership that public access adjacent to waterbodies must be retained, and guidelines provide for minimum widths for building setbacks or retained lands along certain types of waterbodies. There is a small lake within Gray Cliff Subdivision and the eastern portion of the project area. LSS proposes to include a 50-foot public access easement and 50-foot building setback from this lake, to connect to the reservations along this lake through the adjacent subdivision. There are no other public waterbodies identified within the project area.

Trails and Access: Management guidelines require that prior to the disposal of State lands, trails that merit consideration for protection should be identified and reserved. General use ATV/snowmobile trails have commonly followed the cleared ROW for the extension of the Kenai Spur Highway and pipeline easement. No other trails have been identified within the project area. Public access to and within the area will be reserved along the extension of the Kenai Spur Highway, section-line easements, and platted easements and ROWs as appropriate. LSS has not identified any trails within the project area which merit consideration for reservation.

Transportation and Utilities: Management guidelines provide that before a land offering DNR will work with DOT/PF to identify appropriate locations, if needed, for access, and will also identify responsibilities for transportation facilities. The proposed subdivision project is in an area accessible to primary road transportation under KPB authority. DNR intends to design access and parcel layout with future use in mind and coordinate with DOT/PF, State Pipeline Coordinator's Section (SPCS), pipeline permit/lease holders, and KPB as appropriate.

The proposed offering will be consistent with area-wide land management policies and general management intent of the KAP and specific management unit if the proposed area plan amendment, land classification order, and mineral order are approved in accordance with *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally*. Unit 164A is currently designated Recreation and Tourism – Public Use Site, and classified Public recreation land, and requires an amendment to the KAP and a Land Classification Order prior to disposal.

AS 38.04.065 (b) Requirements: The factors identified in this section of statute have been considered in this plan amendment and the proposed action is consistent with that portion of statute.

Area Plan Amendment: Amend the KAP to change the designation of Unit 164A from Public Recreation and Tourism – Public Use Site to Settlement. Amend the management intent to read “This unit is appropriate for land sale offering.”

Land Classification Order: Change existing classification from Public recreation land to Settlement land.

Mineral Activity and Orders: No mineral activity has been identified on these lands. The entirety of the project area (approximately 229 acres) will be closed to new mineral entry if

the mineral order is approved in accordance with *AS 38.05.185 Generally* and *AS 38.05.300 Classification of Land* for a land disposal. The proposed mineral order, if approved, will close the area to new mineral entry only and will not affect current existing mining claims. Closing the entire area to mineral entry is consistent with the management intent of the KAP.

Mineral orders which close an area to mineral entry, close the applicable area to new exploration and development of locatable minerals. Such mineral orders do not apply to leasable minerals (such as: oil, gas, coal, etc.), 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 for locatable minerals would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. Area plan mineral estate management policy states that, in general, areas scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between land estate and mineral estate users.

Local Planning: The project area is within the KPB and property purchased through this proposed offering will be subject to the applicable zoning, ordinances, and restrictions of the borough. The project area is within the boundary of the *Kenai Peninsula Borough Comprehensive Plan* which is in the process of being updated. LSS reviewed the current and updated plans, as well as KPB web posting of the new draft feedback, values, focus, etc. The proposed project appears to be compatible with and not pose any conflicts with the current local plan.

Traditional Use Finding: The project area is located within the KPB and a traditional use finding is therefore not required per *AS 38.05.830 Land Disposal in the Unorganized Borough*. However, information on current or traditional use is welcomed and can be given during the public comment period. See the **Section VIII. Submittal of Public Comments** at the end of this document and *Attachment C: Public Notice* for details on how to submit comment.

Access To, Within, and Beyond Project Area: Access to the project area is via Kenai Spur Highway extension, aka Kenai North Road, which is currently under construction north of Captain Cook State Recreation Area. Highway construction through and beyond the proposed subdivision project was completed during the summer of 2019. Access to individual parcels will be a combination of direct access onto the Kenai Spur Highway, or via internal platted ROWs. If feasible, DNR DMLW may consider construction of internal ROWs. Access to lots across the pipeline corridor will be limited to dedicated ROWs and easements through subdivision design. DNR will coordinate with SPCS on design of rights-of-way crossing the pipeline easements to reach parcels on the east side.

