

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

PRELIMINARY DECISION

One Thousand Skies II Subdivision – ADL 233295

Proposed Land Offering in the Matanuska-Susitna Borough

AS 38.05.035 (e), AS 38.05.045

RELATED ACTIONS:

Proposed Amendment to the Susitna Matanuska 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, WEDNESDAY, OCTOBER 14, 2020

I. Proposed Actions

Preliminary Decision: One Thousand Skies II Subdivision - ADL 233295

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

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

Draft Amendment to the Susitna Matanuska Area Plan SC-09-002A02

Draft Land Classification Order CL SC-09-002A02

Draft Mineral Order (Closing) MO 1218

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 Conveyance Section (LCS) 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 7 miles east of Eureka Roadhouse and approximately 8 miles west of Nelchina, south of the Glenn Highway, milepost 135, the project area is within Sections 2, 3, 10, 11, 12, 13, 14 and 15, Township 2 North, Range 10 West, Copper River Meridian, within the Matanuska-Susitna Borough (MSB). The project area consists of approximately 2420 acres, of which approximately 1,400 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 action, for the purposes of providing land for settlement, DNR proposes to sell land within the One Thousand Skies II project area. In order to offer these lands for sale, if approved and deemed feasible, DNR

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 2 of 21

may develop a subdivision of no more than 160 parcels no smaller than nominal 5 acres. This proposed project area is located within the MSB 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.

If this proposed primary action is approved, the actual area offered for sale may consist of all or only a portion of the overall project area. After consideration of public comment, the size and boundaries of the 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: The related actions will be developed separately, however; public notice is being conducted concurrently.

Area Plan Amendment: DNR proposes to amend the Susitna Matanuska Area Plan (SMAP, adopted 2011) to change the designation of approximately 220-acres within unit G-20 from Public Recreation Dispersed (Rd) and Habitat (Ha) Use to Settlement (Se). 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 within unit G-20, in a Land Classification Order, from Public Recreation Land and Wildlife Habitat 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 or mining activity 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.

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 3 of 21

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 and special exceptions to area plans, land classifications, and mineral orders.

IV. Administrative Record

The project file, One Thousand Skies II Subdivision - ADL 233295, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- *Susitna Matanuska Area Plan for State Lands (SMAP, adopted 2011)* and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan* (January 2020 Review);
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *1979 Exploratory Soil Survey of Alaska*;
- *MSB Comprehensive Plan 2005 Update*;
- *MSB Recreational Trails Plan (2000 through 2010)*; and
- DNR case files referenced in project file including ADL 229494, One Thousand Skies Subdivision.

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 related actions 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.

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 4 of 21

VI. Description

Location: Within DNR's Southcentral Region, approximately 7 miles east of Eureka Roadhouse and approximately 8 miles west of Nelchina, south of the Glenn Highway, milepost 135. See *Attachment A: Vicinity Map and Attachment B: Area Data Summary Table* for additional information.

Platting Authority: The project area is within the MSB and subject to the borough's platting authority.

Native Regional and Village Corporations: The project area is within the boundaries of the Ahtna Regional Corporation and notification will be sent to them. There are no villages located within 25 miles of the project area. Because of native land ownership along the Glenn Highway west of the project, notification will be sent to Cook Inlet Region Corporation (CIRI), Chickaloon Moose Creek Native Association and to Chickaloon Village Traditional Council.

Legal Description of the Primary Action and the Mineral Order:

Township 2 North, Range 10 West, Copper River Meridian,
Section 2 government lots 1, 2, 3, 4, S $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 3 South +/- 1710 feet of the East 990 feet,
Section 10 East 990 feet,
Section 11 in its entirety,
Section 13 N $\frac{1}{2}$,
Section 14 N $\frac{1}{2}$, and
Section 15 East 990 feet of the NE $\frac{1}{4}$,
all according to the plat accepted by the United States Department of the Interior,
Bureau of Land Management on June 8, 1989,

Township 2 North, Range 10 West, Copper River Meridian,
That part of Tract B Located in the W $\frac{1}{2}$ of Section, 12, according to Alaska State Land Survey No. 2018-11, One Thousand Skies-Sunrise Subdivision, recorded as plat 2020-7 in the Chitina Recording District, on July 24, 2020.

All containing approximately 2420-acres more or less, as depicted on the attached map.

Legal Description of the Area Plan Amendment and Land Classification Order:

Township 2 North, Range 10 West, Copper River Meridian,
Section 3 South +/- 1710 feet of the East 990 feet,
Section 10 East 990 feet, and
Section 15 East 990 feet of the NE $\frac{1}{4}$,
All containing approximately 220-acres.

Title: Information from Title Report No. 20748, current as of January 28, 2020 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 50-89-0654, dated September 13, 1989. The applicable State case file is GS-2039. The project area is subject to the reservations, easements and exceptions contained in the federal patent. Additionally, the project area is subject to an easement and right-of-way to operate, maintain, repair, and patrol an overhead open wire and underground communication line or lines, and appurtenances there to, in, on, over, and across a strip of

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 5 of 21

land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of the Alaska Communications System's open wire or pole line and/or buried communication cableline, conveyed to RCA Alaska Communications, Inc., by Easement Deed effective January 10, 1971, AA-6188, pursuant to the Alaska Communications Disposal Act of November 14, 1967, 81 Stat. 441, 40 U.S.C. 771, et seq and to a right-of-way, A-062297, for a fifty (50) foot power transmission line for the Copper Valley Electric Association, under the Act of October 21, 1976, 90 Stat. 2743.

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.

