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

FINAL FINDING AND DECISION

of a
Land Offering in the Matanuska-Susitna Borough
One Thousand Skies II Subdivision – ADL 233295
AS 38.05.035(e), AS 38.05.045

and its
RELATED ACTION(S):
Amendment to the Susitna Matanuska Area Plan SC-09-002A02
AS 38.04.065
Land Classification Order CL SC-09-002A02
AS 38.04.065 and AS 38.05.300
Mineral Order 1218 (Closing)
AS 38.05.185 and AS 38.05.300

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated September 2, 2020. The PD (attached) and related action(s) have 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 One Thousand Skies II project area (ADL 233295), 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 One Thousand Skies II project area, LCS may develop a subdivision of no more than 100 parcels no smaller than nominal 5 acres. This project area is located within the Matanuska-Susitna Borough (MSB) 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 three related actions with this proposal:

Area Plan Amendment: The project area within Sections 3, 10 and 15, Approximately 220 acres, will be reclassified to Settlement Land from Public Recreation Land and Wildlife Habitat Land, and included in unit G-21, and designated Settlement.

Land Classification Order: In relation to the Area Plan Amendment, reclassify the project area within Sections 3, 10 and 15, in a Land Classification Order from Public Recreation Land and Wildlife Habitat Land, to Settlement Land.
Mineral Order: DNR proposes to close the project area to new mineral entry through Mineral Order (MO) 1218.

Public notice for these related actions was conducted concurrently with the notice for the primary action’s PD.

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.

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.

III. Public Participation and Input
Pursuant to AS 38.05.945 Notice, public notice inviting comment on the PD for the proposed primary action and drafts of the related actions were published and distributed in the following manner:

- Posted on DNR Land Sales website from 9/2/2020 to 10/14/2020.
- Notices mailed to the Matanuska-Susitna Borough per AS 38.05.945(c)(1).
- 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 Glennallen, Copper Center, Palmer, Sutton Valdez, and Wasilla with a request to post for 30 days.
- Mailed to the Ahtna Incorporated regional corporation per AS 38.05.945(c)(2)-(3).
- Mailed to landowners in the vicinity of the offering, community councils, and Native villages. Notice was mailed to the 4-landowners adjacent to the project area, fourteen individuals that commented during the One Thousand Skies-Phase I public notice, twenty-three interested parties comprised of lodges, businesses, recreational clubs, associations, and fire departments. Courtesy notices were mailed to the Cook Inlet Region Incorporated, the Chickaloon Moose Creek Native Association and the Chickaloon Village Traditional Council.
- Sent notification to area state legislators and to multiple state agencies.
- Notified parties via the DNR Land Sales subscribers lists by email and the DNR Land Sales Twitter and Facebook accounts.

The public notice stated that written comments were to be received by 5:00PM, October 14, 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 surveyor will submit a platting application including a preliminary plat to the local platting authority prior to survey. This process will be subject to Matanuska-Susitna Borough ordinances and codes. During the process, the public will have opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

Subdivision design will be submitted to the MSB for review in accordance with Title 43 of their Administrative Codes.

Title 43.10.060(A) Platting Board Procedure: “The platting board shall act on an application for preliminary plat … only after holding a public hearing on the application.”

Title 43.10.065 Notice: Public Hearing: This section details the parameters required for public hearing notification by the MSB.

IV. Summary of Comments

DNR DMLW LCS received comments from four private individuals and the Chickaloon Village Traditional Council. All comments received during the public comment period are summarized below.

Chickaloon Village Traditional Council (CVTC) Comment: The CVTC expressed concern about the high potential for cultural resources and cultural heritage sites within the project area. CVTC requested a cultural resources pedestrian survey be developed and conducted in collaboration with Chickaloon Village Traditional Council’s Tribal Historic Preservation Officer. CVTC also expressed concern that residential development would negatively impact the caribou population and hunting opportunities.

DNR DMLW LCS Response: In terms of the historic importance of the project area, LCS, at the request of the Matanuska-Susitna Borough, contracted out for a cultural resources survey. Field work for a cultural resources survey was conducted in late August, early September 2013. A final report was received October 17, 2013. Possible cultural resources were identified. LCS continues to work with the DNR Division of Parks and Outdoor Recreation’s Office of History and Archaeology to determine appropriate measures to protect potential cultural resources.

