

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

PRELIMINARY DECISION
Autumn Rush Subdivision – ADL 233394

Proposed Land Offering in the Matanuska-Susitna Borough
AS 38.05.035(e), AS 38.05.045

RELATED ACTION(S):
None Proposed

PUBLIC COMMENT PERIOD ENDS 5:00PM, TUESDAY, APRIL 8, 2025

I. Proposed Action(s)

Preliminary Decision: Autumn Rush Subdivision - ADL 233394
Attachment A: Vicinity Map
Attachment B: Public Notice

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 State-owned land for sale within the identified project area. If approved, surveyed parcels will be offered for sale.

LCS proposes to sell land within the Autumn Rush project area for the purpose of providing land for settlement by developing a subdivision of no more than 60 parcels for sale, varying in size no smaller than one acre. Subdivision design may include additional tracts as necessary. The project area consists of approximately 320 acres of which approximately 250 acres are identified for disposal by this proposed action. The project area may be subdivided and offered in multiple stages.

After consideration of public comment, the size and boundaries of the project area will be described in a subsequent Final Finding and Decision (FFD), if the project proceeds to that step. Additional adjustments may be made prior to survey/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 Action(s): No related actions proposed.

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.

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

II. Method of Sale

LCS 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 <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*.

IV. Administrative Record

The project file, Autumn Rush Subdivision - ADL 233394, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Southeast Susitna Area Plan for State Lands (SSAP, adopted 2008) and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan (2024 Review)*;
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *Natural Resource Conservation Service Custom Soil Report for this project, dated July 22, 2022.*;
- *Matanuska-Susitna Borough Comprehensive Development Plan, 2005 Update*;
- *Willow Area Community Comprehensive Plan 2013*
- Willow Area Community Historic Preservation Plan, and,
- DNR case files: access easements ADL 232547, ADL 232827, and ADL 233378; misc. land use LAS 31541, lease ADL 418997, lease agreement ADL 22526; Quitclaim Deed, recorded in Book 107, page 55, Palmer Recording District; reservations of water LAS 11562 and 31745 and other cases, documents, reports, etc. referenced herein.

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 LCS's proposal to offer State-owned land within the defined project area for disposal as described herein. The scope of this proposal does not include the

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control of post-patent use and LCS does not intend to impose deed restrictions for this purpose. The subdivision may be conducted in multiple stages.

VI. Location

The project area is located within DNR's Southcentral Region, near Willow, north of Willow Creek, on the west side of the Parks Highway near mile post 73 within Section 36, Township 20 North, Range 5 West, Seward Meridian, within the Matanuska-Susitna Borough (MSB). The project area consists of approximately 320 acres with approximately 250 acres identified for disposal by this proposed action.

Platting Authority: The project area is within the Matanuska-Susitna Borough and subject to the borough's platting authority.

Native Regional and Village Corporations: The project area is within the boundaries of the Cook Inlet regional corporation. There are no villages located within 25 miles of the project area; however, courtesy notification will be sent to village corporations and councils in Alexander Creek, Chickaloon, and Eklutna.

VII. Property Description

North 1/2 of Section 36, Township 20 North, Range 5 West, Seward Meridian, according to the plat accepted by the U.S. Surveyor General's Office on May 5, 1917, containing 320 acres more or less.

VIII. Title

Title Report No. 11851, current as of July 12, 2019, indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 1224981, dated January 16, 1962. The applicable State case file is SCH 47. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

State Reservations of Title:

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

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

Navigable Waters: Per *AS 38.05.126(b) Navigable and Public Waters*, "...the State has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust

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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 **XIII. Access To, Within, and Beyond Project Area**.

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

IX. Physical Characteristics and Hazards

Information about the project area is based on internal research, information received during agency review, as well as by road field inspections conducted on July 15, 2022, and July 28, 2023. This is by no means a complete description of the project area and if this proposal is approved and the area offered for sale, it will be the responsibility of interested parties to inspect individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

Terrain and Major Features: The northern portion is above a bluff line and is level forested ground that was recently burned in the 2015 Sockeye fire. The southern portion, below the bluff line, adjoins the Willow Creek State Recreation Area (SRA) and is generally low ground. W Gratiot Drive runs along the north boundary of the project area.

