

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

**PRELIMINARY DECISION**

**Dennison Headwaters Remote Recreational Cabin Sites, ADL 420909**

Proposed Public Access Easement, ADL 421631

**Proposed Land Offering in the Unorganized Borough**  
AS 38.05.035 (e), AS 38.05.045, AS 38.05.600, AS 38.05.850

**RELATED ACTION:**  
**Proposed Mineral Order (Closing)**  
AS 38.05.185 and AS 38.05.300

**PUBLIC COMMENT PERIOD ENDS 4:00PM, THURSDAY, SEPTEMBER 30, 2021**

**I. Proposed Action(s)**

*Preliminary Decision: Dennison Headwaters Remote Recreational Cabin Sites - ADL 420909  
Proposed Public Access Easement, ADL 421631*

*Attachment A: Vicinity Map*

*Attachment B: Public Notice*

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

*Draft Mineral Order No. 1254 (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 authorizations to stake parcels through the Remote Recreational Cabin Sites (RRCS) program.

LCS proposes to sell land within the Dennison Headwaters RRCS project area for the purpose of providing land for settlement. DNR may offer authorizations to stake up to 35 parcels ranging from 5 to 20 acres in this project area, for a maximum of 700 acres sold through this offering under AS 38.05.600 Remote Recreational Cabin Sites, if approved and deemed feasible.

Although the total disposal authorized under this proposal will not exceed the stated maximums, the development and offering of the project area may be completed in multiple stages. This proposed project area is located within the Unorganized Borough (UB) and therefore survey, platting, and access to and within the project area will be subject to the relevant subdivision standards.

If this proposed primary action is approved, the actual staking area may consist of all or only a portion of the overall project area. After consideration of public comment, the size and boundaries of the staking area will be described in a subsequent Final Finding and Decision, if the project proceeds to that step. Additional adjustments may be made up to or throughout the staking period, 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

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could increase the density of privately-owned parcels within, adjacent to, or near the project area.

Proposed Related Action(s): This related action will be developed separately; however, public notice is being conducted concurrently.

*Mineral Order (Closing)*: There are no mining claims within the project area. The project area is currently within leasehold location order (LLO) 39. DNR proposes a mineral order to close the project area to new mineral entry. This proposed mineral order will close the project area to mineral entry prior to staking and until the RRCS survey and platting is complete. Once parcels are platted, the mineral order will be retracted to only the surveyed parcels, and LLO 39 will remain in place for the remainder of the project area. Refer to the Reservation of Mineral Estate 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.

Proposed Public Access Easement, ADL 421631: DNR DMLW proposes to authorize a public access easement up to 100 feet in width for a pioneer road (Porcupine Ridge Road) constructed by the DNR Division of Forestry within the Dennison Headwaters RRCS project area. The easement encompasses the primary road connecting the Taylor Highway to Tanana Valley State Forest land south and west of the project area:

- Starting from the westerly boundary of easement ADL 414716 near Taylor Highway milepost 12;
- heading westerly within Sections 7, 8, 9, 10, and 16 of Township 19N, Range 15E, Copper River Meridian; and
- ending at the south section line of Section 7, Township 19N, Range 15 E, Copper River Meridian, for an approximate length of 4 miles.

See *Attachment A* for a depiction of the proposed easement. While the public may access areas within and beyond the project area via generally allowed uses on State land (*11 AAC 96.020*), the proposed easement will help provide a basis for legal access to parcels staked within the project area. The easement will help preserve the existing access route to adjacent Tanana Valley State Forest land.

The majority of forestry roads in Interior Alaska are constructed under the Clean Water Act silvicultural exemption to permitting. This silvicultural exemption only applies when the primary purpose of the road is for silviculture. If the primary use of the road changes, the road may need to go through the permitting process. If the primary proposed action is approved, LCS will consult with the US Army Corps of Engineers to determine if the road will require Clean Water Act permitting.