The Bureau of Land Management has determined that there are no waters determined navigable within the project area.

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

Physical Characteristics and Hazards: Information about the project area is based on internal research, information received during agency review, the design of the adjoining One Thousand Skies Subdivision (ADL 229494) and ground and/or aerial field inspections conducted in July 2005, April 2009, October 2009, and July 24-25, 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

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 6 of 21

parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

Soils: USDA Natural Resource Conservation Service, Exploratory Soil Survey of Alaska, Issued 1979, showed soils within the project area generally consist of very gravelly soils in hilly to steep areas with more loamy soils on nearly level to rolling terrain. Poorly drained sites are commonly associated with varying degrees of permafrost lenses which may be less than 20 inches below the surface mat. Solifluction lobes are common in such areas in valleys and on long foot slopes. Very gravelly, well drained soils on hilly terrain normally do not contain ice lenses. Known soil concerns will influence the project's design and feasibility and such features will be described in the project file and offering materials where relevant. See also Division of Geological and Geophysical Surveys (DGGS) comments under *Geologic Hazards* below.

Wetlands: US Fish and Wildlife Service, National Wetlands Inventory map shows a small area of Freshwater Emergent Wetlands within the far northwest project area as well as tiny delineations in the southwest sector. October 2013 OHA field notes stated the majority of the land-cover within the project area consisted mostly of herbaceous wetlands. These are areas where perennial herbaceous vegetation accounts for greater than 80% of vegetative cover, and the soil or substrate is periodically saturated with or covered with water. In general, the soils were poorly drained, and even on the upland ridges, pools of water were observed in natural depressions. There is a broad, open area that occupies a wide, north-to-south, lowland swath through the center of the overall project area. DNR will reserve in State ownership this approximately 1000 acres as a habitat and wildlife corridor.

Geologic Hazards: According to information provided by DNR, Division of Geological and Geophysical Surveys (DGGS), the project area is located approximately 50 miles from the Susitna section of the Castle Mountain fault and 120 miles from the West Muldrow-Elsek section of the Denali fault. Standard best building practices should be used to accommodate the regional seismic hazard. The proposed subdivision is underlain primarily by glacial ground moraine consisting of compact, poorly sorted gravel, sand, and silt with fair to poor drainage. These deposits are difficult to excavate when frozen and moderately difficult where unfrozen because of boulders and compaction of materials. There is also potential for discontinuous, ice-rich permafrost to be present in area soils. This means that 50-90 percent of the ground surface in the region is underlain by perennially frozen ground/permafrost. Although variable, permafrost in upper layers has a greater likelihood of ground settling upon thawing occurring in finer grained sediments and peaty deposits. Appropriate engineering and construction practices may mitigate these foundation conditions. Thaw lakes and slumps may be present in areas of degrading permafrost. 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 July 2019 field inspection and other research, fire risk in the area is likely high. However, no evidence of recent wildland fire within the project area was observed. Division of Forestry fire history indicates that several fires have occurred in the vicinity over the years since 1951. The two most recent fires were in 1986; the 133 Glenn fire had an estimated 0.1 acres burned, and the

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 7 of 21

Nelchina Farms fire covered an estimated 6 acres. The Eureka fire in 1967 listed 0 acres, specific cause: smoking. The 1951 Tyone Fire, northward near the Little Nelchina River, burned an estimated 6,500 acres. Several other fires in the general highway region were listed over the years since 1940. The project area is not within any MSB Fire Service Area.

Potential for wildland fire is high in the region during dry or windy periods. 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: There is no Flood Insurance Rate Map available for the project area. There may be 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. Information from 3 vicinity well logs indicate that well depths in the vicinity typically range from 22 to 63 feet with well pumping 1+ to 10 gallons per minute. Water quality is unknown.

Background: Remote staking occurred throughout the 1980s and into early 1990s in sections east of the project area. This One Thousand Skies II project area was part of a 2006 proposal named Eureka-Nelchina. That proposal planned to offer 9,440 acres of settlement designated lands with a net disposal area of 1,585 acres and 75 to 150 parcels ranging in size from 10 to 20 acres. The 9,440-acre settlement area was previously listed in the Susitna Area Plan as Gunsight Mountain, Management Unit 11a and became Management Unit G-21 under the Susitna Matanuska Area Plan (SMAP). Pursuant to a 2005 field inspection, staff noted that overall, the project offers a lot of good land in a decent location. LCS believes that in working with the MSB, we should be able to offer a great recreational subdivision with outstanding success. Due to the size of the project area, LCS believes a phased subdivision development is appropriate. In an effort to offer the settlement area in phased offerings, the project was renamed in 2009 to One Thousand Skies, and the project area was reduced from 9,440 acres to 3,751 acres, with approximately half of that being considered potentially appropriate for some type of subdivision development. In 2012 the Matanuska-Susitna Borough replaced their Title 27 with Title 43 which allowed subdivisions outside of a road service area to be

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 8 of 21

constructed with pioneer standard roads which made the proposed project area more viable. Public notice was conducted in 2013, with a Preliminary Decision dated March 26, 2013. Pursuant to public comment LCS reduced the project area to Section 1 and the E1/2 of Section 12. See *Attachment A: Vicinity Map* for a depiction of the project areas. A Final Finding and Decision dated January 14, 2016 approved the offering of the reduced project area and authorized a subdivision of no more than 60 parcels no smaller than 5 acres, with retention of larger tracts. DNR entered into a design build contract with a road builder to construct a pioneer standard road in sections 1 and 12. DNR then surveyed parcels along the road for sale. Based upon the successful construction of the pioneer standard road for One Thousand Skies Subdivision and the fact that the adjacent area is designated settlement lands, LCS is now ready to move forward with the next project in this settlement area to include the area excluded from the adjoining One Thousand Skies Subdivision. To address previous public comments regarding the size of the project area, access to the lands south of the project area and a wildlife corridor between the Glenn Highway and lands south of the project area DNR proposes to exclude the S1/2 of Sections 13 and 14 from this phase and to retain approximately 1000 acres as a habitat and wildlife corridor within sections 2, 11, 12 and 14. Existing trail access will be retained and/or rerouted to the pioneer roads that will be constructed through sections 2 and 11.