View: The view is local, to the north, east, and west there may be mountain views on clear days. To the south the project area is adjacent to the Willow Creek SRA, there may be distant mountain views in some locations.

Vegetation: The portion north of the bluff was recently burned by wildfire and is regenerating back to aspen, birch and spruce. The landscape has burned spruce poles both standing and blown over. The portion of the project area south of the bluff is much lower ground with a mix of shrubs, grasses and spruce trees. Most of the burnt spruce along Gratiot Drive has been harvested for firewood.

Soils: Over 80% of the project area is Benka silt loam on 0-3 percent slopes with a nonirrigated capability class rating of III, 20% of the project area are Histosol organic soils with a nonirrigated capability class rating of VII.

Wetlands: Freshwater forested/shrub wetlands exist within the southern portion of the project area below the bluff and will be retained in State ownership. Freshwater emergent wetlands exist within the northern portion of the project area.

Geologic Hazards: According to information provided by DNR, Division of Geological and Geophysical Surveys, there is significant liquefaction potential and seasonal flooding in the low lying areas. This region is in a zone of isolated permafrost, 0-10 percent of the ground surface may be underlain by perennially frozen ground.

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The project area is located approximately 13 miles from the Castel Mountain fault. Recent seismicity in the region includes the 7.0 M Anchorage earthquake in 2018 and the 9.2 M Alaska earthquake in 1964. The overall seismic hazard potential for this region is moderate to higher moderate. Standard best building practices should be used to accommodate the regional seismic hazard.

The area has been subject to ash falling from erupting Cook Inlet and Alaska Peninsula volcanoes.

Radon has been measured indoors between 0.70-74.7 pCi/L in the vicinity, with an average of 13.6 pCi/L. The Environmental Protection Agency's action level for radon is 4pCi/L and suggests that homeowners consider radon mitigation for tests of 2-4 pCi/L. Any home, or building can have high levels of radon and should be tested.

Fire Information: Pursuant to observations from the July 15, 2022, field inspection and information received from the Division of Forestry, fire risk in the area is likely high. Fire history indicates that all of the area was burned in the 2015 Sockeye fire. The project area is within the Willow Fire Service Area #35.

Potential for wildland fire is high in portions of the Matanuska-Susitna valley and other areas of the state. 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 most of the project area is "Critical." The policy on areas with the "Critical" management option reads, "The highest priority for suppression actions. Lands in wildland urban interface and other densely populated areas where there is an immediate threat to human life, primary residences, inhabited property, community-dependent infrastructure, and structural resources designated as National Historic Landmarks should be considered for the Critical Management Option. This classification is applicable to an entire village or town as well as a single inhabited structure." It also states that there is no guarantee of protection from wildfire in any management option. It is the responsibility of landowners to mitigate and minimize risk to their property before it becomes threatened by a wildfire.

Flood Hazard: The project area is within FEMA Flood Insurance Rate Map Community Panel 02170C6061F and 0210C6062F. The project area is within flood zone X, defined as an area of minimal flood hazard. There is potential for seasonal flooding and erosion of parcels adjacent to water bodies, especially in low-lying areas.

Water Resources: All surface and subsurface waters on all lands in Alaska are a public resource, subject to appropriation in accordance with the Alaska Water Use Act (AS 46.15). Water sources would be drilled well or delivered water. There are three drilled wells along W Gratiot Drive that range in depth from 57 feet to 100 feet. Water quality is unknown. Additional information on wells, water quality, and drinking water may be obtained from the Alaska Department of Environmental Conservation.

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Utilities: This area is currently served by Matanuska Electric Association (MEA), Matanuska Telephone Association (MTA), and ENSTAR Natural Gas Company. The project area does not have natural gas service at the present time.

Waste Disposal: The MSB operates a solid waste Transfer Station along N Willow Station Road in Willow.