During the Cultural Resources Survey for this project area, the CVTC, whose nearest lands are located approximately 45 miles west of the project area, was contacted by MSB regarding their knowledge of the area. Jennifer Harrison, Director of CVTC, indicated concern as to how the subdivision development would impact sheep, goat, moose, and caribou populations. In response, LCS solicited additional comments in 2006 beyond those given by the Alaska Department of Fish and Game (ADF&G) during Agency Review regarding wildlife populations in the area. The following response was received, “ADF&G is not aware of any goat or sheep populations that use this parcel of land. The Nelchina caribou herd tends to stay north of the Glenn Highway with some use to the south and east of the project area. Caribou numbers have declined in this area, but they remain within our herd population objectives. Moose numbers are not currently monitored in this area, but nearby information shows the numbers to be higher than
normal. We have no additional wildlife concerns with this review or proposed subdivision. ADF&G was consulted again during the 2019 Agency Review periods in April and October and expressed no additional fish and wildlife concerns and no objection to the proposed offering.

Subdivision design will incorporate an approximately 1000-acre wildlife habitat corridor, that will be retained in State ownership, and run from the Glenn Highway on the north side of the project area, south through the center of the project area to the south boundary.

Individual Comment: One landowner with property adjacent to the project area strongly disagreed with the One Thousand Skies II offering. Their primary concerns were the landowners that would be drawn to the area and the further restriction of local hunting accessibility. They felt the subdivision would encourage small vacation cabins, rather than primary homes, and attract people with a vacationer mentality with little to no respect for those who call the area home. They also felt the offering would encroach on local hunting accessibility in an area that already sees high demand from hunters.

DNR DMLW LCS Response: Previous disposals have attracted a variety of Alaska residents. Because of the rural remote nature of the area, it is likely that recreational use will increase due to this proposed subdivision. Parcels purchased through this offering may be used for a variety of purposes including both residential and recreational use. It is ultimately the prerogative of the land purchaser to develop and use their parcel in a way that best suits their needs. Not offering this project area for private ownership and retaining the land in State ownership is not a preferred option. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Although subdivision design will incorporate a 1000-acre wildlife habitat corridor, retention of the entire project area 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. LCS will reserve access within the subdivision, and access to lands beyond the subdivision. Although there will likely be an increase in recreational use, including hunting, access through and beyond the project area will likely be improved.

Individual Comment: One commenter who said they would like it if the area was not developed also stated that they have been going to this area for the past nine years to pick berries. They felt that the area was one of the nicest places within driving range of Anchorage to pick a good number of blueberries without a lengthy hike. The commenter suggested that DNR should at the very least retain an undeveloped buffer corridor along the highway to preserve a public access area. The commenter noted that the PD did not reference a traditional use finding.

DNR DMLW LCS Response: The adjacent, One Thousand Skies-Sunrise Subdivision plat has designated Lot 1 of Block 2, along the Glenn Highway, as a parking area. Much of the State-owned lands adjacent to the project area are designated for Habitat and Public Recreation-Dispersed and are therefore available for berry picking activities. In addition, the Nelchina Public Use Area, more than 2.25 million acres of land north of the Glenn Highway and north and west of the project area, also designated for Habitat and Public Recreation-Dispersed, is also available for this use. This Legislatively Designated land is specifically slated for uses consistent with the uses the commenter considered traditional for this general area. Subdivision design will incorporate the management
intent for this planning unit by providing wildlife movement corridors, retaining a 300-foot wide buffer of land along the Glenn Highway, and protecting access through the project area. In accordance with AS 38.05.830 Land Disposal in the Unorganized Borough, a traditional use finding is required for project areas located within the Unorganized Borough. This project area is within an organized borough; therefore, no Traditional Use Finding is required.

Individual Comment: One landowner that had staked a remote parcel on the nearby Nelchina River in 1982 was generally supportive of the State’s land disposal program, but strongly encouraged DNR to be judicious and conservative with the number of lots in the One Thousand Skies II Subdivision “so as to not detract from the primary reason Alaskans seek remote DNR Land Sale properties, which is for a peaceful, quiet and relatively un-peopled Alaska Experience.”

DNR DMLW LCS Response: Upon considering input received from comments, DMLW will reduce the number of parcels in the One Thousand Skies II project area from 160 to 100 parcels. Please see Section VI. Modifications to Decision and/or Additional Information of this document for additional details.

Individual Comment: A resident of nearby Nelchina commented that 160 lots would not be in the best interest of the area, and suggested that lot sizes be changed to no smaller than 10 acres, in an effort to keep the area population more balanced and help preserve the Alaska we all love.

DNR DMLW LCS Response: Upon considering input received from comments, DMLW will reduce the number of parcels in the One Thousand Skies II project area from 160 to 100 parcels. The minimal lot size will remain 5 acres to allow flexibility in subdivision design, with the intent of providing mostly larger parcels of approximately 10 acres. Please see Section VI. Modifications to Decision and/or Additional Information of this document for additional details.

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 an organized borough; therefore, no Traditional Use Finding is required. However, LCS received comments during the public notice period regarding the current use of the area for berry picking and hunting. Please see Section IV, Summary of Comments section for the DMLW response to these comments regarding conflicts.

