

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

**FINAL FINDING AND DECISION**

of a  
Land Offering in the Unorganized Borough  
**Small Lakes Subdivision – ADL 232662**  
*AS 38.05.035(e), AS 38.05.045*

and its  
**RELATED ACTION(S):**  
**None Proposed**

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated September 16, 2020. The PD (attached) has had the required public review.

**I. Recommended Action(s)**

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends offering for sale State-owned land for private ownership within the Small Lakes project area (ADL 232662), as described in the PD. Surveyed parcels will be offered for future sale by a method under *AS 38.05.045 Generally*.

For the purposes of providing land for settlement in the Small Lakes project area, LCS may develop a subdivision of no more than 50 parcels no smaller than 4 acres. This project area is located within the Unorganized Borough and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards. The project may be subdivided and offered in multiple stages.

There are no related actions with this proposal.

**II. Authority**

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

**III. Public Participation and Input**

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment on the PD for the proposed primary action was published and distributed in the following manner:

- Posted under State of Alaska Online Public Notice from 9/16/2020 to 10/28/2020.

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- Posted on DNR Land Sales website from 9/16/2020 to 10/28/2020.
- Mailed to postmasters in Chickaloon, Copper Center, Gakona, Glennallen, Sutton, and Valdez with a request to post for 30 days, per AS 38.05.945(c)(4).
- Mailed to the library in Copper Center, Kenny Lake, Palmer, Sutton, Valdez, and Wasilla with a request to post for 30 days.
- Mailed to the Ahtna Regional Corporation per AS 38.05.945(c)(2)-(3).
- Mailed to landowners in the vicinity of the offering, and 23 interested parties comprised of community organizations, lodges, and campgrounds, along the Glenn Highway, including the Tolsona Fire Department and the Copper Valley Electric Association. Staff made an attempt to locate, through public records, the current addresses of the owners of the original Small Lakes Aliquot Parts offering, 60 letters were mailed to those adjacent landowners. The Native Villages. Of Kluti-Kaah and Tazlina, along with the Village Councils of Gakona, Gulkana, and Tazlina were sent notice.
- Sent notification to area state legislators and to multiple state agencies.
- Notified parties via the DNR Land Sales subscribers lists by email.

The public notice stated that written comments were to be received by 5:00PM, October 28, 2020 in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

Should this project move forward, final subdivision design and survey will be completed by an Alaska licensed surveyor. The Small Lakes Subdivision project is within the Unorganized Borough and outside of any local platting authority. Within an organized borough or local platting authority, platting ordinances typically provide for an additional opportunity for review and comment on proposed platting actions. The scope of such a review is limited and specific to review of the project's adherence to the local platting ordinance, and is the sole prerogative of a political subdivision of the State which establishes platting authority and the applicable ordinances governing such actions.

## IV. Summary of Comments

DNR DMLW LCS received written comments from one individual, and a phone call from a local land owner supporting the proposed project. All written comments received during the public comment period are summarized below.

Individual Comment: An owner of a 20-acre parcel emailed to express concern over the impact additional parcels might have on the limited available parking. They were also under the impression LCS was proposing to make the width of existing easements smaller and also stated that they did not receive notice and heard about the proposal from a neighbor.

DNR DMLW LCS Response: LCS staff emailed the commenter a copy of the Preliminary Decision and let them know that subdivision design intends to provide a parking area along the Old Lake Louise Road. Staff also informed the commenter that although LCS is working in cooperation the Department of Transportation to reduce the width of the Old Lake Louise Road from 200 feet to approximately 60-feet in width, the width of the existing easements would not be changed,. The project area is located in the Unorganized Borough and there is not a database that tracks current landowners. LCS used available public records in an attempt to contact the current owners in the vicinity of the Small Lakes Subdivision project area.

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**V. Traditional Use Findings**

In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a Traditional Use Finding is required for project areas within the Unorganized Borough. This project area is within the Unorganized Borough. As discussed in the PD, there would be an increase in the density of the population in the area. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a possible increase in the various traditional activities which may be practiced by private-property owners. Impacts on existing resource users will be minimized by retaining ADF&G stocked ponds and surrounding adjacent lands in state ownership. Subdivision design will incorporate a staging/parking area along the Old Lake Louise Road.

No conflicts with traditional uses of the land have been discovered. Public review brought forth no new information indicating traditional use conflicts that were not apparent at the PD stage.

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

The recommended action has not been modified from the original proposed action(s) described in the PD.

Recommendation and Approval of the Final Finding and Decision follow.

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**VII. Final Finding and Decision**

The Land Conveyance Section recommends proceeding with the action as described in the Preliminary Decision. This action is undertaken under relevant authorities. Offering these parcels for sale will help meet the State’s goal to provide land for settlement for sale to the public and raise revenue for the State.

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

Signature on file

\_\_\_\_\_  
Recommended by: Timothy Shilling  
Natural Resource Manager  
Land Conveyance Section  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

11/05/2020

\_\_\_\_\_  
Date

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

Signature on file

\_\_\_\_\_  
Approved by: Martin W. Parsons  
Director  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

11/20/20

\_\_\_\_\_  
Date

**Appeal Provision**

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may appeal it, in accordance with *11 AAC 02*. Any appeal must be received within 20 calendar days after the date of “issuance” of this decision, as defined in *11 AAC 02.040(c) and (d)* and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov). Under *11 AAC 02.030*, appeals filed under *11 AAC 02* must be accompanied by the fee established in *11 AAC 05.160(d)(1)(F)*, which has been set at \$200 under the provisions of *11 AAC 05.160 (a) and (b)*.

If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision on the 31<sup>st</sup> calendar day after issuance. An eligible person must first appeal this decision in accordance with *11 AAC 02* before appealing this decision to Superior Court (*11 AAC 02.020 (a) and (b)*). A copy of *11 AAC 02* may be obtained from any regional information office of the Department of Natural Resources.