If approved, the easement will be issued to DNR DMLW. DNR DMLW would manage the easement, but would not be obligated to construct, upgrade, or maintain the road.

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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 and related action. 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**

*AS 38.05.600 Remote Recreational Cabin Sites* authorizes DNR to conduct leasing and sale of land for Remote Recreational Cabin Sites. *11 AAC 67.800 - 11 AAC 67.845 Remote Recreational Cabin Sites* and other related regulations describe how DNR offers authorizations to select and stake Remote Recreational Cabin Sites in designated areas during the specified offering period.

After approval of a RRCS disposal, LCS plans a future announcement of an offering of staking authorizations and the availability of offering brochures pursuant to *AS 38.05.945 Notice*. The brochures generally describe simultaneous offerings of multiple areas; the relevant application period; and the related procedures, conditions, and eligibility requirements. Participants submit applications and LCS conducts a drawing, a method of sale that offers all eligible parties an equal chance at acquiring a staking authorization for an area. Authorizations to stake a parcel of State-owned land within a designated project area during a specified period are awarded to applicants drawn first.

Authorized stakers are issued a staking packet that includes instructions for properly staking a parcel in accordance with *11 AAC 67.820 Staking Instructions*. These staking instructions include general requirements for staking a parcel of land; specific requirements for individual staking areas; and staking maps depicting existing parcels, reserved areas, staking setbacks, and access routes, where known and practical. Authorized stakers then enter onto the land, stake a parcel of their choice in compliance with the staking instructions, and file a lease application.

Stakers must apply for a lease after staking a parcel to preserve their interest and continue in the process to eventual ownership. If approved, a short-term lease is issued and the lessee makes quarterly, prorated payments to cover associated development costs and an annual lease fee. Upon issuance, the lease authorizes the lessee to enter and enjoy exclusive, private, recreational use of the property between staking and purchase while the survey, platting, and appraisal are completed, typically over a three to four-year period. During the term of the lease the leasehold may not be used for commercial purposes or as a permanent residence. Lessees will be allowed to construct buildings on the property, but will be warned of the risks of constructing prior to survey completion solidifying the location of the property boundaries. Noncompliance with zoning requirements (if any) or mislocation of the parcel or improvements does not vest any preference right to the land improperly entered.

Upon successful completion of the lease terms and upon completion of the survey, platting, and appraisal, the lessee is given the option to convert from lease to sale at a purchase price based on the appraised value, plus associated fees, with credits given for the survey and platting deposits collected while the parcel is under lease. The lessee's other option is to renew the

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lease for a second term at the cost listed in regulation, which does not contribute to paying down the purchase price. A lessee in good standing can opt to purchase the parcel at any time during this optional renewal term, but if the lessee does not purchase the parcel by the time the renewed lease term expires, their interest expires.

After the staking period closes and lease applications have been received from authorized stakers, LCS may identify and survey additional administrative parcels in a project area. Additionally, LCS may opt to complete the survey on staked parcels relinquished, terminated, or expired before converting to sale. Such administrative parcels would generally be surveyed for future offering under *AS 38.05.045 Generally*. Although administrative parcels are not restricted to the size requirements stated for staked parcels, the total number of acres and parcels will not exceed the maximum number specified for disposal under this proposal.

Offering administrative parcels under *AS 38.05.045 Generally* allows LCS to offer administrative parcels under a uniform set of statutes, administrative regulations, and policies. This is usually in a statewide offering of varied parcels to increase administrative efficiencies and improve the effectiveness of marketing efforts. Successful buyers may purchase the properties by highest sealed bid or by application at prices based on their appraised value. Appraised values account for the benefits of the surveying and platting. Without the inclusion of this additional method of sale in this proposal, sales of parcels initially developed under *AS 38.05.600 Remote Recreational Cabin Sites* and *11 AAC 67.815 (b) Offering Remote Recreational Cabin Sites* would require purchasers to reimburse LCS for the cost of surveying, platting, and appraising the site within 30 days of being notified of a successful purchase, in addition to the usual minimum down payment. That is to say, that the State would not finance the reimbursable survey, platting, and appraisal costs. To maintain this requirement without allowing for the differing method of sale of subdivided parcels under *AS 38.05.045* would create an unrealistic burden upon purchasers, hinder the marketability of the property, create confusion with the public, and be an inefficient use of staff time and resources.