The project area is not currently within a Road Service Area as road maintenance ends at unit N5 of the Northern Road Service Area, south of Captain Cook State Recreation Area. Subdivision design will consider topography and access to lands beyond the project area and within the project area boundaries. The project area is subject to the platting authority of the

KPB. Approval of platting actions and dedication of rights-of-way will require separate processes and public notices through the borough.

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 water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 *Determination of Navigable and Public Water*, 11 AAC 51.045 *Easements To and Along Navigable and Public Water*, and 11 AAC 53.450 *Buffer Strips, Reserved Areas, and Public Easements*.

For the purposes of AS 38.05.127:

- Navigable waters are generally lakes larger than 50 acres in size or streams larger than 50 feet in average width;
- Public waters are generally lakes larger than 10 acres in size or streams larger than 10 feet in average width; and
- Waters may be determined public or navigable consistent with AS 38.05.965 (21) *Definitions*.

A lake overlapping the eastern boundary of the project area has been administratively determined to be public. LSS proposes to include a 50-foot public access easement along this lake to connect to the reservations along this lake through the adjacent Gray Cliff Subdivision. Cook Inlet lies along the northwesterly boundary of the project area. LSS intends to plat parcels to the MHW of Cook Inlet. The KAP requires a 100-foot building setback landward from MHW. LSS intends to reserve a building setback on the coastal bluff, extending to 100-feet landward from the top edge of the bluff. As applicable, all parcels will be subject to access reservations in accordance with AS 38.05.127 *Access to Public or Navigable Water* and a 50-foot building setback from the OHW of the water bodies described, as well as any additional water bodies identified as public or navigable prior to completion of survey in accordance with the KAP.

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 OHW or MHW of public or 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. See also discussion at Background section.

Easements, Setbacks, and Retained Lands: Subdivision design may include a variety of easements, setbacks, and retained lands, which will be identified on the subdivision plat and included in related documents. Final width and location of easements and reservations will be determined as part of the local platting process, which will include an additional opportunity for public participation.

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

- Public access easements;
- Utility easements;

- a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with *AS 19.10.010 Dedication of Land for Public Highways* and *11 AAC 51.025 Section-line Easements*; section-line easements may be vacated under *AS 19.30.410 Vacation of Rights-of-Way* and *11 AAC 51.065 Vacation of Easements* as part of the subdivision development;
- a 50-foot continuous easement upland from the OHW or MHW of public or navigable water bodies in accordance with *AS 38.05.127 Access To Navigable or Public Water*;
- a minimum 50-foot building setback from the OHW or MHW of public or navigable water bodies, in accordance with the area plan;
- a 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument;
- a vegetated building setback on the coastal bluff, extending to 100-feet landward from the top edge of the bluff; and
- Additional reservations and/or restrictions required or accepted through the local platting authority.

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

Hazardous Materials and Potential Contaminants: During ground field inspection conducted on August 8, 2018, field staff did not observe any environmental hazards within the project area. There are no known environmental hazards present within the project area; however, 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 here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal.

DNR DMLW recognizes there are potential future 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. This risk is no greater than when vacant private land undergoes development. Given that a portion of this land was specifically designated 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, DNR is of the opinion that the benefits of offering the land outweigh the potential risks.

Survey, Platting, and Appraisal: After evaluation of public comment and conditions of the land, DNR will determine if it is in the State's best interest to offer the proposed project area. In order to offer the property, a combination of survey, subdivision, and/or platting actions may be required.

This proposed project area is located within the KPB, and therefore survey and platting will be subject to the relevant subdivision standards. The borough's platting requirements provide for separate public notice periods and processes for platting actions. These additional opportunities for public involvement occur after a Final Finding and Decision is issued, if this proposed action is approved.

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. Even though the sale of project area parcels in multiple offerings over time will mitigate "flooding" the market, the two-year appraisal requirement must still be followed.