VI. Modifications to Decision and/or Additional Information

Pursuant to public comment the recommended action has been modified from the original proposed action(s) described in the PD to reduce the number of parcels from no more than 160 to no more than 100 parcels. The nominal size for each parcel will remain 5 acres to allow flexibility for subdivision design, with the intent of creating parcels of a minimum of approximately 10-acres in size. Additionally, in order to be consistent with the One Thousand Skies I subdivision design, LCS will retain a 300-foot buffer from the Glenn Highway.

Recommendation and Approval of the Final Finding and Decision follow.
VII. Final Finding and Decision

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

The 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 actions are 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

11/9/2020
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

11/20/2020
Date

Signature on file

Approved by: Corri A. Feige
Commissioner
Department of Natural Resources
State of Alaska

12/2/2020
Date
Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on the preliminary decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request 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. 7th Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration 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 reconsideration is not requested by that date or if the commissioner does not order reconsideration on their own motion, this decision goes into effect as a final order and decision on the 31st calendar day after the date of issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.
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.

Copper River Meridian
Township 2 North
Range 10 West

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
The Commissioner of the State of Alaska, Department of Natural Resources (DNR) finds that the following amendment to the Susitna Matanuska Area Plan, described more fully in the Attachment, meets the requirements of AS 38.04.065 Land Use Planning and Classification and 11 AAC 55.010-030 Land Planning and Classification for land use plans and hereby adopts the amendment. The Department of Natural Resources will manage state lands within the area of the revision consistent with this designation and management intent.

- **Designation:** Settlement

- **Management Intent:** Unit is considered appropriate for land disposal during the planning period. As part of the disposal design, carefully evaluate moose winter concentrations 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. Retain land in state ownership for the purpose of supporting state land disposals. ADF&G should be consulted to identify and protect public access through these parcels.

Approved: Signature on file 12/2/2020
Corri A. Feige, Commissioner
Department of Natural Resources
LOCATION AND LEGAL DESCRIPTION: Within DNR's Southcentral Region, approximately 7 miles east of Eureka Roadhouse and approximately 8 miles west of Nelchina, south of the Glenn Highway at milepost 135. The project area is within Section 2 excluding USS 5634, South 1710 feet of the East 990 feet Section 3, East 990 feet Section 10, Section 11, W ½ Section 12, N ½ Section 13, N ½ Section 14, and East 990 feet NE ¼ Section 15, Township 2 North, Range 10 West, Copper River Meridian.

AUTHORITY: The authority to revise plans derives from AS 38.04.065(b) Land Use Planning and Classification. 11 AAC 55.030(f) Land Use Plan defines when a revision constitutes a plan amendment.

CURRENT PLAN: At the time of plan adoption (2011), that portion of the project area located within Sections 3, 10 and 15 was included in management unit G-20. This area has a co-designation of Public Rec. – Dispersed Use (Rd) and Habitat (Ha).

PROPOSED PLAN AMENDMENT: The project area within Sections 3, 10 and 15, approximately 220 acres, will be reclassified to Settlement Land from Public Recreation Land and Wildlife Habitat Land, and included in unit G-21, and designated Settlement.

EXPLANATION: The Susitna Matanuska Area Plan was adopted in 2011 and has not been updated since. There is a demand from the public to obtain Settlement-classified land in the area. During agency review, Alaska Department of Fish & Game (ADF&G) was supportive of DNR’s proposal to retain a wildlife corridor heading south/southwest from the Glenn Highway to maintain habitat for moose and caribou concentrations and the use of existing trails. During a site visit an area west of and adjacent to the west line of the project was identified as suitable for settlement. That area is designated as Public Rec.- Dispersed Use (Rd) and Habitat (Ha). ADF&G had no objection to the reclassification of 220 acres of Rd, Ha land to Settlement (Se) in exchange for 1000 acres of the project area being reclassified as Ha land. DNR’s Resource Assessment & Development Section (RADS) reviewed the proposal and provided the following guidance, “RADS reviewed your proposal and we agree that a plan amendment for the strip of land west of the Settlement unit is warranted. We also believe that since your subdivision design has taken into account the consultation from ADF&G and has placed wildlife movement corridors within the area designated settlement, there will be no need to then change this settlement land to habitat”. The parcels are appropriate for offering as provided in the Preliminary Decision dated September 2, 2020.

ASSESSMENT: The following alternatives are being considered:

1. (Preferred) Amend the Susitna Matanuska Area Plan as described above to change the designation to Settlement. Amending the plan is the preferred alternative as it will allow
the sale of settlement-designated land, providing the public an opportunity to obtain property in a desirable area.

2. (Status Quo) Do not amend the Susitna Matanuska Area Plan. This alternative is not preferred as it would disallow the offering of settlement-designated land and deny many Alaskans the opportunity to obtain land in this area.

