

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

PRELIMINARY DECISION

North Fork Micro Ag. Subdivision - ADL 233191

Proposed Land Offering in the Kenai Peninsula Borough

AS 38.05.035 (e), AS 38.05.045

RELATED ACTION(S):

Proposed Amendment to the Kenai Area Plan

AS 38.04.065

Proposed Land Classification Order

AS 38.04.065 and AS 38.05.300

Proposed Mineral Order (Closing)

AS 38.05.185 and AS 38.05.300

PUBLIC COMMENT PERIOD ENDS 5:00PM, THURSDAY, MARCH 18, 2021

I. Proposed Action(s)

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Attachment A: Vicinity Map

Attachment B: Public Notice

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

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

Draft Land Classification Order CL SC-99-002A14

Draft Mineral Order No. 1241 (Closing)

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

LCS proposes to sell land within the North Fork Micro Ag. project area for the purpose of providing land for settlement and agriculture by developing a subdivision of no more than 35 parcels varying in size from approximately 4 to 50 acres. The project area consists of approximately 640 acres, out of which only approximately 350 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 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

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

Area Plan Amendment: DNR proposes to amend the Kenai Area Plan (KAP) for unit 334A to amend the designation of a portion of the project area from Settlement to Agriculture and amend the designation of that portion of the project area within the North Fork Anchor River corridor from Settlement to Habitat/Public Recreation and Tourism – Dispersed Use. The amendment will also reduce the width of North Fork Anchor River riparian corridor from 700-feet to a minimum of 500-feet and amend the management intent. Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

Land Classification Order (LCO): In relation to the Area Plan Amendment, DNR proposes to reclassify a portion of the project area in a Land Classification Order from Settlement land to Agricultural land, and to reclassify that portion within the North Fork Anchor River corridor from Settlement to Fish and Wildlife Habitat/Public Recreation. Refer to the Planning and Classification subsection of this document for more information on this proposed related action.

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

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

Public Notice of Proposal: In accordance with AS 38.05.945 Notice, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this proposal. Public notice for all actions is being conducted concurrently.

See **Section VIII. Submittal of Public Comments** at the end of this document and *Attachment 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 Final Finding and Decision 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. Agricultural parcels offered through this action will be subject to perpetual agricultural covenants per AS 38.05.321 *Restrictions on Sale, Lease, or Other Disposal of Agricultural Land*. For more information about the land sales program, please visit <https://dnr.alaska.gov/mlw/landsales/>

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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." Pursuant to *AS 38.05.055 Auction Sale or Sealed Bid Procedures*, bidders for commercial land are not required to have been an Alaska resident for one year preceding the date of the sale. 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*. *AS 38.05.321 Restrictions on Sale, Lease, or Other Disposal of Agricultural Land* provides the authority for selling land subject to agricultural covenants.

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

IV. Administrative Record

The project file, North Fork Micro Ag. Subdivision - ADL 233191, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Kenai Area Plan for State Lands (KAP, adopted 2001) and associated land classification files,
- *Alaska Interagency Wildland Fire Management Plan (2020 Review)*,
- *Alaska Department of Fish and Game (ADF&G) Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*,
- *USDA, Natural Resource Conservation Service Custom Soil Report for this project, dated August 22, 2018*,
- DNR case files:
 - Access Easements ADL 39502, ADL 62639, ADL 225660, ADL 225698, ADL 229682, ADL 233136
 - Leasehold Location Order: LLO 21
 - Sub-Surface Activity: LST CI0802 - associated lease with ADL 733
- Other case files, reports, and orders referenced in this decision.

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 and to conduct the proposed plan amendment, land classification order, and mineral order as described herein. The scope of this proposal does not include the control of post-patent use and LCS does not intend to impose deed restrictions for this purpose, other than the reservation of perpetual agricultural covenants for parcels sold under that authority. The subdivision may be conducted in multiple stages.

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VI. Location

The project area is located within DNR's Southcentral Region, approximately 10 miles northeast from Anchor Point. The project area is within Section 36, Township 4 South, Range 14 West, Seward Meridian, within the Kenai Peninsula Borough (KPB). The project area consists of approximately 640 acres, with 350 acres identified for disposal by this proposed action.

Platting Authority:

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

Native Regional and Village Corporations: The project area is within the boundaries of the Cook Inlet Region Incorporated (CIRI). The villages of Ninilchik and Seldovia are within 25 miles of this proposed action and notice will be sent to the Ninilchik Native Association, Inc., the Seldovia Native Association, Inc, the Ninilchik Traditional Council, the Seldovia Village Tribe and CIRI.

VII. Property Description

The entirety of Section 36 within Township 4 South, Range 14 West, Seward Meridian, according to the plat of survey accepted by the United States Department of the Interior, General Land Office on April 29, 1946, containing 640 acres more or less.

VIII. Title

Title Report No. 11184, current as of September 10, 2018 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 1220722, dated June 20, 1961. The applicable State case file is SCH 76 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 un-meandered, and the State holds and controls all navigable or public water in trust for the use of the people of the state." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the Constitution of the State of Alaska and protected in the United States Constitution. It is

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vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made, and access will be reserved per *AS 38.05.127 Access To and Along Public and Navigable Water*. For more information, see Access To, Within, and Beyond Project Area subsection of this document.

The Bureau of Land Management has not made a navigability determination for waters within the affected townships for title purposes.