The project area for the second phase, One Thousand Skies II Subdivision, includes a portion of land north of the Glenn Highway due to MSB platting requirements, but that portion north of the Glenn Highway is not part of the proposed disposal area. US Survey 5634, a private 80-acre parcel, also straddles the highway and is excluded from this proposed project. The south half of sections 13 and 14 and the remainder of the settlement land (SMAP Unit G-21) south of the project area will be retained.

Most of the area within the One Thousand Skies II Subdivision was included in the original proposal for the One Thousand Skies Subdivision ADL 229494. During a July 24-25, 2019 field inspection, a strip of land approximately 220 acres in size located along the western edge of the project area, in sections 3, 10 and 15, was identified as being suitable for settlement. This strip of land is currently designated in the SMAP as Public Recreation-Dispersed (Rd) and Habitat (Ha), which is also classified as Public Recreation Land and Habitat Land. LCS proposed to change the designation and classification of these 220 acres to Settlement (Se). The addition of these 220-acres will allow LCS to route access in an appropriate location with subdivision parcels on both sides of the road, reducing the development cost per parcel.

In the initial agency review in April 2019 LCS proposed to reclassify 1000 acres within the project area as Rd and Ha to address access and wildlife habitat concerns. Area plans by virtue of their size are almost always rough and approximate, and it is expected that authorizations within management units can be fine-tuned based upon a more site-specific evaluation. Therefore after consulting with the DMLW Resource Assessment and Development Section (RADS) it was determined that it would not be necessary to reclassify the 1000 acres as Rd and Ha because subdivision design will take into account the consultation from the Department of Fish and Game (ADF&G) and will tract out and reserve a wildlife movement corridor within the area designated settlement. Due to the addition of land to the project area an additional Agency Review was conducted from October 4, 2019 through October 22, 2019.

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 9 of 21

ADL 230669 is a private easement (in interim authorization status) for Alascom, Inc., crossing Section 2 south of the highway. Copper Valley Electric Association (CVEA) power runs west along the Glenn Highway through the northern portion of the project area (A-062297). Subdivision development design will take these into consideration and no conflict is anticipated.

The project area appears to have been used for general public use, ATV and snowmachine access, and hunting in accordance with *11 AAC 96.020, Generally Allowed Uses (GAU) on State Land*. There are no recognized RS2477 trails within the project area. Other than the adjoining subdivision to the east, the project is surrounded by other state lands that remain available for GAU. Existing trail access will be incorporated into subdivision design and/or rerouted to the pioneer roads that will be constructed through sections 2 and 11.

Because of the limitations imposed by the underlying soils, permafrost, topography, and density of development in the area, DNR believes that parcels over 5-acres in size are appropriate so that future owners have sufficient developable area within each parcel. DNR also believes that larger parcels, such as nominal 5 to 10-acres in size, will appeal to many potential bidders interested in this rural location and will optimize revenue return to the state.

Field Inspection of July 24-25, 2019 confirmed the desirable nature of this proposed subdivision. Access via a state highway, potentially constructed subdivision roads, superb vistas and views, near-by power, and an abundance of surrounding recreational opportunities make this popular area very attractive for this proposed land sale offering. It also promises to generate good revenue for the State.

Planning and Classification: The general management intent of the area plan, management units G-20 and G-21 were reviewed for consistency with the proposed offering. The project area is almost entirely within the Susitna Matanuska Area Plan (SMAP, adopted 2011), Glenn Highway Region, Unit G-21. Lands within this unit are currently designated Settlement, and classified Settlement Land under Land Classification Order No. SC-09-002. The project area consists of only a portion of this 9,453-acre management unit. DNR proposes to change approximately 220 acres of adjoining Unit G-20 (currently designated Public Recreation – Dispersed (Rd) and Habitat (Ha) and classified Public Recreation Land and Wildlife Habitat Land) to Settlement designation and classification.

Unit G-20 Considerations: Unit G-20 covers 142,436 acres as listed in the SMAP resource table. This large unit already includes airstrips, highway, material sites, mining claims, lodges, guide services, communication towers, conditional right of way issued to the Alaska Natural Gas Development Authority, and multiple RS2477 trails. The unit is to be managed for recreation and habitat values. An important focus is to protect the Dall sheep and goat population of the Sheep Mountain Dall Sheep and Mountain Goat Preserve and supporting habitat. Any authorizations must avoid or mitigate impacts to the sheep and goats and their habitat.

The proposed incorporation of approximately 220 acres from Unit G-20 into Unit G-21 through the related actions is not anticipated to cause impacts to wildlife habitat,

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 10 of 21

existing improvements or authorizations, and no comments received during agency review opposed the change in land classification for this area.

Unit G-21 Considerations: Unit is appropriate for land disposal during the planning period. As part of disposal design, carefully evaluate moose winter concentration areas and provide greenspace or movement corridors as necessary; avoid or protect any particularly significant moose concentration areas. Retain a buffer of state land and utilize building setbacks along the Glenn Highway. ADF&G should be consulted to identify and protect public access through these parcels.