Parcels offered through this action are offered fee-simple for the surface estate only. For more information about the land sales program, please visit the website at <http://landsales.alaska.gov>.

### **III. Authority**

DNR has the authority under *AS 38.05.600 Remote Recreational Cabin Sites* and *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 to *AS 38.05.600 Remote Recreational Cabin Sites*, *11 AAC 67.805 Designating Areas for Remote Recreational Cabin Sites*, and *11 AAC 67.815 Offering Remote Recreational Cabin Sites* apply.

DNR DMLW has the authority under *AS 38.05.850 Permits* to issue easements on State land.

For related actions, *AS 38.05.300 Classification of Land* and *AS 38.05.185 Generally* allow for mineral orders.

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### **IV. Administrative Record**

The project file, Dennison Headwaters Remote Recreational Cabin Sites - ADL 420909, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Eastern Tanana Area Plan for State Lands (ETAP, adopted 2015) and associated land classification files.
- *Alaska Interagency Wildland Fire Management Plan* (March 2020 Review).
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes.*
- *1979 Exploratory Soil Survey of Alaska.*
- Subsistence Harvests and Uses of Wild Resources by Communities in the Eastern Interior of Alaska, 2011 (2012). Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 372.
- Harvest and Use of Wild Resources in Northway, Alaska, 2014, with special attention to nonsalmon fish (2016). Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 421.
- Harvest Management Coalition (2019) Fortymile caribou herd harvest plan 2019 – 2023. Alaska Department of Fish & Game, Fairbanks, Alaska.
- DNR case files: public access easement ADL 421631, access easement ADL 414716, material site ADL 419691, lease application ADL 420369, and other cases, documents, reports, etc. referenced herein.

### **V. Scope of the Proposal**

The scope of this proposal, under the statutes and regulations 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, to authorize the public access easement, and to conduct the proposed 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. The offering of the project area may be conducted in multiple stages.

### **VI. Location**

The project area is located within DNR's Northern Region, approximately nine miles north of Tetlin Junction, between mileposts 10 – 13.5 of the Taylor Highway, within Township 19 North, Range 15 East, Copper River Meridian, within the Unorganized Borough. The project area encompasses approximately 9,500 acres. See *Attachment A: Vicinity Map* for a depiction of the project area.

*Platting Authority:* The project area is within the Unorganized Borough and is subject to the State of Alaska platting authority.

*Native Regional and Village Corporations:* The project area is within the boundaries of the Doyon regional corporation. The villages of Tetlin and Tanacross are within 25 miles of this proposed action; notice will be sent to the Tetlin Village Council, Tanacross Village Council, Tetlin Native Corporation, and Tanacross Incorporated. The community

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of Tok is within 25 miles of the proposed action; notice will be sent to the Tok Native Association and Tok Community Umbrella Corporation.

## **VII. Property Description**

Unsurveyed sections 1 through 15, Township 19 North, Range 15 East, Copper River Meridian, Alaska, according to the BLM plat accepted for the Director on July 20, 1966 by the Division of Engineering Chief, excluding material site ADL 419691, containing approximately 9,500 acres within the Fairbanks Recording District, Alaska.

## **VIII. Title**

Information from Title Report No. 21055, current as of July 29, 2020 indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent 50-85-0224, dated March 15, 1985. The applicable State case file is GS 912. 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 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 [Access To, Within, and Beyond Project Area](#) subsection of this document.