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, and ground field inspections conducted June 5, 2019 and September 17, 2020. 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 land was found to be gradually sloping (5-20%) within most of the project area with higher slopes (up to approximately 50%) in the eastern portion of the project area along the North Fork Anchor River.

View: The project area has beautiful views of Caribou hills and Kachemak Bay.

Vegetation: The vegetation cover contains alder and willow shrub, other low shrubs, scattered spruce, and tall grasses.

Soils: Soils within the project area generally consist of Redoubt and Kachemak Silt loams. They are both well drained with the depth to restrictive features more than 80 inches. The project area is rated as a "poor" gravel source. The soils are categorized as non-irrigated capability class (NICC) III, IV, V, VI and VII. This project area contains a majority proportion of soils suitable for agricultural development (NICC III soils) mostly along the western and southern project boundary and NE corner of the property.

Wetlands: The North Fork Anchor River flows through the project area from the northwest corner through the center of the section and out the east side of the project area. Wetlands appear to exist within the SE1/4 portion of the project area along the North Fork Anchor River. These wetlands will be retained within the buffer from the North Fork Anchor River.

Geologic Hazards: Geologic hazards are common throughout Alaska. Information gathered during field inspection did not indicate any specific geologic hazards for this area. Should any geologic hazards be discovered in the development of this proposal, information will be included in offering materials.

Fire Information: Pursuant to observations from the June 5, 2019 and September 17, 2020 field inspections, fire risk in the area is likely moderate. There is no reported history

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of fires within the vicinity. The project area is within the Anchor Point Fire and Emergency Service Area.

Potential for wildland fire is high in southcentral Alaska and other certain parts 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 the project area is “Critical.” The policy on areas with the “Critical” management option reads, “Wildfires occurring in the Critical Management Option or that threaten critical sites are assigned the highest priority for suppression actions and assignment of available firefighting resources” It also states that the designation of a fire management option does not ensure protection from wildfire, that a protection response will be based on various factors, and “Ultimately, it is the responsibility of [landowners] to mitigate and minimize risk to their property before it becomes threatened by a wildfire”.

Flood Hazard: There is no Flood Insurance Rate Map (FIRM) available for the area. The project area is within FEMA FIRM Community Panel #0200123925A (Not Printed). 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). There are several water rights within the vicinity of the project area. Information from well logs indicate that well depths in the vicinity typically range from 55 to 197 foot. Water quality is unknown.

Waste Disposal: Solid waste disposal available at Anchor Point, Old Sterling Hwy past Anchor River Inn Grocery Store. All on-site wastewater disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

X. Background:

This land was acquired under U.S. Patent #1220722, recorded June 20, 1961. This 640-acre parcel was offered as a grazing lease ADL 267 in 1963 which expired in 2018. Following the recommendation within the KAP (updated 2001) the parcel was identified as a potential land sale area.

Lands surrounding the project area are owned by the KPB, State, CIRI and private individuals. No recent State land offerings have been conducted in the North Fork area. The State of Alaska sold a large (640-acre parcel adjoining the northerly boundary of the project area in 1961, and a 37-acre parcel to the southeast in 1980. Both of these parcels have been subdivided and developed. Private properties nearby range in size from 2 to 20 acres. The Meadow Bridge Subdivision, Hill Park Estates, Hill Knob Subdivision, Forest Creek lots, Aldered Estates, Hill Park Estates, Outlook Subdivision, Homesites Subdivision, Mocking Bird Hill Subdivision, Hawkeye Too Subdivision and Hoot Owl Mini Ranches subdivisions are surrounding the project area and were subdivided between 1976 and 2002. Privately owned parcels have been

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developed, many of which have constructed access roads and driveways, houses, and recreational cabins.

Ground field inspections were conducted of the proposed project area on June 5, 2019 and September 17, 2020. Legal access to the project area is via North Fork Road. The project area is accessible by highway vehicle access year-round. The land was found to be gradually sloping (5-20%) within most of the project area with higher slopes (up to approximately 50%) in the eastern portion of the project area along the North Fork Anchor River. The vegetation cover contained alder and willow shrub, other low shrubs, scattered spruce, and tall grasses. At the time of the inspection, some trash and few derelict cars were observed along North Fork Road and adjacent trails.

North Fork Road (ADL 39502, a 100-foot wide easement) crosses through the western portion of the project area, providing legal constructed access through the area. Leshers Mill Road (aka Wagon Road) crosses through the northwestern portion of the project area and provides access to private property north of the project area. There is an associated permit (ADL 225698) for a bridge crossing of the North Fork Anchor River for Leshers Mill Road. North Fork Hill Road crosses through the northeast portion of the project area and is used as a year-round ATV and snowmobile access road to the adjacent Caribou Hills recreational area. The trail departs from Leshers Mill road and accesses the Caribou Hills Special Use area to the northeast. The 66-foot wide easement for portions of North Fork Hill Road and Leshers Mill Road (ADL 225660) was never fully completed as an as-built of survey of the road was never submitted. The Snowmads Snowmachine Club has applied for an easement (ADL 229682) for an approximately 2-acre trail head parking area in the northeast corner of the project area, for recreational use of the North Fork Hills Trail. This easement is currently being adjudicated. There is a 60-foot wide public access easement (ADL 233136) in the southwest portion of the project area, for a public access road between north fork road and Clyde Thomas Avenue. There is a 30-foot wide public utility easement (ADL 62639) issued to Homer Electric Association for an electric transmission line along North Fork Road and crossing through the western portion of the project area. There appears to be an unauthorized road, Louis Huber Avenue, crossing State from North Fork Road accessing private property to the west. Holly lane in the northeast corner of the project area may be partially constructed across State land outside of the North Fork Road ROW or section line easement. LCS intends to reserve and/or dedicate these roads and easements as part of subdivision design.