All on-site wastewater disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

X. Background

Management Unit W-17 was identified in the 2008 SSAP as settlement land, with the northern portion, that part above the bluff, as appropriate for land disposal, and the area south of the bluff is to be retained as open space and managed to be consistent with the recreational uses and values of the adjacent Willow Creek SRA. The area south of the bluff is also retained to protect anadromous waters. Management intent of the SSAP also calls for the protection of the viewshed from the adjacent SRA through building setbacks, partially vegetated buffers, or similar techniques. The northern portion was to be suspended from disposal for three years after the plan was adopted in 2008, to allow for consideration of this site's potential for a facility to support the Iditarod Race. Since the three year suspension has lapsed, the unit is available for conveyance.

The project area was part of a 1964 competitive agricultural lease. The lease area associated with the project area was eventually relinquished by the customer in 2016. During the July 15, 2022, site visit there were no signs of agricultural development.

W Gratiot Drive runs along the north side of the project area. This road has recently had an upgrade and is a good gravel road all the way out to the Parks Highway. N Dell M Road, a lesser quality road, also provides access to the northeast corner of the project area from the Parks Highway.

There is an easement (ADL 233378) in entry authorization status that crosses the northeast corner of the project area. This easement was requested in 2019 by the adjacent landowner to the east of the project area with the intent of creating access from the Parks Highway to W Gratiot Drive over a new road constructed across the requester's property and the project area. The applicant has begun construction of a road and was substantially complete by the fall of 2024. The applicant is also the entity that upgraded W Gratiot Drive from the intersection with N Dell M Road, west along the section line to section 26. Subdivision design anticipates that the new road and the upgraded portion of W Gratiot Drive will be dedicated to the MSB.

There is an overland travel permit, LAS 31541, that crosses the southwest corner of the project area. Since this area will be retained the permit does not impact the development of the project area. The area plan states that portions of the Emil Stancec Winter Trail System are in this unit, the trail that the above permit uses may be part of the winter trail system.

The Alaska Stand Alone Pipeline (ASAP) lease, ADL 418997, runs along the northwest corner of the project area, immediately outside of the project area.

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During a July 15, 2022, site visit a trail was noted entering the project area about midpoint along the north line, going in a southeast direction. It appeared there had not been any recent use of the trail at the time of the site visit. The trail connects to a trail visible on aerial imagery that circles the project area and uses the east section line easement to connect to other trails in area. The primary trail access in the project area flows generally along the top of the bluff. LCS intends to retain an approximately 200-foot retained land buffer along the top of the bluff, which will include the majority of this trail. LCS will consider other trail reservations as appropriate. No other current uses of the land were identified.

Many of the parcels surrounding the project area are larger parcels ranging in size from five acres and larger. Serenity Subdivision is located north of W Gratiot Drive and has smaller parcels ranging in size from one to two acres. Likewise, Gratiot Acres Subdivision is located northeast of the project area and has residential and commercial parcels ranging between one and four acres in size. The land west and south of the project area is part of a municipal entitlement conveyance and also a cooperative management agreement for the management of the Willow Creek SRA. Along the east side there is a combination of Mental Health Trust lands, Preference Right conveyances, and private lands. The majority of land to the north is subdivided into private parcels, with the exception of the lands adjacent to the northwest corner of the project area which are being developed into an airpark subdivision. This area contained former Agricultural Leases that became a municipal entitlement conveyance and ultimately the borough conveyed the parcels back to the lease holders.

The Division of Agriculture staff were consulted and were interested in possible subdivision layouts that included a few 20-40 acre parcels that could allow for potential future agricultural use. Subdivision design may include parcels five acres and larger to take advantage of the relatively level terrain, suitable soils for small scale agricultural use, and to provide a variety of parcel sizes for multiple use purposes. Offering a variety of parcel sizes would be consistent with the surrounding land use. Due to the unique amenities of the area, location relative to the community of Willow, land quality, development cost, and the proximity to existing residential private property, the project area is better suited to subdivision into a variety of parcel sizes, including smaller parcels. Incorporating and locating larger size lots along the south side of the project area could help to reduce road construction and development costs while providing some opportunity for small-scale agricultural development. Offering materials will highlight the class III soils within the project area that may be suitable for small-scale agricultural development.