The Bureau of Land Management has determined that there are no navigable waters within the project area.

Where they exist within the project area, private parcels and State third-party interests will be described in land sales brochures and information included in staking packets distributed to authorized stakers.

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### **IX. Physical Characteristics and Hazards**

Information about the project area is based on internal research, information received during agency review, and a field inspection conducted by road on October 15, 2015. 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 the project area prior to staking to familiarize themselves with the physical characteristics of the land.

*Terrain and Major Features:* Elevations vary from approximately 2,400 to 3,300 feet above sea level, with hill slopes ranging from 3 – 34%. There is a large pull off area on the east side of the highway around milepost 12 that can serve as a staging area. The pioneer road through the western portion of the project area begins on the west side of the highway opposite of the staging area. This road generally follows a ridge line between the highway and the Tanana Valley State Forest to the west at altitudes ranging from approximately 2,800 – 3,200 feet.

*View:* Views of the surrounding hills and valleys. Some areas have regional views of the Alaska Range mountains.

*Vegetation:* Vegetation consists of spruce, hardwoods, shrubs, and grasses typical of Interior Alaska uplands. Portions of the area have revegetated since a 2004 wildland fire.

*Soils:* According to the Exploratory Soil Survey of Alaska and the DNR Division of Geological & Geophysical Surveys (DGGs), soils within the project area originate from metamorphic bedrock with igneous intrusions. Soils generally consist of weathered rock fragments in the hills while the lowlands have loamy sediment washed down from the surrounding uplands. These soils broadly range from well to poorly drained.

*Wetlands:* Freshwater forested/shrub wetlands exist within the project area, typically on the north-facing slopes or lower elevations. The northern portion of the project area is primarily wetlands. Stakers are encouraged to avoid wetland areas in locating their parcels. LCS anticipates that most stakers will select areas near the pioneer road for staking, which would limit the impact to wetland areas because the ridgetop road largely avoids wetlands.

*Geologic Hazards:* There is potential for permafrost within the project area. South-facing slopes at higher elevations are likely free of permafrost, whereas lowlands and slopes with a different aspect likely have permafrost, which is potentially shallow and/or ice-rich. Geologic hazards are common throughout Alaska. DGGs recommends that structures built in this area should follow standard best building practices to accommodate the regional seismic hazards. Information received from DGGs and information gathered during field inspection did not indicate any specific geologic hazards for this area. Should any more specific geologic hazards be discovered in the development of this proposal, information will be included in offering materials.

*Fire Information:* Wildland fire history indicates that a large portion of the project area burned in 1990 and 2004. Pursuant to observations from the October 2015 field inspection and the fire history, fire risk in the area is likely moderate to high in the

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portions of the project area that did not burn and lesser for the portions that recently burned.

Potential for wild land fire is high in Interior Alaska. Offering materials encourage stakers to locate parcels within hardwood stands or near water sources to help mitigate fire risk. Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. Offering materials and the staking packet include information regarding wild land fire prevention.

Fire management options and policies for the area are identified in the Alaska Interagency Wildfire Management Plan available from DNR Division of Forestry. The current fire management option for most of the project area is "limited." The Operational Guidelines for areas with the "limited" management option states that fires are assigned the lowest resource allocation priority. A portion of the project area in Sections 7, 8, 9, 10, 11, 14, and 15 are within the "full" management option. The Operational Guidelines for areas with the "full" management option states that wildfires "are assigned a high priority for suppression actions and assignment of available firefighting resources, but are below wildfires within or threatening a Critical management option area or site". The plan also states that there is no guarantee of protection from wildfire in any management option, that response to a wildfire will be based on various factors, and that "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 available for the project area. 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). No water rights have been identified within the vicinity of the project area. There is no well or water quality information within the area.

*Utilities:* No known services exist within the project area.