DNR has considered the quality of the land, existing development, area plan management intent, and general land use to incorporate into the subdivision design. The development patterns are highly variable within the vicinity; however, the majority of the subdivided lots range between 2 and 20 acres. LCS intends to develop parcels ranging from 4 to 50 acres in size.

The 640-acre project area contains approximately 40% of Non-irrigated Capability Class III soils and 3% of Class IV soils. The good soil quality (Class III), close proximity to local markets, existing infrastructure and local interest to increase agricultural and residential development on the Kenai peninsula makes this project a great agricultural and residential land disposal. DNR receives frequent inquiries about the availability of larger tracts of agricultural land for sale, particularly in the Southcentral Region, and these lots will help meet that demand. Therefore, LCS is proposing to sell the project area as mixture of smaller residential and larger agricultural parcels.

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Due to the constraints along North Fork Road, LCS is proposing to develop smaller parcels (approximately 4 to 10 acres) west of North Fork Road and in the northwest portion of the project area between North Fork Road and the North Fork Anchor River corridor. LCS proposes to develop larger parcels (20-acres or larger) in the northeast portion of the project area, and the southerly portion, east of North Fork Road. LCS intends to convey parcels less than 20-acres without agricultural covenants and parcels larger than 20-acres with agricultural covenants. Although the smaller parcels will not be subject to agricultural covenants, offering materials will highlight the agricultural potential of the parcels.

Agricultural parcels are sold under the authority of *AS 38.05.045 Generally*; however, they are sold with perpetual agricultural covenants in accordance with *AS 38.05.321 Restrictions on Sale, Lease, or Other Disposal of Agricultural Land*. These covenants, in part, limit the use of the land to agricultural purposes and restrict the future subdivision of the parcel. Parcels sold subject to agricultural covenants may only be subdivided once and any resultant parcels may not be less than 40-acres. Additionally, when lands are sold for agricultural purposes, they are subject to clearing and development requirements based on the percentage of available cropland. For the purpose of determining required development, “cropland” is defined as land that:

- after being cleared is capable of producing, at a minimum, such commercial crops as grasses for seed, grain for cereal, or frost hardy vegetables;
- is arable and at least 97 percent free of surface stoniness (stones greater than three inches);
- with slopes less than 12 percent;
- has mineral soil depths over aggregate or sand measuring at least 10 inches;
- is capable of draining satisfactorily following conversion to farm land; and,
- is not subject to frequent flooding.

The amount of clearing required, if any, will be listed in the offering brochure. This information is subject to a final determination by the DMLW. The subjected clearing and development requirements are prohibited until the required State Farm Conservation Plan (*11 AAC 67.177*) has been submitted by the purchaser to the DNR Division of Agriculture (DAg). Following the approval from the Homer Water Conservation District and the Director of DAg the clearing and development of the purchased parcel may begin.

In order to protect wildlife habitat along the North Fork Anchor River, LCS proposes to retain a minimum 500-foot corridor along the river in State ownership. This corridor will also include lands outside of 500-foot, including a portion of the southeast portion of the project area. Refer to the Planning and Classification section for more information.

By subdividing the project area into residential and agriculture lots, the State can maximize opportunity for land ownership, and revenue to the State. The North Fork Subdivision is in a highly desirable area, close to amenities with a very good infrastructure access. The project area has beautiful views of Caribou hills and Kachemak Bay. Offering parcels in a combination of residential and agricultural parcels will help meet the demand for both types of land, and the buffer from the North Fork Anchor River will help mitigate impacts to wildlife habitat.

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XI. Planning and Classification

The project area is within Kenai Area Plan (KAP, adopted 2001), Region 7C, Homer, Unit 334A. Lands within this unit are currently designated Settlement, and classified Settlement under Land Classification Order No. SC-99-002. The project area consists of all the management unit.

Unit 334A Region 7 Considerations: The management intent for Unit 334A is to convey larger parcels (10-20 acres) that would be suitable for agricultural uses. Any authorizations along the North Fork Anchor River in this unit are subject to 700-foot-wide buffer. If parcels are conveyed, a riparian corridor for habitat will be retained in state ownership or subject to management for fish and wildlife habitat purposes.

LCS proposes to amend the management intent for Unit 334A to remove the acreage restrictions. This will allow LCS to develop parcels which fit with the physical conditions of the land and meet the demand for both settlement and agricultural parcels.

LCS proposes to reduce the 700-foot-wide buffer from the North Fork Anchor River to a minimum of 500-foot. However, LCS is proposing to increase the net acreage of land retained in State ownership, and to amend the designation from Settlement to Fish and Wildlife Habitat. Reducing the corridor to a minimum of 500-foot will allow LCS to develop parcels which meet the physical constraints of the land, primarily within the northwest portion of the project area, between North Fork Road and the North Fork Anchor River corridor. This will also allow for greater flexibility to survey parcels to a non-meandered boundary.

LCS proposes to retain approximately 275 acres of the project area in State ownership and change the land designation to wildlife habitat. The retained area includes the area within the North Fork River buffer and the proposed retained area within the SE portion of the project area. Those areas appear to contain drainages most likely suitable for moose habitat, have greater slopes, a lack of road access, and most of the area does not contain good agricultural soils.