LCS staff attended a Willow Area Community Organization (WACO) meeting on Wednesday, February 5, 2025, to build awareness of the proposed development. A one page project summary and vicinity map were made available to anyone interested in them. The board and audience were told that the project area was approximately 320 acres with approximately 250 acres proposed for development. Lot size would be no less than 1 acre or the borough minimum lot size. Development would probably occur over time and LCS is planning on issuing the proposed decision for review and comment in the next few months.

Topics discussed primarily included trail and road access, current uses, cultural resource surveys, and the history and purpose of this proposed subdivision. This information is addressed throughout the PD. Participants were encouraged to provide comments and/or ask additional questions during the public comment period.

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XI. Planning and Classification

The project area is within Southeast Susitna Area Plan (SSAP, adopted 2008), Willow Region, Unit W-17. Lands within this unit are currently designated Settlement, and classified Settlement Land under Land Classification Order No. SC-08-001. The project area consists of all management unit W-17 with a portion adjacent to the SRA being retained in State-ownership. LCS reviewed the general management intent of the area plan, management unit W-17, for consistency with the proposed offering.

Unit W-17 Considerations: The northern portion of the unit, that part above the bluff, is appropriate for land disposal during the planning period, except as noted below. Protect the viewshed from the adjacent SRA by using building setbacks and partially vegetated buffers, or similar techniques designed to protect the viewshed. This portion of the unit will not be considered for land sales for three years following plan adoption to allow for the consideration of this site's potential for a facility supporting the Iditarod Race. The area south of the bluff is to be retained as open space and managed to be consistent with the recreational uses and values of the adjacent Willow Creek SRA. The southern area is to be retained as state land, and anadromous waters are to be protected.

The proposed development area includes only that portion of the settlement unit located above the bluff (approximately 250 acres of the approximately 320-acre unit). The viewshed will be protected by an approximately 200-foot buffer of retained land along the bluff.

Area-wide Considerations: LCS reviewed the area plan's guidelines in Chapter 2 Areawide Land Management Policies. LCS will incorporate these considerations 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.

Coordination and Public Notice: Management guidelines provide that public notice will be given for the disposal of land as required under *AS 38.05.945 Notice*, and recommends coordination with the borough, landowners and other affected parties. Public notice is being issued for these proposed actions in accordance with *AS 38.05.945*. The *Willow Area Community Comprehensive Plan (adopted 2013)*, *Matanuska-Susitna Borough Comprehensive Development Plan (2005 Update)*, zoning ordinance and platting requirements have been taken into consideration, and State subdivision plats will comply with borough platting requirements per *AS 38.04.045(b)*. Refer to Attachment C: Public notice and **Section XVII. Submittal of Public Comments** for more information.

Cultural Resources: Management guidelines provide that if determined by the Office of History and Archaeology (OHA) during an agency review of a proposed land disposal that a cultural survey may be required, further coordination between OHA and DMLW prior to the land disposal is warranted. Cultural surveys should be considered where OHA reported sites exist or where there is a high potential for such sites to exist. LCS has coordinated with OHA in advance on the need for a cultural

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survey and will notify OHA should any cultural resources be discovered during the development of this project. Offering materials will include information regarding informing OHA if any cultural resources are discovered. OHA reported a known site in the project area and recommended excluding that portion of the project area from development until an archaeological survey can be conducted to confirm the location boundaries and/or evaluate the known site for potential significance. Subdivision design will incorporate that portion into the retained lands.

Fish and Wildlife Habitat: In the Chapter 2, *Fish and Wildlife Habitat* management guidelines, there were no applicable management guidelines specific to Management Unit W-17. The area plan calls for protecting anadromous waters. Willow Creek is located outside of the project area, and the buffer along the bluff will provide for additional screening and protection.

Forestry: Management guidelines provide that land conveyed out of state ownership for the purpose of settlement shall not be used for commercial timber harvest and sale. The timber present within the project area was burned in the 2015 Sockeye fire and although regenerating, is not marketable at this time, and commercial forestry operations are not anticipated.