Project research and development includes consideration of economic factors utilizing market data and project development costs compiled by DNR DMLW staff, to evaluate the economic feasibility of a project. Since it commonly takes several years for the project development process, *AS 38.05.840* ensures the current market conditions are addressed in order to obtain a realistic minimum bid or purchase price for the sale of State land.

VII. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from December 28, 2018 through January 30, 2019. Information and comments received post agency review led to further research and revision of the proposed action. Consequently, an updated agency review was conducted from February 22, 2019 through March 11, 2019. Comments pertinent to this proposed action received during these agency reviews have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

DNR DMLW LSS received brief comments of non-objection from the following agencies: DNR Division of Oil and Gas; DNR Division of Parks and Outdoor Recreation (Operations) and Office of History and Archaeology; Department of Transportation & Public Facilities; Alaska Department of Fish and Game (ADF&G); and Department of Environmental Conservation.

DNR DMLW LSS Response: LSS appreciates your review of the proposal.

Division of Geological & Geophysical Surveys (DGGS) Comment: DGGS provided information on area soils. The proposed subdivision is not in close proximity to known active faults, but the region's overall seismic hazard potential is high. Standard best building practices should be used to accommodate the regional seismic hazard. Coastal bluffs are subject to erosion and collapse. Appropriate building setbacks should be established to mitigate the hazard to development. Land use for commercial placer gold or lead mineral is not a concern. Ongoing oil and gas activities will likely continue for the general area for many years. No surface exposure of coal-bearing strata is in the immediate vicinity.

DNR DMLW LSS Response: The review and information submitted are greatly appreciated and will be considered in the development and design of this project. LSS

intends to reserve a building setback on the coastal bluff, extending to 100-feet landward from the top edge of the bluff.

DNR Division of Forestry (DOF) Comment: Recent spruce bark beetle activity in the vicinity has resulted in mortality of most white spruce over eight inches in diameter. Two recommendations were submitted. 1) So that all lots can easily be accessed by fire-fighting equipment, DOF recommended that subdivision ROW be constructed prior to selling. 2) If viable, DOF recommended that DMLW conduct a sanitation and salvage commercial timber sale to remove dead, dying, and spruce beetle-susceptible white spruce.

DNR DMLW LSS Response: LSS is considering plans to construct an internal subdivision ROW if feasible. LSS is communicating with DOF on the possibility of conducting the recommended timber salvage harvest prior to offering. Offering materials include information regarding wildland fire prevention and potential landowners are encouraged to follow *Firewise Alaska* recommendations.

DNR State Pipeline Coordinator's Section (SPCS) Comment: The proposed project overlaps the AS 38.35 Nikiski Alaska Pipeline ROW Lease, ADL 69354. SPCS requested DNR DMLW LSS:

- Retain the Nikiski Alaska Pipeline ROW Lease in State ownership and exclude any future conveyance (not made subject to);
- Coordinate current effort to potentially widen to 30 feet the ROW lease to accommodate routine pipeline operations and maintenance activities;
- Continue and maintain the 300-foot utility corridor in the adjacent Gray Cliff Subdivision;
- Provide SPCS with decisions and public notices in the future;
- Include SPCS in the review of the survey; and
- Consult with Tesoro Alaska Pipeline Company during the design phase of the subdivision for access roads over the pipeline.

DNR DMLW LSS Response: The current widening of the pipeline lease ROW will be considered in the subdivision design; LSS intends to retain a 300-foot corridor to coincide and match to the adjoining Gray Cliff Subdivision, and the Nikiski Alaska Pipeline ROW Lease will be retained in State ownership within this corridor. LSS will continue to coordinate with SPCS and Tesoro Alaska Pipeline Company. LSS proposes to design the subdivision with no more than two platted ROW crossings of the pipeline corridor to the east.

The following agencies or groups were included in the agency review, but no comment was received:

- Department of Natural Resources;
 - Mental Health Trust Land Office;
 - Office of Project Management and Permitting;
- Department of Commerce, Community, and Economic Development;
- Alaska Railroad;
- University of Alaska;
- Alaska Association of Conservation Districts; and
- Kenai Soil and Water Conservation District

VIII. Submittal of Public Comments

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

Pursuant to *AS 38.05.945 Notice*, DNR is issuing public notice inviting comment on this Preliminary Decision, draft area plan amendment, draft land classification order, and draft mineral order.