*Waste Disposal:* The closest waste disposal facilities are the Tok landfill (Tok Cutoff Highway milepost 120.5) and JD Refuse Service (Alaska Highway milepost 1314.5). All on-site wastewater disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

## **X. Background**

The Dennison Headwaters RRCS project area was identified as an area appropriate for settlement during the creation of the Eastern Tanana Area Plan. The road developed by the DNR Division of Forestry traversing the project area has no authorization. DNR DMLW proposes to create public access easement ADL 421631 to preserve this access route (Porcupine Ridge Road) to the Tanana Valley State Forest. This road was in good condition and traversable by a highway vehicle during an October 2015 field inspection. LCS anticipates that this road will be used by stakers, and that a significant portion of the staked parcels will be relatively close to this road. Portions of the project area are used for hunting and gathering by



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residents of local communities, such as Tok, Dot Lake, and Northway (see **Section XII. Traditional Use Finding** for more information).

The Department of Administration (DOA) filed a lease application with DNR DMLW for a communications site within the project area (ADL 420369). There has been no action taken on this lease application since 2015, and a DOA communications site immediately west of the project area is undergoing adjudication for a lease application (ADL 420661). If the status of the potential lease site ADL 420369 can be clarified prior to staking, LCS may create a reserved area encompassing the lease site.

The project area is bordered by State land (Tanana Valley State Forest) to the south and west, federal land (State selected for title) to the north and east, and land under an interim conveyance to Doyon regional corporation to the northeast. The land neighboring the project area appears to be used for transportation via the Taylor Highway, material sites, forestry operations, communication towers, and hunting and gathering. The closest State land offerings to the project area are at least five miles away in the form of parcels near the Tanana River from prior land sale programs.

Research conducted for this preliminary decision included reviewing the most recent Fortymile Caribou Herd Harvest Plan (ADF&G, 2019). Prior versions of the harvest plan included recommendations to DNR about management units within the Upper Yukon Area Plan; no such recommendations appear in the current harvest plan.

Several elements make the Dennison Headwaters project area appropriate for a RRCS land offering: highway access to the project area, pioneer road access within a significant portion of the project area, and the presence of an established staging area. Road accessible RRCS project areas tend to be popular and have a relatively high level of success for completion of staking authorizations. The RRCS program benefits from having staking areas across the state, and Dennison Headwaters project area would be the first in the vicinity of the Taylor and Alaska Highways since 2006.

## **XI. Planning and Classification**

The project area is within Eastern Tanana Area Plan (ETAP, adopted August 2015), Upper Tanana Region, Unit U-69). Lands within this unit are currently designated Settlement, and classified Settlement Land under Land Classification Order No. NC-10-004. The project area consists of all the management unit. LCS reviewed the general management intent of the area plan and management unit for consistency with the proposed offering.

*Unit U-69 Considerations:* Land sales are appropriate within the planning period. Maintain access to adjacent forestry designated land and provide for authorized personal use wood harvest. Maintain a 1,200-foot buffer on both sides of the Taylor Highway to preserve the natural character of the landscape near the highway. LLO 39 affects the management unit. Consider the management guidelines of the Chapter 2 Fish and Wildlife Habitat section and the impacts upon moose rutting and caribou wintering habitat.

DMLW will preserve access to the adjacent forestry designated land by creating a public access easement (ADL 421631) for the pioneer road within the project area (Porcupine Ridge Road). LCS will create a reserved area around the road to keep parcels set back

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from the road and easement. The unstaked portions of the project area will remain available for personal use wood harvest via DNR permitting. LCS will retain an approximate 1,200-foot buffer along either side of the Taylor Highway, refer to the Easements, Setbacks, and Reserved Areas subsection for more information. LCS is proposing a mineral order to close the project area to mineral entry prior to offering. Refer to the *Mineral Activity and Order(s)* subsection for more information. Management guidelines regarding fish and wildlife habitat have been reviewed and considered. The Department of Fish and Game was consulted during the development of the proposed offering and stated no major concerns about the project regarding fish and wildlife habitat.