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, 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 Corridors: Management guidelines provide for the reservations of easements and retention of State-owned buffers adjacent to waterbodies, and high-value wetlands. Willow Creek SRA is adjacent to the project area and will be protected through the retention of the southern portion of the project area and a buffer along the bluff. If public waterbodies are identified within the project area, they will be subject to the applicable reservations. Refer to the Easements, Setbacks and Reservations subsection for more information.

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Subsurface Resources: The SSAP 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. The project area is closed to mineral entry via MCO 539. Refer to the Mineral Activity and Order(s) subsection for more information.

The proposed offering is consistent with area-wide land management policies and general management intent of the SSAP and specific management unit.

Mineral Activity and Order(s): No mineral activity has been identified on these lands. The project area is closed to mineral entry under Mineral Closing Order (MCO) No. 539.

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. During agency review, the Division of Oil and Gas indicated that there were no third party interests in the vicinity of the project area and reiterated that oil and gas interests are retained by the State.

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. SSAP 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.

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 Willow Area Community Comprehensive plan. Review of that plan did not indicate any conflicts with the proposed State land disposal.

XII. 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 XVII. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit comment.

XIII. Access To, Within, and Beyond Project Area

Vehicular access to the project area is from milepost 73 of the George Parks Highway, turn west onto W Gratiot Drive and the project area is approximately 1300 feet on the south side of the road. Access to individual parcels within the subdivision will be via platted dedicated ROWs. Subdivision design will take into account topography and access to lands beyond the project area and within the project area boundaries. There are existing trails within the project area. One trail along the bluff and another mid-way along the north boundary of the project area departing from W Gratiot Drive and going in a southeast direction. The trails connect to one

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another and circle the project area. Access along the trail along the bluff will be generally reserved via the buffer from the bluff. LCS may reserve additional access to or along other trails as appropriate. Subdivision design anticipates reserving access through the project area from W Gratiot Drive, south to the bluff. This access may or may not utilize existing trails. Section line easements provide access along the east and west boundaries of the project area. The project area is located in the Greater Willow Road Service Area (RSA) No. 20. The Caswell Lakes RSA No. 15 is north of the project area, W Gratiot Drive runs along the boundary of the two service areas. N Dell M Road also provides access to the project area from the Parks Highway and is located within the Caswell Lakes RSA. There are no known RS 2477 trails through the project area. The project area is subject to the platting authority of the MSB. Approval of platting actions and dedication of rights-of-way will require separate processes and public notices through the borough.

Access To and Along Public or Navigable Waters: In accordance with AS 38.05.127 *Access To Navigable or Public Water*, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 *Determination of Navigable and Public Water*, and 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 smaller than those listed above may be determined public or navigable consistent with 11 AAC 51.035 *Determination of Navigable and Public Water*.

During agency review, the Public Access Assertion & Defense (PAAD) section noted that the proposed project area contains no navigable water for title purposes per AS 38.04.062 *Identification of State Submerged Land*. or navigable and public water per AS 38.05.127 *Access To Navigable or Public Water* as defined in AS 38.05.965 *Definitions (14) and (21)*.

Easements, Setbacks, and Reservations: 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. Standards for easements are provided in 11 AAC 51.015 or by local platting ordinances. Final width and location of easements and reservations will be determined as part of the local platting process, which will include an additional opportunity for public participation.

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

- public access easements;
- utility easements;
- a 50-foot-wide section-line easement on each side of surveyed or protracted section-lines on State-owned land in accordance with AS 19.10.010 *Dedication of Land for Public Highways* and 11 AAC 51.025 *Section-line Easements*;

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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 5-foot survey easement from the nearest practical point on the property boundary to control monuments within the parcel and an easement with a radius around the control monument, and as applicable, a 5-foot direct line-of-sight easement from the control station to an azimuth mark or other control monument;
- additional reservations and/or restrictions required through the local platting authority; and

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

Retained Lands: DNR intends to retain a buffer area of approximately 200-feet along the top of the bluff to protect the viewshed from the adjacent Willow Creek SRA. Those lands south of the bluff will be retained as open space to protect anadromous waters and managed to be consistent with the recreational uses and values of the adjacent Willow Creek SRA.