The project design will comply with the above management intent considerations including following *11 AAC 53.450(c), Buffer Strips, Reserved Areas, and Public Easements* and *AS 38.05.127* to and along easements related to public waters. ADF&G has been consulted and has offered comments regarding these resources.

Area-wide Considerations: LCS reviewed the area plan's guidelines in Chapter 2 Areawide Land Management Policies. These considerations will be incorporated into the design and development of the project. 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 affecting this proposal are discussed below.

Cultural Resources: Area-wide management guidelines regarding cultural resources provide for identifying, determining significance of cultural resources, protecting, and reporting significant heritage sites. In a 2010 meeting, the MSB discussed that this region is crisscrossed by trails used by Ahtna and Dena'ina and later Euro-Americans. Consequently, the borough requested a thorough cultural resource survey be conducted, and if any cultural resources are found, mitigation factors be incorporated into the subdivision design. DNR Division of Parks and Outdoor Recreation (DPOR), Office of History and Archaeology (OHA) conducted a field cultural resource investigation with a report in 2013 covering portions of sections 1 and 2, and sections 11, 12, 13 and 14. Subdivision design will take into consideration steps to comply with SMAP guidelines and the OHA report. DNR routinely provides information in offering materials to alert the public on the need to report any future findings of cultural resources.

Fish and Wildlife Habitat: Management guidelines apply to all habitat areas throughout the planning area, with an emphasis on Dall Sheep, moose, and caribou seasonal habitats; anadromous streams and high value resident fish streams; and other uses listed in areas designated Habitat where alteration of the habitat and/or human disturbance could result in a permanent loss of a population or sustained yield of a species. LCS has taken into account fish and wildlife habitat in the subdivision design by proposing to retain approximately 1000 acres in state ownership as a wildlife corridor. Subdivision design will also take into account section line easements and "to and along" easements and setbacks for public waterbodies, access to state lands south of the project area, as well as parking and staging areas near the Glenn Highway.

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 11 of 21

Forestry: Management guidelines provide that forest harvest operations conducted on a parcel of state land intended for subdivision development by DNR can precede actual construction. However, these operations must be consistent with the subdivision plan for the parcel and be approved by DMLW prior to commencing operations. The timber present within the project area does not appear marketable, but if marketable timber is found, LCS will consider commercial forestry operations to aid the development of this subdivision project. LCS has consult with Forestry to identify any fire mitigations measures that may be incorporated into subdivision design. FIREWISE and defensible space practices will be promoted in sales and marketing materials and on the land sales website.

Material Sites: Management guidelines provide that generally, if a settlement area contains sand and gravel deposits, rock sources or other similar, high value material resources, a pit area should be identified during subdivision design and retained in state ownership for future use. Although the project area may contain gravel resources, the gravel resource potential has been determined to be minimal, and there are several public and private gravel resources developed within the area. Given the physical conditions of the project area, the development of the surrounding area, and the proximity to other material sources, LCS does not propose to retain a gravel pit.

Settlement: Management guidelines pertaining to settlement include planning and coordination regarding local governments; local plans, and access; protection of life and property; protection of resources such as sensitive areas, habitat, scenic features, and other resources, enhancement of other resources; and design. Management guidelines also provide that design should retain appropriate green belts, public-use corridors, water supply areas, riparian and coastal buffer areas, material sites, roads and other public facilities, as well as other open space to create a desirable land use pattern in developing areas and to protect or maintain important uses and values. This proposal has considered these guidelines as addressed throughout this document.

Shorelands and Stream Corridor: Management guidelines provide for the reservations of easements and retention of State-owned buffers adjacent to waterbodies, and high-value wetlands. There is one public waterbody identified within the project area, and it will be subject to the applicable reservations. Refer to *Access To, Within, and Beyond Project Area* section for more information.

Subsurface Resources: The SMAP recommends closing mineral entry if an area is being considered for disposal for the purposes of settlement or other forms of development that would be inconsistent with mining activity. LCS proposes to close the project area to new mineral entry via MO 1218. Refer to the *Mineral Activity and Order(s)* section for more information.

Public Access: Management guidelines provide that prior to disposal of State lands, DNR will reserve access pursuant to *11 AAC 51.015*. Specific standards for section-line easements are identified in *11 AAC 51.025* and for easements required under *AS 38 05.127*, to and along navigable and public waters, in *11 AAC 51.045*. These sections of the Administrative Code shall be used as the basis for the reservation of

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 12 of 21

public access easements. Existing trails may be altered or located and dedicated. Public access and utility easements may be located within or adjacent to dedicated rights-of-way. Access and utility easements will be reserved in accordance with the SMAP and the MSB code, *Title 43 Subdivisions*.

The proposed offering will be consistent with area-wide land management policies and general management intent of the SMAP 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*. Approximately 220 acres to be added along the west section line of the project area are currently designated Public Recreation – Dispersed /Habitat and classified Public Recreation Land and Wildlife Habitat Land; this addition requires an amendment to the SMAP and a Land Classification Order to make the entire project area available for settlement use 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: The project area within Sections 3, 10 and 15, approximately 220 acres, will be reclassified to Settlement Land (Se) from Public Recreation Land (Rd) and Wildlife Habitat Land (Ha) and included in unit G-21 and designated Settlement.

Land Classification Order: In relation to the area plan amendment, LCS proposes to reclassify 220-acres from Public Recreation and Wildlife Habitat to Settlement.

Mineral Activity and Order(s): The entirety of the project area (approximately 2,420 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 SMAP.