LCS proposes to amend the designation of a portion of the project area from Settlement to Agriculture for those areas where parcels larger than 20-acres are proposed. This will allow for the sale of larger parcels, subject to agricultural covenants, to be located within this area with good agricultural soils. The amendment will also amend the designation of the North Fork Anchor River corridor from Settlement to Fish and Wildlife Habitat. ADF&G noted the corridor is an important area for moose, particularly for winter moose habitat. The corridor meets the criteria provided in the Kenai Area Plan for Fish and Wildlife Habitat designated areas.

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

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Fish and Wildlife Habitat and Harvest: Management guidelines apply to areas designated for fish and wildlife habitat and provide for mitigation measures when authorizing uses of these areas, as well as authorizations within riparian zones. Subdivision design will incorporate a buffer along the North Fork Anchor River. LCS is proposing to amend the designation of the retained buffer to Habitat.

The KAP identifies the types of habitats that warrant designating a unit Fish and Wildlife Habitats:

1. Limited areas that serve as a concentrated use area, essential habitat, or movement corridor for important fish and wildlife species during a sensitive life history stage where alteration of the habitat or human disturbance could result in a permanent loss of population and species sustained yield, or
2. Localized traditional harvest areas of limited size where alteration of habitat could permanently limit sustained yield to traditional users.

One of the types of habitats defined is:

Moose Movement Corridors: Important corridors allowing travel from post-rutting aggregations into wintering areas. These corridors are particularly important in developed areas near communities.

Pursuant to information received from ADF&G, the area proposed to be amended to a Fish and Wildlife Habitat designation is a moose movement corridor and is appropriate for this designation.

Forestry: Management guidelines provide that in units designated other than Forestry (including Settlement), a percentage of forest cover is available for timber production and included in the timber base unless prohibited by the management intent for the specific unit. The project area is relatively small, with limited forest resources. DNR does not intend to harvest timber prior to or in conjunction with the development of this proposed project.

Heritage Resources: Management guidelines provide that cultural surveys or inventories should be conducted prior to the design of land offerings in areas the state Office of History and Archaeology (OHA) determines have high potential to contain important heritage sites and for which information is inadequate to identify and protect these sites. OHA reviewed the proposed North Fork Micro Ag. Subdivision project area to determine the potential for negative effects on heritage resources and stated that their database did not indicate any known heritage resource sites in the proposed subdivision. Staff determined that a cultural resource survey was not required. OHA will be notified should any heritage resources be discovered during the development of this project and offering materials will include information regarding heritage sites and the requirement to notify OHA if any heritage resources are discovered.

Materials: Management guidelines state that if a unit is designated Settlement but contains high-value material resources, a pit will be identified and retained in public ownership for future use before lands are offered for sale. The project area does not contain any known high-value material resources, and LCS does not intend to retain a pit area.

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

Settlement and Agriculture: Applicable management guidelines include provisions for coordination with local government, commercial use of parcels, subdivision design, and erosion and flood control. These guidelines have been considered in the development of this proposal. This proposed project area is located within the KPB and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards. The Kenai Peninsula Comprehensive Plan is calling for an increase in local agriculture production and development outside of the incorporated cities by prioritizing future growth in the most suitable areas. DNR intends offer parcels that may be suitable for range of uses including agriculture, and residential. Subdivision design will incorporate a buffer along the North Fork of the Anchor River within the project area.

Shorelines, Stream Corridors and Wetlands: Management guidelines provide that legal access will be reserved along the shore of waterbodies. North Fork Anchor River bisects the projects area. DNR intends to retain land within approximately a minimum of 500-foot of the North Fork Anchor River as a riparian corridor for habitat. This buffer will vary in width, but land will not be conveyed within 500-foot of the North Fork Anchor River. No other public water bodies have been identified in the project area. Wetlands appear to exist within the SE 1/4 portion of the project area along the North Fork Anchor River. The identified wetlands are within the retained riparian corridor buffer along the North Fork Anchor River. See the Access To and Along Public or Navigable Waters section for more information.

Trails and Access: Management guidelines require that prior to the disposal of state lands, trails that merit consideration for protection should be identified and reserved. Public easements and trails have been identified within the project area. Leshers Mill Road (Wagon Road) crosses the North Fork Anchor River connecting to North Fork Road in the NW corner of the project area. North Fork Hill Road (Coyote Run Road) (ADL 225660) is a 66 - foot public easement that connects to Leshers Mill Road and runs through the NE corner of the project area providing year-round access to Caribou Hills Recreational area. DNR intends to dedicate rights-of-way (in fee) on these roads as a part of subdivision design, to assure access through and beyond the project area. The proposed Snowmads parking area (ADL 229682), approximately 2 acres, is in the NW corner of the project area close by the intersection of North Fork Road and Leshers Mill Road. This proposed parking area is within the lands LCS proposes to retain in State-ownership. Access to and within the area will be reserved along existing roads, section-line easements, and easements as appropriate. See the Access To, Within, and Beyond the Project section for more information.

Transportation and Utilities: Management guidelines provide that before a land offering DNR will work with the Department of Transportation and Public Facilities

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(DOT&PF) to identify appropriate locations for access and transportation facilities, if necessary. The proposed project is located on a constructed road, and access is directly from the road. DOT&PF was consulted during the Agency Review of the proposed project. DNR will continue to coordinate with DOT&PF during the design and development of this proposed project. Refer to the DMLW and Agency Review section for more information.