XIV. Hazardous Materials and Potential Contaminants

During vehicle field inspections conducted on July 15, 2022, and July 28, 2023, 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 waste, 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.

LCS 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, LCS is of the opinion that the benefits of offering the land outweigh the potential risks.

XV. Survey, Platting, and Appraisal

After evaluating public comment and the 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.

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These additional opportunities for public involvement occur after DNR issues a FFD, if this proposed action is approved.

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting DNR standards will be required within two years of the date fixed for the sale of any parcel developed under this proposed action. Even though the sale of project area parcels in multiple offerings over time will mitigate “flooding” the market, the two-year appraisal requirement must still be followed.

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

XVI. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from June 14, 2024, through July 17, 2024. 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 FFD, if one is issued.

DNR DMLW LCS received brief comments of non-objection from the following agencies: DNR Division of Oil and Gas; DNR Division of Parks and Outdoor Recreation.

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

Alaska Department of Fish and Game (ADF&G) Comment: ADF&G had no objection to the land sale as proposed and issued the following comments and recommendations.

ADF&G stated that development would slightly reduce habitat for local species, but it is unlikely to have a population level impact on wildlife.

ADF&G concurred with the 200-foot buffer north of the bluff and requested that subdivision design preserve trails and easements for public access.

The project area intersects with a North American Breeding Bird Survey route. ADF&G advised LCS to schedule vegetation clearing before or after the breeding season for local bird species to help sustain breeding populations.

ADF&G indicated that there were Bald Eagle nests in the vicinity of the project area per the US Fish and Wildlife Service Information for Planning and Conservation tool and recommended a buffer or setback.

ADF&G recommended LCS update the Fish & Wildlife section in the Alaska State Land Offering brochure, and provided that update.

DNR DMLW LCS Response: LCS appreciates your review of the proposal and the update for the Land Offering brochure. Subdivision design will maintain existing section

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line easements, and any retained lands would be subject to generally allowed uses. Trail access will be retained on that portion of the trail along the bluff within the approximately 200-foot buffer. Additional trail access within the subdivision may be retained as appropriate. DNR vegetation clearing for construction activities will avoid the breeding season. Additionally, offering materials provide potential purchasers with information about the Migratory Bird Treaty Act. The public database for eagle nests shows the closest one is near Willow Creek, about 1,000 feet from the southern project area boundary.

Alaska Department of Transportation and Public Facilities (DOT&PF) Comments: DOT&PF requested that all north-south and east-west section line easement connections remain available as future access routes.

Reserve sight triangles along skewed intersections created by the road development for the subdivision to the east and within the project area.

Development should consider internal site circulation and access points, considering traffic counts and traffic flow from adjacent developments.

DOT&PF recommends coordinating with the Matanuska-Susitna Borough regarding the Traffic Impact Analysis (TIA) for access to W Gratiot Drive and the combined area development for access to the Parks Highway at milepost 73 and other nearby intersections with the Parks Highway.

Coordinate with Central Region Right-of-Way and Traffic Safety groups.

DNR DMLW LCS Response: LCS appreciates your review of the proposal. LCS will continue to coordinate with the DOT&PF Central Region. Subdivision design will maintain existing section line easements and incorporate sight triangles for visibility and safety. LCS has coordinated with the MSB regarding the TIA, subdivision access, and access for the combined development area to the Parks Highway. LCS will continue to coordinate with the MSB and DOT&PF central region during the design and platting process.

Alaska Department of Natural Resources, Division of Oil and Gas, State Pipeline Coordinator's Section (SPCS) Comment: The SPCS requested that LCS coordinate with the pipeline right-of-way lessee for the Alaska Stand Alone Pipeline (ADL 418997) to determine if the proposed activities enter or cross the pipeline right-of-way, or if the development affects pipeline related activities.

DNR DMLW LCS Response: LCS appreciates your review of our proposal. LCS will contact and coordinate with third party interests during the Public Notice process.

DNR Division of Geologic and Geophysical Surveys (DGGS) Comment: DGGS summarized the geologic setting and hazards of the project area (summarized in **Section IX. Physical Characteristics and Hazards**).