*Areawide Considerations:* LCS 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 areawide 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 local governments. Public notice is being issued for this proposed action in accordance with *AS 38.05.945*. Refer to *Attachment B: Public Notice and Section XVII. Submittal of Public Comments* for more information.

Cultural Resources: Management guidelines provide that consultation between the State Office of History and Archaeology (OHA) and DMLW is warranted if OHA determines a cultural survey may be required during the agency review phase of a proposed land disposal. Cultural resource surveys should be considered in areas where OHA reports sites exist, or where there is a high potential for such sites to exist.

OHA did not respond to the agency review request for this project. LCS reviewed the Alaska Heritage Resources Survey database in February 2021, finding that only the Taylor Highway was listed within the project area as a historic site.

Fish and Wildlife Habitat: These management guidelines are specific to areas designated or co-designated Habitat. The guideline specific to moose and caribou calls for coordination with ADF&G prior to issuing authorizations. LCS consulted with ADF&G during the development of this proposal. ADF&G did not express concern about impacts to fish and wildlife populations associated with this project. Refer to **Section VII. DMLW and Agency Review** for more information.

Material Sites: Management guidelines provide that material sites should be retained in State ownership in settlement areas and screened from residential and recreational areas where topography and vegetation allow.

Material site ADL 419691 is excluded from the project area to retain it in State ownership. The 1,200-foot staking setback on either side of the Taylor Highway will largely prevent staking near the material site. However, LCS will also impose a 100-foot

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staking setback from the material site to ensure screening between the material site and staked parcels.

Public Access: Management guidelines provide that prior to disposal of State lands, public access will be reserved in accordance with the applicable regulations, and reasonable access across State land will be retained when lands are sold. The pioneer road through the project area will be preserved by creating a public access easement (ADL 421631), and the RRCS program rules ensure that staked parcels do not block existing access corridors. Because the land offering is through the RRCS program, the vast majority of the project area will remain State-owned land subject to generally-allowed uses.

Settlement: Management guidelines include planning and coordination with local governments; providing and reserving access to remote settlements; protection of life and property; and protection of resources such as sensitive areas, habitat, scenic features, and other resources. Management guidelines also provide that design should retain appropriate public-use corridors, riparian buffers, wildlife migration corridors to protect or maintain important uses and values.

This proposal has considered these guidelines as addressed throughout this document and has considered site limitations such as slope, drainage, and soils. DMLW will solicit input through the public notice and comment process. See the Coordination and Public Notice subsection for more information. The proposed land offering will not interfere with any critical recreation or environmental resources. LCS will preserve access from the Taylor Highway through the project area to adjacent forestry designated land and will apply a minimum 1,200-foot buffer from the Taylor Highway.

Shorelands and Stream Corridors: Management guidelines state that DNR will prioritize protecting public use values in stream corridors versus providing opportunities for private ownership and development of land. Management guidelines also provide for the application, conditions for, and width for buffers, setbacks, and easements. These guidelines have been reviewed and incorporated in the development of this proposal.

Management guidelines specify a 50-foot building setback landward from ordinary high water of public waters that are not anadromous and high-value resident fish waters. There are no known public waters within the project area. If any water bodies are deemed public or navigable within the project area prior to platting, DNR DMLW will create a 50-foot building setback and comply with statutory requirements to provide access to and along said water bodies.

The proposed offering is consistent with areawide land management policies and general management intent of the ETAP and specific management unit.

*Mineral Activity and Order(s):* No mineral activity has been identified on these lands. The entirety of the project area (approximately 9,500 acres) will be closed to new mineral entry if the Mineral Order 1254 is approved in accordance with *AS 38.05.185 Generally* and *AS 38.05.300 Classification of Land* for a land disposal. While Mineral Order 1254 will close the project area to mineral entry prior to staking, once parcels are platted, the mineral order will be retracted to only the surveyed parcels. LLO 39 will remain in place

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for the remainder of the project area. The proposed mineral order, if approved, will close the area to new mineral entry only and will not affect current existing mining claims.