In accordance with *AS 38.05.946 (a) Hearings*, a municipality or corporation entitled to receive notice under *AS 38.05.945 (c)* may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LSS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision, draft area plan amendment, draft land classification order, or draft mineral order, 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, draft area plan amendment, draft land classification order, and draft mineral order including any deletions, minor changes, and summary of comments and LSS responses will be issued as a subsequent Final Finding and Decision, KAP Amendment No. SC-99-002A14, Land Classification Order CL SC-99-002A14, and Mineral Order 1215 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 DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision, KAP Amendment No. SC-99-002A14, Land Classification Order CL SC-99-002A14, and Mineral Order 1215. Upon approval and issuance of these actions 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 request for reconsideration process to any party who provides timely written comment.

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

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
5:00 PM, THURSDAY, MARCH 26, 2020**

IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 25 parcels varying in size no smaller than nominal 5 acres each and offer those parcels for sale. The

development and offering of these parcels may be completed in multiple stages. This proposal includes the amendment to the KAP, land classification order, and mineral order.

Alternative 2: Do not subdivide the project area prior to offering. Offer the project area as a single, 229-acre parcel.

Alternative 3: (No Action) Do not offer this project area for private ownership. Retain the land in State ownership.

Article VIII, Section 1 of the Alaska Constitution 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." Furthermore, *AS 38.05.045 Generally* has placed this charge with DNR, and the legislature has provided funding to administer the land sale program.

Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute and maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. This proposal, if approved in a subsequent Final Finding and Decision, will allow DNR DMLW to create and design a subdivision which will provide for the best use and development of the land and financial return to the State. Alternative 1 provides the greatest opportunity for more Alaskans to purchase land within this area. Due to the unique amenities and near-by recreation area, improved access, location relative to the communities of Nikiski and Kenai, and the proximity to existing residential private property, the project area is best suited to subdivision prior to offering. Alternative 1 is preferred.

The related actions are necessary to allow for the offering of the project area. The primary action and related actions are dependent upon one another, and if DNR DMLW does not approve the project, the related actions will not be processed.

Alternative 2 does not maximize public interest and financial return to the State. Offering the project area as a single parcel would limit the offering to only one purchaser, deny many Alaskans the opportunity to purchase land in this desirable area, and would not allow for a subdivision design which maximizes use of the area and provides for the reservation of existing interests and public resources. 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, statutory, and legislative goals. Not offering the project area would deny many Alaskans the opportunity to obtain land in an area that is suited to settlement and consistent with the surrounding development.

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

Recommendation follows.

X. Recommendation

This Preliminary Decision for the proposed disposal of State lands, KAP Amendment No. SC-99-002A14, Land Classification Order CL SC-99-002A14, and Mineral Order 1215 described throughout this document and its attachments are consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative because it provides the maximum opportunity for offering State land to the public and helps meet the mission of the land sales program. The Preliminary Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of State lands, KAP Amendment No. SC-99-002A14, Land Classification Order CL SC-99-002A14, and Mineral Order 1215. If the decision is approved, KAP Amendment No. SC-99-002A14, Land Classification Order SC-99-002A14, and Mineral Order 1215 will accompany and precede any Final Finding and Decision issued.

[signature on file]

Prepared by: Daniela Fawcett
Natural Resource Specialist II
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

February 20, 2020

Date

[signature on file]

Approved by: Timothy Shilling
Natural Resource Manager
Land Sales Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