The proposed offering will be consistent with area-wide land management policies and general management intent of the KAP and specific management unit if the proposed Area Plan Amendment, Land Classification Order, and Mineral Order are approved in accordance with *AS 38.04.065 Land Use Planning and Classification*, *AS 38.05.300 Classification of Land*, and *AS 38.05.185 Generally*. The project area is currently designated Settlement with management intent for agricultural uses and requires an amendment to the KAP and a Land Classification Order prior to agricultural land sale disposal.

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

Area Plan Amendment: LCS proposes to incorporate approximately 250 acres within unit 334A into a new subunit 334A-1, designated Agriculture; and incorporate approximately 275 acres of unit 334A within the retained buffer from the North Fork Anchor River and lands within the southeast portion of the unit into nearby Unit 335A, designated Habitat and Public Recreation and Tourism – Dispersed Use. The remainder of Unit 334A will remain designated Settlement. The amendment also: proposes to amend the management intent of Unit 334A to state that land disposals of parcels smaller than 20-acres is appropriate; provide new management intent for Unit 334A-1 that agricultural land disposal of parcels larger than 20-acres is appropriate; and require a minimum 500-foot-wide buffer along the North Fork Anchor River. Refer to the Draft Amendment to the Kenai Area Plan SC-99-002A14 for more information.

Land Classification Order: In relation to the proposed Kenai Area Plan Amendment, LCS proposes to reclassify approximately 250-acres from Settlement to Agriculture and reclassify approximately 275-acres from Settlement to Wildlife Habitat/Public Recreation.

Mineral Activity and Order(s): No mineral activity has been identified on these lands. The entirety of the project area (approximately 640 acres) will be closed to new mineral entry if the Mineral Order is approved in accordance with *AS 38.05.185 Generally* and *AS 38.05.300 Classification of Land* for a land disposal. The proposed mineral order, if approved, will close the area to new mineral entry only and will not affect current existing mining claims. Closing the entire area to mineral entry is consistent with the management intent of the KAP.

Mineral orders which close an area to mineral entry, close the applicable area to new exploration and development of locatable minerals. Such mineral orders do not apply to leasable minerals (such as: oil, gas, coal, etc.), or exploration licensing for such, nor do they preclude reasonable surface access to these resources. However, *AS 38.05.130 Damages*

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and Posting of Bond stipulates that the land estate owner will be compensated for damages resulting from exploration and development.

Mining activity for locatable minerals would be incompatible with the past, current, and proposed land estate uses for land disposals. To allow new mineral location within the boundaries of the parcels encompassed by this decision could create serious conflicts between land estate and mineral estate users. KAP land use designation information states that: “Areas designated Settlement should be closed to mineral entry prior to sale”.

Local Planning: The project area is within the KPB and property purchased through this proposed offering will be subject to the applicable zoning, ordinances, and restrictions of the borough. The project area is within the boundary of the *Kenai Peninsula Borough Comprehensive Plan* (Review Draft, December 2017). Review of that plan did not indicate any conflicts with proposed land disposal.

XII. Traditional Use Finding

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

XIII. Access To, Within, and Beyond Project Area

Access to the project area is North Fork Road (ADL 39502). Standard highway vehicles may be used to access the proposed subdivision. North Fork Hill Road (Coyote Run Road) and Leshers Mill Road cross through the northern part of the project area. LCS intends to dedicate these roads through the platting process. Other access within the project area includes Holly Lane in the northeast corner of the project area, and connections to Louis Huber Avenue and Clyde Thomas Avenue along the westerly boundary. LCS will dedicate these ROWs as appropriate.

Subdivision design will take into account topography and access to lands beyond the project area and within the project area boundaries. The subdivision is subject to the platting authority of the KPB. Approval of platting actions and dedication of rights-of-way will require separate processes and public notices through the borough.

Access To and Along Public or Navigable Waters In accordance with AS 38.05.127 *Access To Navigable or Public Water*, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 *Determination of Navigable and Public Water*, 11 AAC 51.045 *Easements To and Along Navigable and Public Water*, and 11 AAC 53.450, *Buffer Strips, Reserved Areas, and Public Easements*.

For the purposes of AS 38.05.127:

- navigable waters are generally lakes larger than 50 acres in size or streams larger than 50 foot in average width;

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

North Fork Anchor River has been determined to be public within the project area, however, LCS will reserve a minimum 500-foot buffer along the North Fork Anchor River in State ownership. LCS has not identified any other public, navigable, or anadromous water bodies within the project area. If any such water bodies are discovered, parcels will be subject to access reservations in accordance with *AS 38.05.127 Access to Public or Navigable Water*, and a 50-foot building setback from the OHW of the water body.

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*; section-line easements may be vacated under *AS 19.30.410 Vacation of Rights-of-Way* and *11 AAC 51.065 Vacation of Easements* as part of the subdivision development;
- a 50-foot continuous easement upland from the OHW of public or navigable water bodies in accordance with *AS 38.05.127 Access To Navigable or Public Water*;
- 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

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

Retained Lands: LCS proposes to retain approximately 275 acres of the project area in State ownership and change the land designation to wildlife habitat. The retained area contains approximately 275-acres including area within the North Fork River minimum 500-foot buffer and the proposed retained area within the SE portion of the project area.