Requirements of *AS 38.04.065 (b)*: The factors identified in this section of statute have been considered and the proposed action is consistent with that portion of the statute.
STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND, AND WATER  

LAND CLASSIFICATION ORDER  
NO. CL SC-09-002A02  

Related to the One Thousand Skies II Subdivision – ADL 233295  

I. Name: One Thousand Skies II Subdivision  

II. The classifications in Part III are based on written justification contained within the following:  

- a Preliminary Decision for the Proposed One Thousand Skies II Subdivision within the Matanuska-Susitna Borough, dated September 2, 2020; and  
- an Amendment to the Susitna Matanuska Area Plan No. SC-09-002A02.  

III. Legal Description  

<table>
<thead>
<tr>
<th>Description</th>
<th>Acreage</th>
<th>Acquisition Authority</th>
<th>Existing Classification</th>
<th>Classification by this Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>South 1710 feet of the East 990 feet Section 3, East 990 feet Section 10 and East 990 feet NE ¼ Section 15, Township 2 North, Range 10 West, Copper River Meridian.</td>
<td>220 acres</td>
<td>(RSS file, Patent 50-89-0654)</td>
<td>Public Rec. – Dispersed Use/Habitat</td>
<td>Settlement</td>
</tr>
</tbody>
</table>

IV. This order is issued under the authority granted to the Commissioner of the Department of Natural Resources by AS 38.04.065 Land Use Planning and Classification and AS 38.05.300 Classification of Land. The above described lands are hereby designated and classified as indicated. Nothing shall prevent the reclassification of these lands if warranted in the public interest.  

Approved: Signature on file ___________________________ 12/2/2020  
Corri A. Feige, Commissioner  
Department of Natural Resources  

Date
MINERAL ORDER No. 1218

___X___ Closing Lands to Mineral Entry       _____ Opening Lands to Mineral Entry

I. Name of Mineral Order: One Thousand Skies II Subdivision – ADL 233295

II. Reason for Mineral Order: This Mineral Order is based upon the attached Commissioner's Administrative Finding, applicable statutes, and the written justification contained in the following:
   Susitna Matanuska Area Plan, adopted (2011)
   Preliminary Decision, One Thousand Skies II Subdivision – ADL 233295, September 2, 2020 and the subsequent Final Finding and Decision for same

III. Authority:  AS 38.05.185 and AS 38.05.300.

IV. Location and Legal Description: Section 2 excluding USS 5634, South 1710 feet of the East 990 feet Section 3, East 990 feet Section 10, Section 11, W ½ Section 12, N ½ Section 13, N ½ Section 14, and East 990 feet NE ¼ Section 15, Township 2 North, Range 10 West, Copper River Meridian

V. Mineral Order: This order is subject to valid existing rights and is issued under the authority granted by AS 38.05.185 – AS 38.05.275 and AS 38.05.300 to the Alaska Department of Natural Resources. In accordance with AS 38.05.185(a), I find that the best interests of the State of Alaska and its residents are served by closure of the land described in this mineral order to entry under mineral location and mining laws of the State of Alaska. The above described lands are hereby closed to entry under the locatable mineral and mining laws of the State of Alaska.

Concur:  Signature of file ___________________________  11/20/2020
         Martin W. Parsons, Director
         Division of Mining, Land and Water
         Department of Natural Resources

Approved:  Signature on file ___________________________  12/2/2020
           Corri A. Feige, Commissioner
           Department of Natural Resources
Pursuant to AS 38.05.035, the State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water proposes to issue a Final Finding and Decision to convey State-owned land into private ownership within the One Thousand Skies II Subdivision project area (ADL 233295). As noted in the Preliminary Decision – Proposed Land Offering One Thousand Skies II Subdivision – ADL 233295, issued September 2, 2020, the project area is within Unit G-21 (Glenn Highway Region) of the Susitna Matanuska Area Plan. In accordance with the area plan, DMLW proposes to close the entire project area to mineral entry. The attached mineral order includes the legal description of area to be closed to mineral entry.

The Division of Mining, Land, and Water requests the mineral estate of approximately 2420 acres, identified in the attached mineral order, be closed to mineral entry and location, in accordance with AS 38.05.300 for a land disposal. Mining activity on the project area would be incompatible with the current and proposed land estate uses. The land does not contain any known mineral deposits and was not selected for mineral values. There are no mining claims on the land.

Public notice of the comment period for the proposed mineral order was conducted in accordance with AS 38.05.945. No comments were received regarding the proposed mineral order.

In accordance with AS 38.05.185 (a) and AS 38.05.300, I find that the best interests of the State of Alaska and its residents are served by closure of the land to entry under the mineral location and mining laws of the State of Alaska as described by Mineral Order (Closing) No. 1218.

Approved: Signature on file ___________________________ 12/2/2020
Corri A. Feige, Commissioner                             Date
Department of Natural Resources