

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

SPECIAL EXCEPTION

to the
Yukon Tanana Area Plan

related to the
Proposed Missile Club Subdivision – ADL 421397

Name: Unit P-22 management intent, Chapter 3 Resource Allocation Table, Parks Highway and West Alaska Range Region.

Location: That portion of the Missile Club Subdivision project area approximately encompassing leases ADL 415710, 415711, 415713, 415714, 415715, 415716, and 415718, all within management unit P-22. See *Attachment A* of the Preliminary Decision for the Missile Club Subdivision for a depiction of the special exception location.

Authority: The authority to revise plans derives from *AS 38.04.065 (b) Land Use Planning and Classification; 11 AAC 55.030 (f) Land Use Plan* defines when a revision constitutes a special exception. The authority to approve special exceptions has been delegated from the Director of the Division of Mining, Land, and Water (DMLW) to Section Managers and Regional Managers by Department Order 03.

Current Plan: Currently, the Yukon Tanana Area Plan (YTAP) Chapter 3 - Resource Allocation Table, Parks Highway and West Alaska Range Region reads, "Provide a riparian protection area (vegetated buffer) of 100' adjacent to Fish Creek and a buffer of 100' adjacent to the Parks Highway".

Proposed Special Exception: This special exception to the YTAP exempts the area described above from the unit P-22 requirement for a 100-foot buffer adjacent to the Parks Highway.

Explanation: The area affected by this decision has improvements within residential leases that were built many years before the adoption of the YTAP. These improvements include houses, outbuildings, a water well, and underground fuel storage that would be within or very close to the buffer. The proposed subdivision would create parcels encompassing these lease areas. It would be excessively burdensome to exclude these improvements from the parcels, as the improvements then would need to be removed or provided with a new State authorization. This would reduce the value of the parcels and undermine the goal for the subdivision of disposing of State land underlying privately-owned improvements.

Furthermore, subdivision parcels that would encompass these leases are constrained by the presence of the Parks Highway right-of-way, a 100-foot wide electricity transmission corridor (ADL 30788), and wetlands. If a 100-foot buffer adjacent to the Parks Highway were applied to this area, the parcels would be too small to be marketable, and some might not have adequate parcel area for legal placement of onsite water and wastewater systems.

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A special exception is required to exempt this proposed action without changing the management intent for the entirety of the unit. The special exception documents the reason behind not having a buffer adjacent to the highway specific to a land use plan, as required by 11 AAC 53.450(a).

Assessment: The proposed action only affects the lease areas described in the location section and does not change the overall management intent or management guidelines for the planning area. This constitutes a one-time, limited-purpose variance of the plan’s provisions. This action is also consistent with the management intent for Settlement-classified land, which is to provide the public with opportunities for private ownership. To allow the proposed land offering, there is no other alternative other than to process this exception to the area plan.

Requirements of AS 38.04.065 (b): The factors identified in this section of statute have been considered in the Preliminary Decision for ADL 421397 issued on January 28, 2021 and the proposed action is consistent with statute.

Decision: The standards for a special exception have been reviewed and have been met. The Resource Assessment and Development Section of the Division of Mining, Land, and Water, Department of Natural Resources finds that the special exception to the YTAP, as described above, meets the criteria for special exceptions under 11 AAC 55.030(f) and is hereby approved.

Approved: /s/ _____
Monica Alvarez, Section Manager
Resource Assessment and Development Section
Division of Mining, Land, and Water
Department of Natural Resources

May 14, 2021 _____
Date