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

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

- Department of Commerce, Community, and Economic Development
- Department of Environmental Conservation
- Department of Natural Resources
 - Division of Forestry
 - Division of Parks and Recreation
 - Office of History and Archaeology
 - Mental Health Trust Land Office
 - Office of Project Management and Permitting
- Alaska Railroad
- University of Alaska
- Palmer Soil and Water Conservation District
- Alaska Association of Conservation Districts

XVII. Submittal of Public Comments

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

Pursuant to *AS 38.05.945 Notice*, LCS is issuing public notice inviting comment on this Preliminary Decision.

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 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, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent FFD, without further notice.

Only persons from whom LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the FFD. Upon approval and issuance of a FFD, a copy of the decision, will be made available online at <https://landsales.alaska.gov/> and sent with an explanation of the appeal process to any party who provides timely written comment.

LCS 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 B: Public Notice*.

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
5:00 PM, TUESDAY, APRIL 8, 2025**

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XVIII. Alternatives and Discussion

LCS is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 60 parcels varying in size, no smaller than one acre, and offer those parcels for sale. The development and offering of these parcels may be completed in multiple stages.

Alternative 2: (No Action) Do not offer this project area for private ownership. Retain the land in State ownership.

Article VIII, Section 1 of the Alaska Constitution states, “it is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.” Furthermore, *AS 38.05.045 Generally* has placed this charge with DNR, and the legislature has provided funding to administer the land sale program.

Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute and maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. This proposal, if approved in a subsequent FFD, will allow LCS to create and design a subdivision which will provide for the best use and development of the land and financial return to the State. Alternative 1 provides the greatest opportunity for more Alaskans to purchase land within this area. Due to the unique amenities of the area, location relative to the community of Willow, land quality, and the proximity to existing residential private property, the project area is better suited to subdivision prior to offering. Alternative 1 is preferred.

Alternative 2 does not meet the legislative and public desire for DNR to offer State-owned land for private ownership. Retention of this land would inhibit DNR 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. Alternative 2 is not preferred.

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

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XIX. Recommendation

This Preliminary Decision for the proposed disposal of State lands described throughout this document and its attachments is 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 will accompany and precede any FFD issued.