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.

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 13 of 21

Local Planning: The project area is within the MSB 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 MSB Comprehensive plan. Review of that plan did not indicate any conflicts with proposed land disposal. Although the project area is outside of the Glacier View Comprehensive Plan (2008), it is within the Glacier View Special Land Use District (SPUD) (17.19.070). This SPUD requires (17.19.060(1)) obtaining a conditional use permit to install major electrical transmission lines and associated electrical substations. The Glacier View SPUD specifies no prohibited uses. The MSB Recreational Trails Plan, Map #4 includes the project area but does not indicate any identified trails within the project area. The proposed project does not appear to conflict with local planning.

Traditional Use Finding: The project area is located within the Matanuska-Susitna Borough (MSB) 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 from the Glenn Highway, approximately milepost 135. LCS proposes to retain at least one area near the highway in public ownership for a staging area. As development proceeds over time, DNR may consider reserving other lots to serve as staging areas further south within the subdivision boundary. LCS proposes to construct a pioneer standard internal subdivision road running southward from the highway through the development. DNR may eventually construct the ROW to connect with the ROW system of One Thousand Skies Subdivision (ADL 229494) adjoining to the east. Due to funding parameters, initial ROW construction may only reach into the northern to middle portion of the project area. Subdivision design will take into account topography and access to lands beyond the project area and within the project area boundaries.

There is a broad, open area that occupies a contiguous, wide swath through the center of the overall project area reaching north-to-south from the highway to beyond the southern boundary of the proposed subdivision. DNR will retain this approximately 1000-acres as a habitat and wildlife corridor. See *Attachment A: Vicinity Map* for a depiction of the area. Public use will continue to be available to the public on reserved lands as provided in *11 AAC 96.020, Generally Allowed Uses on State Land*.

There are no recognized RS2477 trails within the project area. DNR proposes to vacate portions of section-line easements to optimize parcel development within the proposed subdivision. The internal public ROWs will provide equal or better access. The project area is subject to the platting authority of the MSB but currently is not within an established road service area. 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

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 14 of 21

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*.

An unnamed lake partially located within One Thousand Skies Subdivision (ADL229494) has been determined to be public. Parcels will be subject to access reservations in accordance with *AS 38.05.127 Access to Public or Navigable Water* and a 100-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 SMAP.

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 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.

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 and retained lands 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 of public or navigable water bodies in accordance with *AS 38.05.127 Access To Navigable or Public Water*;

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 15 of 21

- a minimum 100-foot building setback from the OHW 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;
- an approximately 1000-acre area to be retained in State-ownership as a wildlife corridor;
- additional reservations and/or restrictions required 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 inspections conducted on July 2005, April 2009, October 2009 and July 2019, 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 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 Matanuska-Susitna Borough, 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

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 16 of 21

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 (AR) was conducted from March 15, 2019 through April 25, 2019 (April AR) concurrently with other separate, proposed projects. Agency review was also conducted from October 4, 2019 through October 22, 2019 (October AR) because of a change to the project area boundaries. Comments pertinent to this proposed action received during agency review 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 LCS received brief comments of non-objection from the following agencies: DNR Division of Forestry for the April AR; DNR Division of Oil and Gas; DNR Division of Parks and Outdoor Recreation; DNR Division of Agriculture; and DNR State Pipeline Coordinator's Section.

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

Department of Fish and Game (ADF&G) Comment to April AR: ADF&G is in support of retaining a natural corridor through the subdivision. We have no additional fish or wildlife concerns.

DNR DMLW LCS Response: LCS appreciates your review of the proposal and statement of support for retaining the corridor through the subdivision.

Department of Fish and Game (ADF&G) Comment to October AR: ADF&G does not have any objections to this land offering. However, we would like to make the following comments. ADF&G supports the reclassification of 1,000 acres from Settlement to Wildlife Habitat land. DNR should ensure the reservation of section line easements and “to and along” easements for public waterbodies, such as the unnamed lake in Section 12. Additionally, aerial imagery and topographic maps indicate that a trail exists within the project area that extends from the Glenn Highway in Section 1, south through Sections 12 and 13. This trail was previously identified by ADF&G and recommended for reservation during the preliminary platting of Thousand Skies Phase I. The trail provides access to state owned lands to the south of the project area that are likely used for hunting. ADF&G again recommends that the land around this trail either be reserved in state ownership or dedicated as a public access easement during the platting process. The subdivision design process should incorporate any other existing trails as well as the inclusion of parking and staging areas adjacent to the Glenn

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 17 of 21

Highway so that members of the public can continue to access public lands south of this new subdivision.

DNR DMLW LCS Response: LCS appreciates your review of our proposal. Subdivision design will retain in state ownership a 1000-acre wildlife and habitat corridor that runs from the Glenn Highway south through the One Thousand Skies II subdivision. Subdivision design for One Thousand Skies Subdivision has incorporated a pioneer standard road that starts at the Glenn Highway and runs south through section 1 and midway through section 12. Likewise, a pioneer standard road may be constructed through sections 2 and 11 for the One Thousand Skies II subdivision. These roads may eventually be extended over time and may connect to form a loop road. Although subdivision design may include the vacation of some section line easements, equal or better access will be provided, such as through constructed pioneer roads. Existing trails may be incorporated into subdivision design or rerouted to platted subdivision ROWs. 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. Design will also incorporate staging areas for subdivision and recreational use.