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XIV. Hazardous Materials and Potential Contaminants

During the ground field inspection conducted on June 5, 2019 and September 17, 2020, the field staff did observe any environmental hazards within the project area. Some trash and few derelict cars were observed along North Fork Road and adjacent trails at the time of the inspection. No contamination was observed. There are no known environmental hazards present within the project area; however, the State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land here proposed for conveyance. The State further assumes no liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances eventually be found. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal.

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 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 Kenai Peninsula Borough, and therefore survey and platting will be subject to the relevant subdivision standards. The borough's platting requirements provide for separate public notice periods and processes for platting actions. These additional opportunities for public involvement occur after DNR issues a Final Finding and Decision, 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

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decision. Agency review was conducted from July 13, 2020 through August 3, 2020. Comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision, if one is issued.

DNR DMLW LCS received brief comments of non-objection from the following agencies:
DNR Division of Parks and Outdoor Recreation (Operations)

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

ADF&G Comment: ADF&G described that the project area is an important moose winter range habitat and that the moose population/habitat in Game Management Unit 15C is at the carrying capacity for the winter moose habitat, which could negatively impact the moose population in the area. ADF&G would prefer to see the area retained but recognized that there are competing interests in State land. ADF&G objected to any net reduction of the buffer area provided in the KAP, and requested that if the project moves forward, the subdivision design maximize the acreage of retained state land, in particular lands within the SE 1/4 and the E 1/2 of the SW 1/4 of Section 36 appear to represent an appropriate area to retain as they contain drainages that likely contain suitable moose habitat. ADF&G had serious concern about loss of the parking/staging area, legal public access to important trail system to Anchor River Critical Habitat Area, and the Caribou Hills Area for hunters and recreationalists.

DNR DMLW LCS Response: LCS appreciates your review of the proposal, as we discussed with ADF&G prior and during the Agency and Division review we will consider your concerns in the project design. Pursuant to those conversations we are proposing to maximize the acreage of the retained area by retaining an additional portion within the southeastern portion of the project area. Although we are proposing to reduce the buffer to a minimum of 500-feet, and only within portions of the proposed subdivision, the net acreage of the retained lands will be substantially increased. The acreage contained within the 700-foot buffer provided by the plan includes approximately 209 acres. The area proposed to be retained in State ownership and designated Fish and Wildlife Habitat contains approximately 275 acres (an approximate 30% increase). Additionally, the parking/staging area is located in the proposed retained area and will not be included in lands proposed for sale. LCS proposes to dedicate rights of ways for the road system (Leshers Mill Road and North Fork Hill Road) within the project area.

Division of Oil and Gas: Thank you for the opportunity for the Division of Oil and Gas Leasing Section to comment on the North Fork Micro Ag. project. The sale area is within the North Fork Oil and Gas Leasing Unit and there is currently an active subsurface lease, CI802. We thank you for continuing to make prospective bidders and applicants aware of the State's reservation of the mineral estate, including oil and gas.

DNR DMLW LCS Response: LCS appreciates your review of the proposal. LCS will inform potential purchasers of the lease and the reservation of mineral estate.

DOT&PF comment: DOT&PF noted that DOT&PF-maintained North Fork Road crosses the proposed land disposal area. DOT&PF stated that Agency Review materials were unclear

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as to whether DNR intends to convey the State-owned fee simple estate under the highway easement (ADL 39502) to adjoining lot owners. DOT&PF Central Region requested that:

- DNR exclude the fee estate under North Fork Road and portions of Leshers Mill Road that are DOT&PF-maintained;
- DNR's survey staff coordinate with DOT&PF Central Region Right-of-Way (CR ROW) Survey staff when conducting field work for the subdivision to identify and exclude any areas of cut and fill slope or other highway facility that may be located outside of the established right-of-way lines;
- DNR land conveyances staff coordinate with the CR ROW Property Management Group to establish driveway permits for all existing road connections to the highway prior to subdivision and sale. Driveway permits may be issued to DNR on behalf of the public;
- DNR Southcentral Regional Land Office and/or land conveyance staff coordinate the approval of any parking areas located adjacent to the highway ROW as DOT&PF is concerned that unmanaged use of such a facility may negatively impact the transportation corridor; and
- DNR obtain a driveway permit for any public parking area located adjacent to DOT&PF managed right of way.

DNR DMLW LCS Response: LCS appreciates your review of the proposal. LCS intends to dedicate, in fee, North Fork Road, Leshers Mill Road, and North Fork Hill Road. These areas were not included as retained lands as the intent is not to retain, but to dedicate the underlying fee estate. DNR will coordinate with CR ROW during subdivision design and development. LCS will not be establishing driveway permits. As we do not know if, when, where, or how a driveway will be developed, it would be premature to request a driveway permit for individual parcels at this time. Although LCS intends to retain in State ownership the land where the Snowmads Snowmachine Club has applied for an easement, the adjudication of that application is a separate action and is beyond the scope of this decision. LCS has passed on the coordination request and driveway permit request to the Southcentral Regional Land Office.

DNR Division of Forestry (DOF): DOF noted that the minimum four-acre parcel size is sufficient for Firewise actions by landowners. DOF also requested that purchasers be provided with current Firewise information.

DNR DMLW LCS Response: LCS appreciates your review of the proposal. Offering materials regularly include links to Firewise information, along recommendations to implement wildfire mitigation methods, including creating defensible space.