February 20, 2020

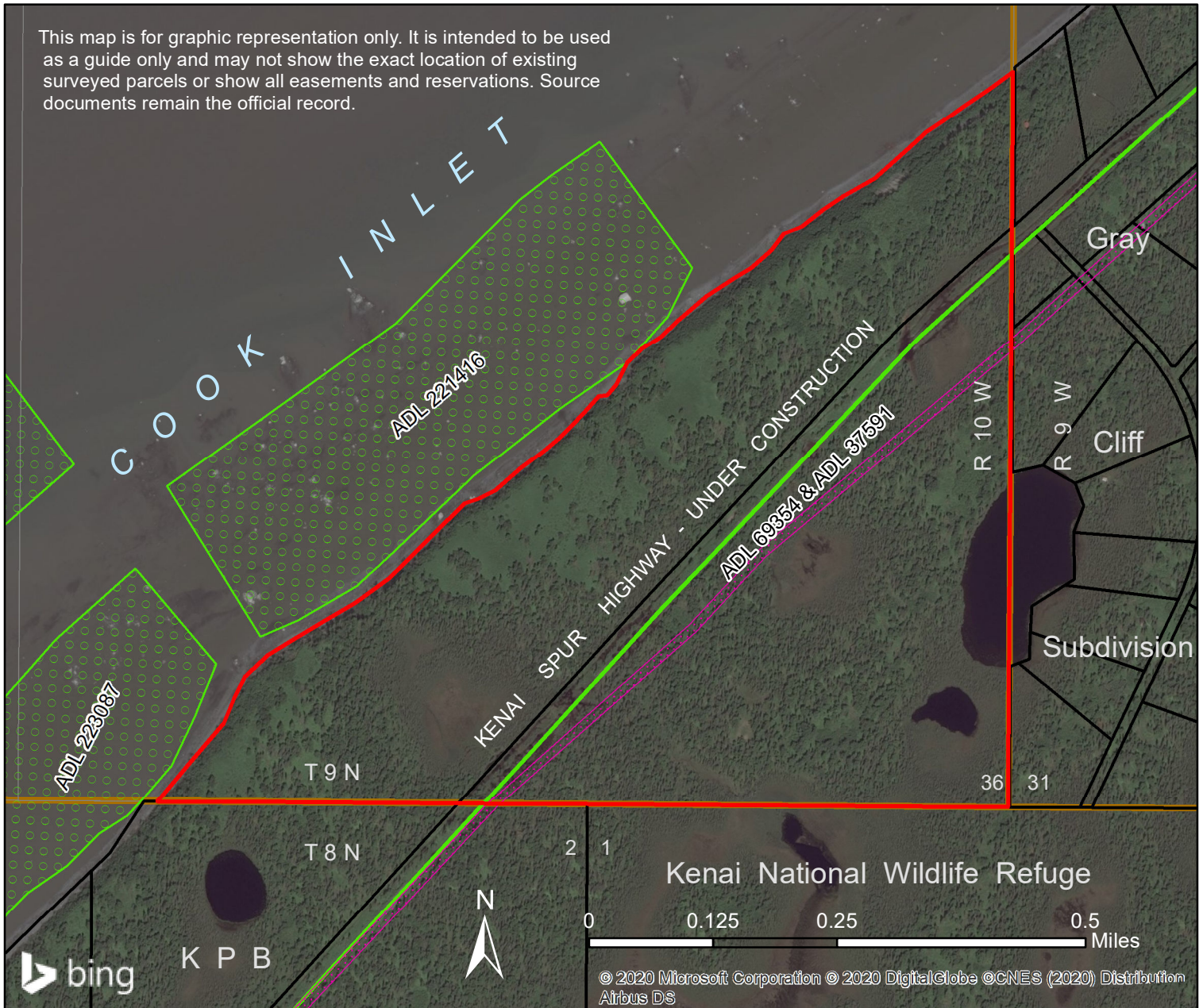
Date



Captain Cook North Subdivision ADL 233106

Attachment A - Vicinity Map Proposed State Land Offering in the Kenai Peninsula Borough

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 existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



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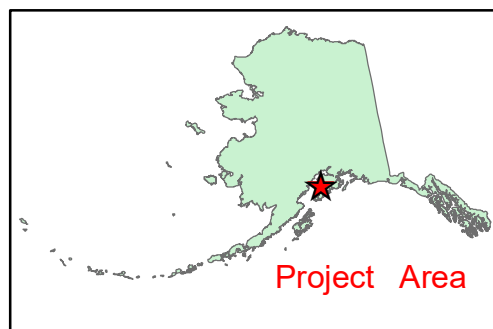
Legend