DNR Division of Forestry (DOF) Comment to October AR. During the second agency review the Division of Forestry (DOF) stated concerns with this subdivision, relating to fire danger. The predominant black spruce timber has a high likelihood of ignition/burning, and DOF can cite many examples of defending State subdivisions at a high cost and risk to responders. DOF does not support creating subdivisions where the cost of fire suppression could easily exceed the value of the subdivision.

DNR DMLW LCS Response: LCS appreciates your review of our proposal. Pursuant to agency comment, LCS had additional coordination with DOF regarding this proposed subdivision. LCS understands and shares DOF's concerns relating to fire danger. Subdivision design will incorporate FIREWISE concepts when possible. Sales and marketing materials will continue to alert buyers of the dangers of wildfires, encourage implementation of wildfire mitigation measures, provide links to DOF's fire information webpage and encourage obtaining burning permits.

DNR Department of Transportation & Public Facilities (DOT&PF) Comment to October AR. DOT&PF provided comment regarding access to and through the subdivision. DOT&PF appreciates DNR's efforts to ensure that potential buyers know that internal roads will be platted but not constructed. DOT&PF indicated that roads that approach the highway will need to be constructed to DOT&PF standards and that direct access to the highway will not be permitted. DOT&PF supports the placement of a staging area near the highway. DOT&PF encourages DNR to provide more information regarding material sites. DOT&PF suggested that DNR define abbreviations on the vicinity map.

DNR DMLW LCS Response: LCS appreciates your review of our proposal. LCS is proposing to construct a pioneer standard road for access to the subdivision. However, potential purchasers will be informed of any non-constructed access. The approach to the highway will meet DOT&PF standards and LCS is not proposing any direct access to the highway from any individual lots. Staging and parking areas will be designed to provide access to and beyond the project area. DNR will consider how to expand upon

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 18 of 21

and provide more detail on public use material sites in future decision documents and marketing materials.

DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA) Comment to April AR and October AR: OHA referenced the 2013 cultural resource survey and the recommendations in the report.

DNR DMLW LCS Response: LCS appreciates your review of our proposal. Subdivision design will incorporate the recommendations in the report.

DNR Division of Geological and Geophysical Surveys (DGGS) report dated January 28, 2019 referenced engineering geology, mineral resources, energy resources and recommended standard best building practices be used.

DNR DMLW LCS Response: LCS appreciates your review of our proposal.

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

- Department of Environmental Conservation;
- Department of Natural Resources;
 - Mental Health Trust Land Office;
 - Office of Project Management and Permitting; and
- Department of Commerce, Community and Economic Development;
- Alaska Railroad;
- University of Alaska Land Management; and
- Alaska Association of Conservation Districts;
- Copper River Valley 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.

LCS 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.

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 19 of 21

If the proposals are approved and no significant change is required, the Preliminary Decision and draft area plan amendment, draft land classification order, and draft mineral order including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent Final Finding and Decision, Susitna Matanuska Area Plan Amendment No. SC-09-002A02, Land Classification Order CL SC-09-002A02, and Mineral Order 1218 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 LCS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the Final Finding and Decision, Susitna Matanuska Area Plan Amendment No. SC-09-002A02, Land Classification Order CL SC-09-002A02, and Mineral Order 1218. 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 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, WEDNESDAY, OCTOBER 14, 2020

IX. Alternatives and Discussion

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 160 parcels varying in size and offer those parcels for sale. The development and offering of these parcels may be completed in multiple stages. This proposal includes an area plan amendment, a land classification order, and a mineral order.

Alternative 2: (Status Quo) Do not offer this project area for private ownership. Retain the land in State ownership.

Article VIII, Section 1 of the Alaska Constitution states, "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 views and amenities of the area, location relative to year around

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 20 of 21

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

Alternative 2 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.

Preliminary Decision

One Thousand Skies II Subdivision – ADL 233295

Page 21 of 21

X. Recommendation

This Preliminary Decision for the proposed disposal of State lands, Susitna Matanuska Area Plan Amendment No. SC-09-002A02, Land Classification Order CL SC-09-002A02, and Mineral Order 1218 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, Susitna Matanuska Area Plan Amendment No. SC-09-002A02, Land Classification Order CL SC-09-002A02, and Mineral Order 1218. If the decision is approved, Susitna Matanuska Area Plan Amendment No. SC-09-002A02, Land Classification Order CL SC-09-002A02, and Mineral Order 1218 will accompany and precede any Final Finding and Decision issued.

(signature on file)

Prepared by: Terry Hess
Natural Resource Specialist III
Land Conveyance Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

9/2/2020

Date

(signature on file)

Approved by: Tim Shilling
Natural Resources Manager II
Land Conveyance Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