State Pipeline Coordinator's Section: The State Pipeline Coordinator's Section (SPCS) reviewed the Division of Mining, Land and Water (DMLW) Proposed Land Offering in the Kenai Peninsula Borough – North Fork Micro Ag. Subdivision. SPCS noted that the primary road into the subdivision is an access road for the following AS 38.35 pipeline right-of way: North Fork Pipeline, ADL 230928. SPCS requested that DMLW coordinate closely with the lessee (Anchor Point Energy, LLC) when activities begin.

DNR DMLW LCS Response: LCS appreciates your review of the proposal. Anchor Point Energy LLC will be included in the Public Notice for this 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 Agriculture
 - Division of Geological and Geophysical Surveys
 - Mental Health Trust Land Office
 - Office of Project Management and Permitting
 - DPOR, Office of History and Archaeology
- Homer Soil and Water Conservation District
- Alaska Association of Soil and Water Conservation Districts
- University of Alaska
- Alaska Railroad

XVII. Submittal of Public Comments

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

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

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

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the Preliminary Decision, draft area plan amendment, draft land classification order, or draft mineral order, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the Preliminary Decision, draft area plan amendment, draft land classification order, and draft mineral order including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent Final Finding and Decision, KAP Amendment No. SC-99-002A14, Land Classification Order CL SC-99-002A14 and Mineral Order 1241 without further notice. All related actions will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom DNR DMLW LCS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the FFD, KAP Amendment No. SC-99-002A14, Land Classification Order CL SC-99-002A14, or Mineral Order 1241. Upon approval and issuance of these actions, a copy of the decision, and mineral order will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the request for reconsideration process to any party who provides timely written comment.

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

DEADLINE TO SUBMIT WRITTEN COMMENT IS 5:00PM, MARCH 18, 2021

XVIII. Alternatives and Discussion

LCS is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 35 parcels, no smaller than 4 acres, and offer those parcels for sale. The offering will consist of a combination of settlement parcels and agricultural parcels. The development and offering of these parcels may be completed in multiple stages. This proposal includes the Mineral Order, Land Classification Order and Area Plan Amendment.

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

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

Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute and maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement and agriculture use in a desirable area. Portions of the offered area will be offered as agricultural parcels, subject to agricultural covenants. The North Fork Micro Ag. Subdivision is in a highly desirable area, close to amenities with a very good infrastructure access. The project area has beautiful views of Caribou hills and Kachemak Bay. Offering parcels in a combination of residential and agricultural parcels will help meet the demand for both types of land, and the buffer from the North Fork Anchor River will help mitigate impacts to wildlife habitat. This proposal, if approved in a subsequent FFD, will allow DNR DMLW to create and design a subdivision which will provide for the best use and development of the land and financial return to the State. Alternative 1 provides the greatest opportunity for more Alaskans to purchase land within this area. Due to the unique amenities of the area, location relative to the communities of Homer, Kachemak, and Fritz Creek, and the proximity to existing residential private property; the project area is better suited to subdivision prior to offering. Alternative 1 is preferred.

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

Alternative 2 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR

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DMLW from meeting its constitutional, statutory, and legislative goals. Not offering the project area would deny many Alaskans the opportunity to obtain land in an area that is suited to settlement and consistent with the surrounding development.

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

Recommendation follows.

XVIII. Recommendation

This Preliminary Decision for the proposed disposal of State lands, Mineral Order (MO 1241), Kenai Peninsula Area Plan Amendment SC-99-002A14, Land Classification Order LC-99-002A14 described throughout this document and its attachments are consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative because it provides the maximum opportunity for offering State land to the public and helps meet the mission of the land sales program. The Preliminary Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of State lands the Mineral Order 1241, Land Classification Order and Area Plan Amendment. If the decision is approved, the Mineral Order 1241, Land Classification Order and Area Plan Amendment. Will accompany and precede any Final Finding and Decision issued.

/s/

Prepared by: Daniela Fawcett
Edited and Submitted by: Damon Hampel
Natural Resource Specialist
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