- Project Area
- Easement
- Permit or Lease

**Government lots 1, 2, 3, NE1/4SE1/4,
and S1/2SE1/4 of Section 36,
Township 9 North, Range 10 West,
Seward Meridian**

JWT 11/15/2018

USGS QUAD 1:63,360
KENAI (D-3) Quadrangle
For more information contact:
Daniela Fawcett
Department of Natural Resources
Division of Mining, Land, and Water
Land Sales Section
Phone 907.269.5639
Fax 907.269.8916
Email: land.development@alaska.gov



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

ATTACHMENT B: AREA DATA SUMMARY TABLE

to the
Preliminary Decision

for a
**Proposed Land Offering in the Kenai Peninsula Borough
Captain Cook North Subdivision – ADL 233106**

Offering Information	
Proposed Number of Parcels	Up to 25 parcels
Proposed Parcel Size	No smaller than nominal 5-acres
Proposed Related Actions	Amendment to the KAP Land classification order Mineral order (closing)
Project Area	
Location	Within DNR's Southcentral Region, approximately 1.5 miles north of Captain Cook State Recreation Area and approximately 30 miles north of Kenai
Project Area Acreage	Approximately 229 acres, approximately 145 acres proposed for disposal
USGS Topography Map	USGS Quad Kenai (D-3)
Legal Description	Government lots 1, 2, 3, NE1/4SE1/4, and S1/2SE1/4 of section 36, Township 9 North, Range 10 West, Seward Meridian
Title	Patented State-owned land, Patent 50-65-0414
Area Plan and Classification	Kenai Area Plan (KAP) (adopted 2000), Management Unit 164A and Unit 164B/Region 5. Lands are classified Public Recreation land and Settlement land respectively.
Mineral Orders	None. Project area will be closed to mineral entry prior to offering.
Physical Characteristics	
Access	Via Kenai Spur Highway, through and beyond project area. Access to internal parcels via platted subdivision ROW.
Terrain and Major Features	Nearly level to slightly undulating terrain, approximately 100-125 feet elevation. There is a steep bluff in northeast portion of the project area along Cook Inlet.
View	Heavy forest prevents view of Cook Inlet and mountains westward and to the east.

Soils	Soils within more than 2/3 of the project area generally consist of moderately decomposed plant material, silt loam, and gravelly sandy loam, mostly well-drained but occasionally poorly drained. About half of these soils are Class III non-irrigated land capability class soils, and potentially suitable for agriculture. The remaining approximately 1/3 of the project area contains steep cliffs/coastal bluff, poorly drained peat, muck, and silt loam soils ranging to wetland complex and small freshwater ponds.
Wetlands	Wetlands exist within scattered portions of the project area, mainly along the mid-bluff and around the east and south boundaries. Certain portions, mainly west of the Kenai Spur Highway, will be retained in State ownership. Some parcels on both sides of the highway will likely contain wetland segments. The US Army Corps of Engineers may require a permit for dredging or filling of wetlands.
Vegetation	Area is covered in mature growth of mixed spruce and birch, with willow, alder, and some aspen and cottonwood; Devil's Club, blueberries, and low shrub and muskeg type plants are common. No evidence of recent wildfire was observed in the project area.
Water Source	Well or hauled water. Water quality is unknown. There are no water reservations in near vicinity of the project area.
Anadromous Waters	None
Local Management Information	
Fire Protection	Full Fire Management Option. The project area is in the Nikiski Fire Service Area. The Division of Forestry has noted increased wildfire risk due to beetle-killed spruce.
Game Management Unit	15A
Local Authority	The Kenai Peninsula Borough exercises authority for planning, platting, taxes, and zoning for the project area.
Flood Zone	Flood Insurance Rate Maps are not available for the project area; map panel number 0200121375A, 5/19/1981 (not printed).
Utilities	None
Waste Disposal	The KPB maintains transfer facilities or sites at Nikiski and Kenai to handle solid waste disposal. All on-site wastewater disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
Setbacks, Reserved Areas, Easements, and Conditions	
Building Setbacks	Parcels are subject to a vegetated building setback on the coastal bluff, extending to 100-foot landward from the top edge of the coastal bluff, and a 50-foot building setback from OHW of water bodies determined to be public or navigable. Water-dependent structures may be allowed within the building setback.