9/2/2020

Date

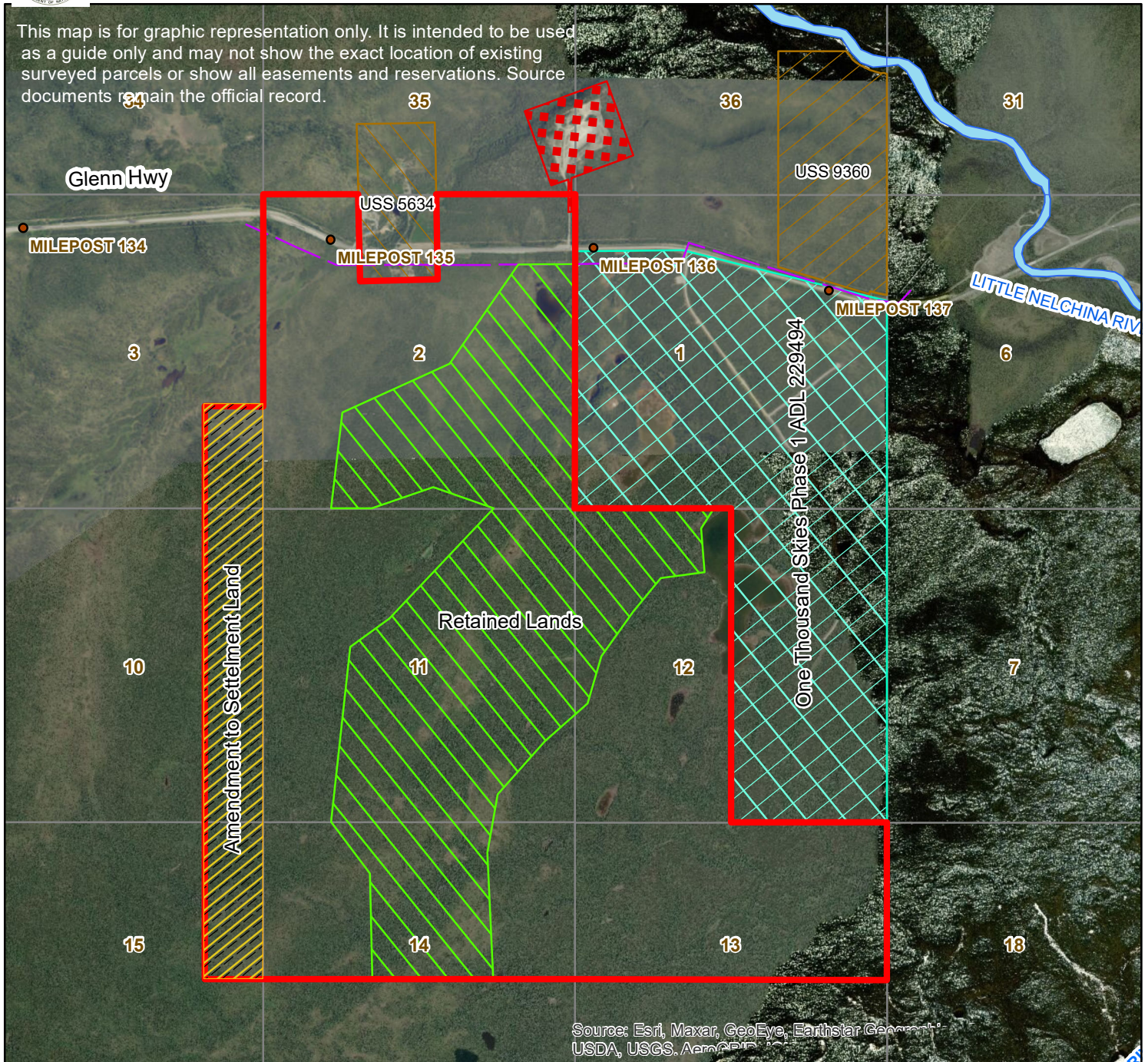


Attachment A - Vicinity Map: One Thousand Skies II Subdivision

for a Proposed Land Offering in the Matanuska-Susitna Borough

ADL 229494

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.



Source: Esri, Maxar, GeoEye, Earthstar, Geoportals, USDA, USGS, AeroGRID, IGN, etc.

dpf 8/31/2020

Legend

- Project Area
- Material Sale
- ADL 230669



Copper River Meridian Township 2 North Range 10 West



USGS Quad 1:63,360
 Valdez D-8
 For more information contact:
 Terry Hess
 Department of Natural Resources
 Division of Mining, Land and Water
 Land Conveyances Section
 Phone 907-269-8591
 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 Matanuska-Susitna Borough
One Thousand Skies II Subdivision– ADL 233295**

Offering Information	
Proposed Number of Parcels	Up to 160 parcels
Proposed Parcel Size	Varying in size, no smaller than nominal 5-acres
Proposed Related Actions	Amendment to the SMAP Land classification order Mineral order (closing)
Project Area	
Location	Approximately 7 miles east of Eureka Roadhouse and approximately 8 miles west of Nelchina, south of the Glenn Highway, milepost 135
Project Area Acreage	Approximately 2420-acres, approximately 1400-acres proposed for development
USGS Topography Map	USGS Quad Valdez D-8
Legal Description	<p>Township 2 North, Range 10 West, Copper River Meridian, Section 2 government lots 1, 2, 3, 4, S½, E½ NE¼, SW¼ NW¼, Section 3 South +/- 1710 feet of the East 990 feet, Section 10 East 990 feet, Section 11 in its entirety, Section 13 N ½, Section 14 N ½, and Section 15 East 990 feet of the NE ¼,</p> <p>Township 2 North, Range 10 West, Copper River Meridian, That part of Tract B Located in the W ½ of Section, 12, according to Alaska State Land Survey No. 2018-11, One Thousand Skies-Sunrise Subdivision, recorded as plat 2020-7 in the Chitina Recording District, on July 24, 2020.</p>
Title	State-owned land, Patent 50-89-0654