February 8, 2021

Date

/s/

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

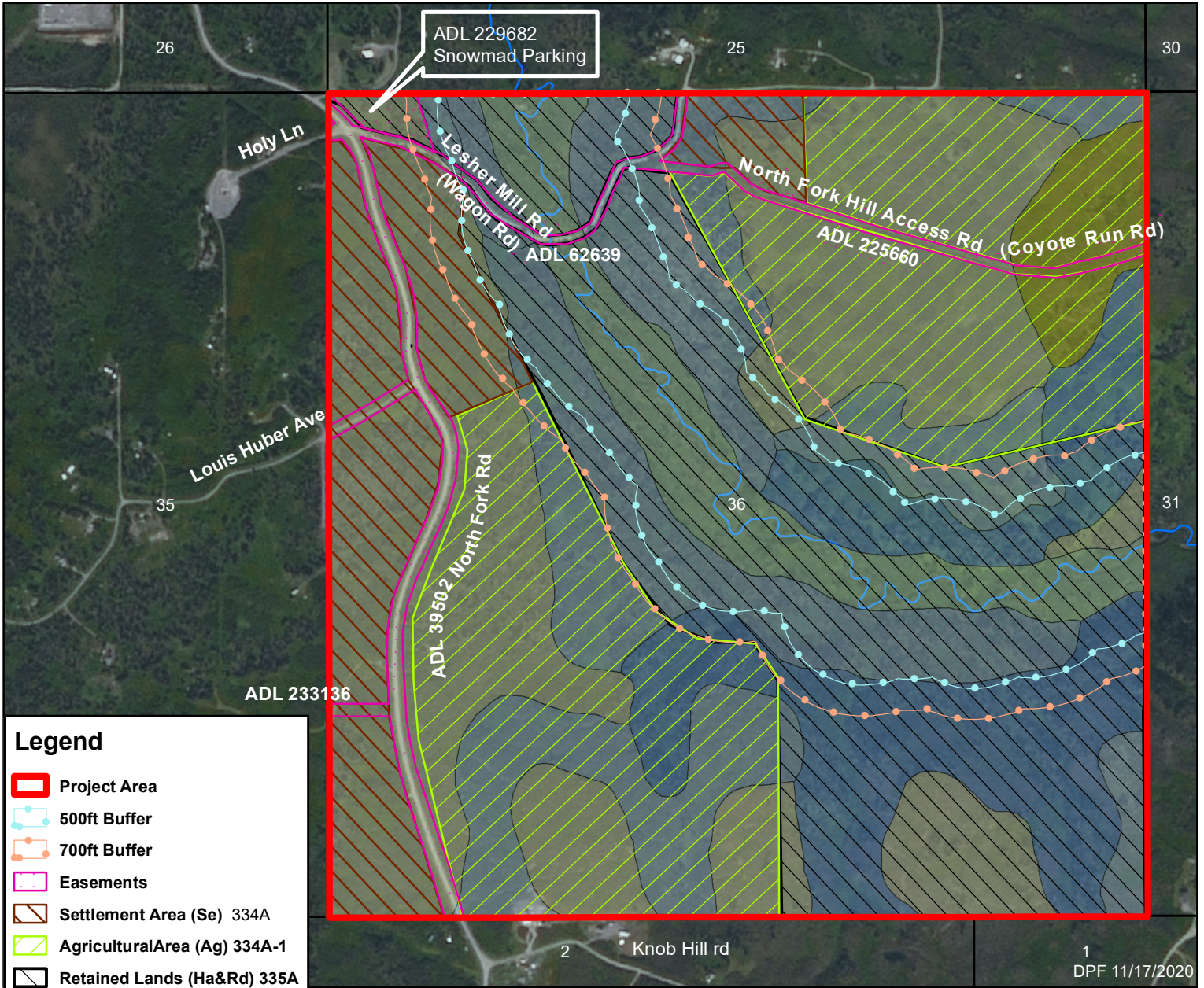
February 8, 2021

Date



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.

Attachment A: Vicinity Map North Fork Micro Agriculture ADL 233191



Legend

- Project Area
- 500ft Buffer
- 700ft Buffer
- Easements
- Settlement Area (Se) 334A
- Agricultural Area (Ag) 334A-1
- Retained Lands (Ha&Rd) 335A

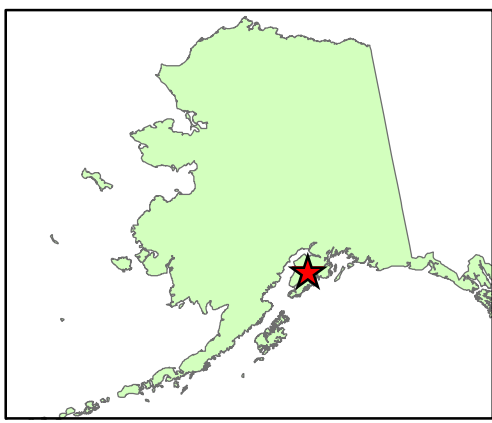
Ag. Soils Class

- 3
- 4
- 5
- 6
- 7

0 0.5 1 Miles

Section 36, Township 4 South, Range 14 West, Seward Meridian.

Seldovia C-4
 For more information contact:
 Damon Hampel
 Department of Natural Resources
 Division of Mining, Land, and Water
 Land Sales Section
 Phone 907.269.8537
 Fax 907.269.8916
 Email: land.development@alaska.gov



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

ATTACHMENT B: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
North Fork Micro Ag. Subdivision – ADL 233191

COMMENT PERIOD ENDS 5:00PM, THURSDAY, MARCH 18, 2021

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

Location: Located within DNR's Southcentral Region, approximately 10 miles northeast from Anchor Point.

Project size: ~ approximately 640 acres; approximately 340 acres are identified for disposal by this proposed action

Proposed Offering: up to 35 parcels, varying in size from approximately 4 - to 50 acres.

To obtain the notice, Preliminary Decision, Mineral Order, Land Classification Order and Area Plan Amendment, or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 10AM and 5PM in Anchorage at 907-269-8400, Fairbanks at 907-451-2705, or the Southeast Land Office in Juneau at 907-465-3400 (TTY for all locations: 711 for Alaska relay or 800-770-8973) or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, Thursday March 11, 2021.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on either the Preliminary Decision, Land Classification Order, Area Plan Amendment or Mineral Order 1241 for which notice is being conducted concurrently. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 5:00PM, THURSDAY MARCH 18, 2021.** Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be received by email, fax, or postal mail. To submit comments or for direct inquiries, contact Damon Hampel: land.development@alaska.gov, fax # 907-269-8916, or 550 W. 7th Avenue, Suite 640, Anchorage, AK, 99501. If you have questions, call Damon Hampel at 907-269-8537.

If no significant change is required, the Preliminary Decision and related action including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision, and Mineral Order 1241, 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.