Terry Hess

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

February 25, 2025

Date

Tim Shilling

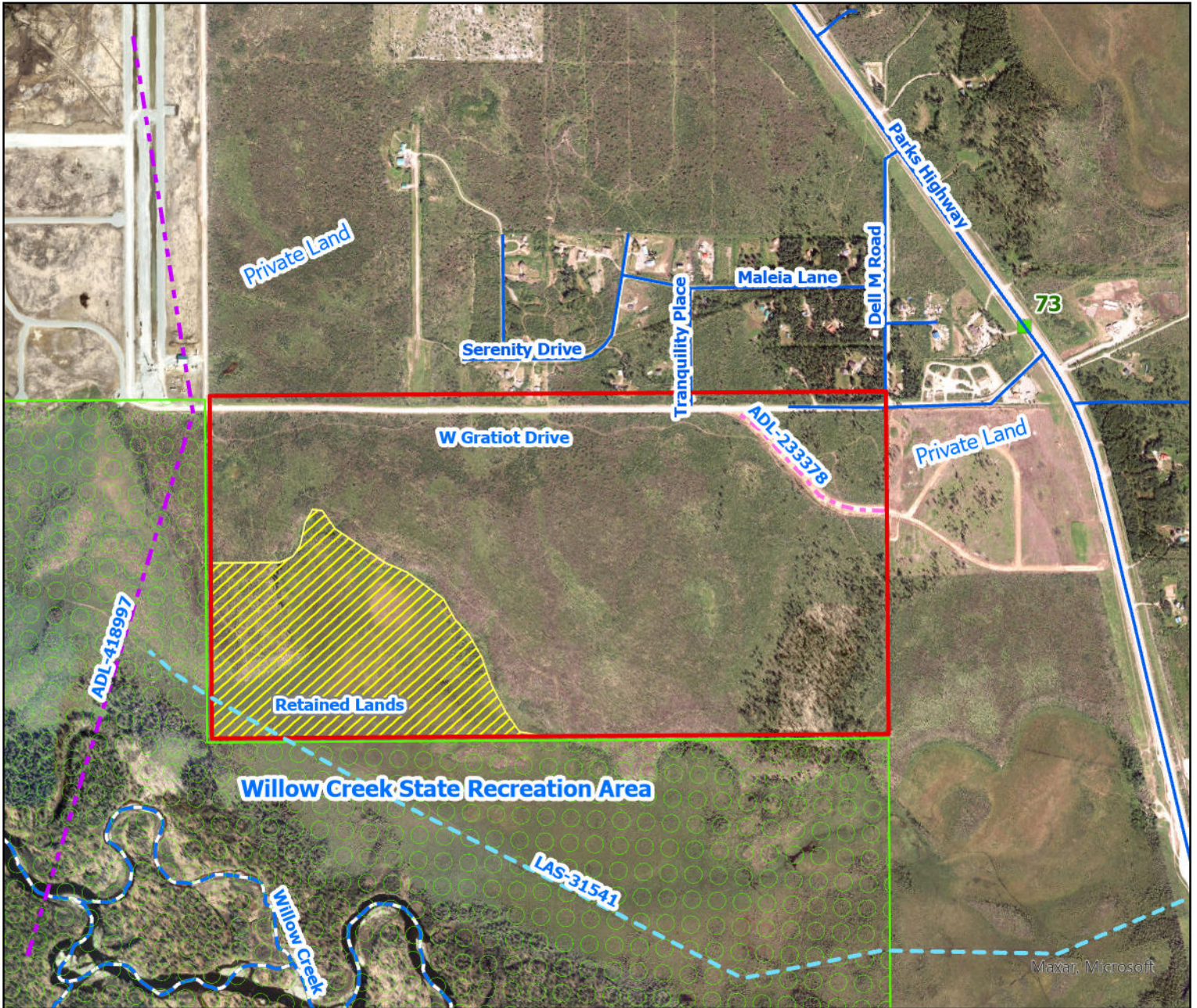
Approved by: Tim Shilling
Natural Resource Manager II
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

February 25, 2025

Date

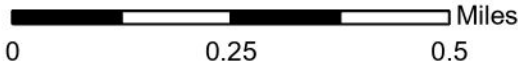


Attachment A: Vicinity Map Autumn Rush Subdivision ADL 233394



- Project Area
- Retained Lands
- Anadromous Stream
- State Recreational Area

- Pipeline Easement
- Easement Road
- Trail Permit



TMH 2/13/2025

**N1/2 Section 36, Township 20 North
Range 5 West, Seward Meridian**

USGS QUAD 1:63.360
Tyonek D-1 SE
For more information contact:
Terry Hess
Department of Natural Resources
Division of Mining, Land and Water
Land Conveyance 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 & WATER
LAND CONVEYANCE SECTION

ATTACHMENT B: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
Autumn Rush Subdivision – ADL 233394

COMMENT PERIOD ENDS 5:00 PM, TUESDAY, APRIL 8, 2025

This proposed project includes offering surveyed parcels for sale in a future offering under the method described in the Preliminary Decision document. The project may be subdivided and offered in multiple offerings over time.

Location The project area is located within DNR's Southcentral Region and within the Matanuska-Susitna Borough. This proposed project is near Willow, Alaska, north of Willow Creek, on the west side of the Parks Highway near mile post 73, within the North 1/2 of Section 36, Township 20 North, Range 5 West, Seward Meridian.

Project size: 320 acres with approximately 250 acres proposed development area

To obtain a copy of the Preliminary Decision, or instructions on submitting comment, go to <https://dnr.alaska.gov/mlw/landsales/public-notice/> or <https://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 <https://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, TUESDAY, APRIL 1, 2025

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on the Preliminary Decision. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 5:00 PM, TUESDAY, APRIL 8, 2025.** 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 email, fax, or postal mail. To submit comments or for direct inquiries, contact: land.development@alaska.gov, fax # 907-269-8916, or 550 W. 7th Ave., Ste. 640, Anchorage, AK, 99501. If you have questions, call Terry Hess at 907-269-8591.

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

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