Area Data Summary Table

One Thousand Skies II Subdivision, ADL 233295

Page 2 of 4

Area Plan and Classification	<p>Susitna Matanuska Area Plan (SMAP, adopted 2011). That portion of the project area within Sections 2, 11, 12, 13, and 14 is classified Settlement.</p> <p>The South 1710 feet of the East 990 feet Section 3, East 990 feet Section, and East 990 feet NE ¼ Section 15 is classified Public Recreation Land, and Wildlife Habitat Land. LCS proposes to reclassify this approximately 220-acre area from Public Recreation Land and Wildlife Habitat Land to Settlement Land. In addition, LCS proposes to retain approximately 1000 acres within Sections 2, 11, 12, and 14 as a wildlife corridor.</p>
Mineral Orders	None. Project area will be closed to mineral entry prior to offering.
Physical Characteristics	
Access	From the Glenn Highway, approximately at milepost 135. Internal subdivision roads will run southward from the highway through the development. Platted roads may connect to roads within the One Thousand Skies Subdivision (ADL 229494) adjoining to the east.
Terrain and Major Features	Nearly level, gently undulating broad foothill bench on very gravelly soils with mixed areas of open peat-type ground.
View	Excellent view of Chugach Mountain Range to the south and surrounding views of local and distant mountains as terrain permits in all other directions; some parcels may view Nelchina Glacier.
Soils	Soils within the project area generally consist of very gravelly soils in hilly to steep areas with more loamy soils on nearly level to rolling terrain. Poorly drained sites are commonly associated with varying degrees of permafrost lenses which may be less than 20 inches below the surface mat. Solifluction lobes are common in such areas in valleys and on long foot slopes. Very gravelly, well drained soils on hilly terrain normally do not contain ice lenses. Known soil concerns will influence the project's design and feasibility and such features will be described in the project file and offering materials where relevant.
Wetlands	There is a small area of apparent Freshwater Emergent Wetlands within the far northwest part of project area as well as tiny areas in the southwest part of the project area. Dredging or filling of wetlands may require a permit from the US Army Corps of Engineers.
Vegetation	Mainly sedge tussocks, mosses, low shrubs, and scattered forests of black spruce are on poorly drained sites. Very gravelly, well drained sites on hilly terrain support dwarf birch, low shrubs, mosses, grasses, lichens, and patches of stunted white spruce.
Water Source	Information from 3 well logs in the vicinity indicate that well depths in the vicinity typically range from 22 to 63 feet with well pumping 1+ to 10 gallons per minute. Hauled water from distant sources may provide optional supply. Water quality is unknown.
Anadromous Waters	None
Local Management Information	
Fire Protection	Fire Management Option is Full. The project area is not within any MSB Fire Service Area.

Area Data Summary Table

One Thousand Skies II Subdivision, ADL 233295

Page 3 of 4

Game Management Unit	13D
Local Authority	Matanuska-Susitna Borough (MSB) 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.
Utilities	The project area is currently within the Copper Valley Electric Association (CVEA) service area.
Waste Disposal	There are no solid waste disposal facilities in the immediate vicinity. There is a MSB transfer site located at Long Rifle Lodge, approximately 30-miles west of the project area. All on-site waste-water 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 100-foot building setback from the ordinary high water (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	Parcels may be subject to the following: <ul style="list-style-type: none">• public access easement(s);• utility easement(s);• 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 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; and• additional reservations and/or restrictions required through the local platting authority.
Retained Lands	At least one area near the highway will be retained for a staging area. As the subdivision is developed over time, additional staging areas will be considered for reservation further to the south. DNR will retain approximately 1000 acres as a north-south habitat and wildlife corridor located between the project area and One Thousand Skies-Sunrise Subdivision (ADL 229494) adjoining to the east.

Area Data Summary Table

One Thousand Skies II Subdivision, ADL 233295

Page 4 of 4

Public or Navigable Water Bodies	There is a public, unnamed ~ 48-acre lake along the shared boundary with Thousand Skies Subdivision to the east. 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	Ahtna Regional Corporation
Villages and Tribal Councils	There are no Villages or Tribal Councils within 25 miles of the project area. Cook Inlet Regional Inc. (CIRI) and Chickaloon Moose Creek Native Association and Chickaloon Village Traditional Council are beyond 25 miles from the project area but will be sent courtesy notice.
Oil and Gas Activity	None known.
Mining Activity	None known.
Comments	<p>The project area includes a portion of land north of the Glenn Highway. That portion north of the Glenn Highway is not part of the proposed subdivision area and is only included as it is necessary to subdivide it from the remainder of the section south of the Glenn Highway.</p> <p>There is an active State material site (ADL 231455) just north of the highway near the northeast corner of the project boundary.</p> <p>There is an Alascom fiberoptic cable easement running parallel to and just south of the highway across Section 2 that will be depicted and noted on the subdivision plat.</p>

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

ATTACHMENT C: PUBLIC NOTICE

Requesting Input for a Proposed Land Offering:

One Thousand Skies II Subdivision – ADL 233295

COMMENT PERIOD ENDS 5:00PM, WEDNESDAY, OCTOBER 14, 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: approximately 7 miles east of Eureka Roadhouse and approximately 8 miles west of Nelchina, south of the Glenn Highway, at milepost 135.

Project size: approximately 2420-acre project area with 1,400 acres proposed development area

Proposed Offering: up to 160 parcels no smaller than nominal 5 acres

To obtain the notice, Preliminary Decision, Area Plan Amendment, Land Classification Order, 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 the hearing impaired 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, October 7, 2020.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on the Preliminary Decision, Area Plan Amendment, Land Classification Order, 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, WEDNESDAY, OCTOBER 14, 2020.** Only persons from whom DNR DMLW LCS 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 DNR DMLW Land Conveyances Section, 550 W. 7th Ave., Suite 640, Anchorage, AK 99501, fax # 907-269-8916, land.development@alaska.gov. If you have questions, call Terry Hess at 907-269-8591.

If no significant change is required, the Preliminary Decision and related actions, including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision, Area Plan Amendment No. SC-09-002A02, Land Classification Order CL SC-09-002A02, and Mineral Order 1218 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.