Public Access and Utility Easements	<p>Parcels may be subject to the following:</p> <ul style="list-style-type: none"> • public access easements; • utility easements; • a 50-foot-wide section line easement on each side of surveyed or protracted section lines on State-owned land in accordance with <i>AS 19.10.010 Dedication of Land for Public Highways</i> and <i>11 AAC 51.025 Section-line Easements</i>; section-line easements may be vacated under <i>AS 19.30.410 Vacation of Rights-of-Way</i> and <i>11 AAC 51.065 Vacation of Easements</i> as part of the subdivision development; • a 50-foot continuous easement upland from the OHW or MHW of public or navigable water bodies in accordance with <i>AS 38.05.127 Access To Navigable or Public Water</i>; • a 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument; • additional reservations and/or restrictions required or accepted through the local platting authority;
Retained Lands	Some portions of the project area, primarily northeast of the Kenai Spur Highway will be retained for public use, habitat, and wildlife corridor as recommended in the KAP.
Public or Navigable Water Bodies	Cook Inlet and the unnamed lake on east boundary with Gray Cliff Subdivision. If additional water bodies are deemed public or navigable within the project area prior to platting, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.
Additional Information	
Native Regional Corporations	Cook Inlet Regional Corporation (CIRI)
Villages and Tribal Councils	The villages of Kenai, Salamatof, and Tyonek are within 25 miles of this proposed action, and notice will be sent to the following village corporations: Kenai Native Association, Inc; Salamatof Native Association, Inc.; and Tyonek Native Corporation. Notice will also be sent to the following Traditional Councils: Kenaitze Indian Tribe; Village of Salamatof; and Native Village of Tyonek.
Oil and Gas Activity	No known oil and gas leases within the project area. There is an <i>AS 38.35 Pipeline Right-of-Way (ROW) Lease, ADL 69354</i> ; the proposed subdivision project area overlaps the Nikiski Alaska Pipeline ROW. LSS will coordinate with SPCS and design the subdivision and access to be compatible with all easements.
Mining Activity	None known.

Comments	<p>SPCS is working with Nikiski Alaska Pipeline lessee to potentially widen to 30' the ROW lease to accommodate the lessee's routine pipeline operations and maintenance activities. DNR will consult and coordinate with SPCS and Tesoro Alaska Pipeline Company during the design phase of the subdivision for access roads over the pipeline.</p> <p>Spruce bark beetle mortality is widespread throughout the Kenai Peninsula including the project area. LSS is working with DOF on a possible salvage timber harvest prior to offering.</p>
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STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, & WATER
LAND SALES SECTION

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
Captain Cook North Subdivision – ADL 233106

COMMENT PERIOD ENDS 5:00PM, THURSDAY, MARCH 26, 2020

This 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 multiple offerings over time.

Location: Located within DNR's Southcentral Region, 1.5 miles north of Captain Cook State Recreation Area and approximately 30 miles north of Kenai

Project size: ~ approximately 229 acres; approximately 145 acres are identified for disposal by this proposed action

Proposed Offering: up to 25 parcels, no smaller than 5-acres.

To obtain the notice, Preliminary Decision, Mineral Order, or instructions on submitting comment, go to <http://landsales.alaska.gov/> 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, Fairbanks at 907-451-2705, or the Southeast Land Office in Juneau at 907-465-3400 (TTY for all locations: 711 for Alaska relay or 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, Wednesday, March 11, 2020.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on either the Preliminary Decision, or Mineral Order 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 5:00PM, THURSDAY DAY, MARCH 26, 2020.** Only persons from whom DNR DMLW LSS 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 Daniela Fawcett, 550 W. 7th Avenue, Suite 640, Anchorage, AK 99501. fax # 907-269-8916, land.development@alaska.gov. If you have questions, call Daniela Fawcett at 907-269-5639.

If no significant change is required, the Preliminary Decision and related action including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision, and Mineral Order 1215, 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.