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.

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. Area plan mineral estate management policy states that, in general, areas scheduled for disposal will be closed to mineral entry prior to sale to minimize potential conflict between land estate and mineral estate users.

Local Planning: The project area is within the Unorganized Borough, and the State does not pursue zoning of private lands.

## **XII. Traditional Use Finding**

The project area is within the Unorganized Borough, therefore a traditional use finding is required under *AS 38.05.830 Land Disposal in the Unorganized Borough*. Information obtained from the ETAP, research, agency review, and site inspection indicates that contemporary uses of the project area are access to adjacent Tanana Valley State Forest land and subsistence harvest of wild resources. ADF&G Division of Subsistence research documents potential use of the project area for subsistence harvests by residents of nearby communities. Dot Lake residents report a search and harvest area for caribou that includes the project area, and residents of Tok report a search and harvest for moose that includes the project area (ADF&G Technical Paper No. 372). Residents of Northway report search and harvest areas for moose, caribou, small land mammals, birds, and vegetation that includes the project area (ADF&G Technical Paper No. 421).

There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action, other than a possible increase in the various traditional activities by new private-property owners and/or a possible decrease in the various traditional activities by others due to the presence of private property. Impacts on existing resource users will be reduced by limiting the staking authorizations to 35. Additional information on traditional use is welcome during the public comment period and if this proposal is approved, LCS will address the information received in a subsequent Final Finding and Decision, if one is issued. 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 from the Taylor Highway approximately between mileposts (MP) 10 and 13.5. The Taylor Highway is not maintained by the Alaska Department of Transportation during winter. The project area is accessible by ATV, snowmachine, and foot. During site inspection in October 2015, the project area was accessible by highway vehicles along a pioneer road (Porcupine Ridge Road) originating near Taylor Highway MP 12. The road travels

## **Preliminary Decision**

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westwardly through the project area to adjacent Tanana Valley State Forest lands. This road will be preserved via proposed easement ADL 421631 and creating a reserved area around the road, however, DNR DMLW is not responsible for maintaining the road. LCS intends to reserve access easements to parcels staked in close proximity to the reserved area around proposed easement ADL 421631 during the survey and platting process.

The Dennison Fork Winter Trail (RST 656) passes near the eastern boundary of the project area, generally following the Dennison Fork drainage. A trailhead near Taylor Highway milepost 9 travels northeasterly and connects to RST 656, passing through the southeast corner of Section 13 within the project area. This trail within the project area will be reserved in State ownership by not allowing staking over the trail. LCS will impose a 50-foot staking setback from this trail and retain the area between the trail and the southeast corner of the staking area.

Additional legal access to, within, and through the project area is via travel across unreserved State-owned land, along section line easements, or other easements reserved in conveyances to third parties. Access across unreserved State-owned land without a permit, along with pertinent restrictions, is governed by *11 AAC 96 Provisions for General Land Use Activity*.

LCS will, at its discretion, reserve an easement centered on existing trails that have not been assigned an ADL or RST number, or otherwise serialized, through or along any staked site. Section line easements will be reserved on each side of surveyed or protracted section lines that are within or along staked sites. Stakers will be instructed not to stake across surveyed section or township lines, across trail easements that have been assigned an ADL or RST number, or other trails or access routes identified within the staking area. Easements along interior parcel lines will also be reserved in order to ensure access between staked parcels. Additionally, a survey easement will be reserved to control monuments within parcels in order to allow for access to recover monuments of record for the purposes of surveying and establishing property boundaries in the vicinity of a parcel. Project design will take into account topography and access to lands beyond the project area and within the project area boundaries.

*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*. In general, a continuous easement extending upland from the ordinary high-water mark will be reserved within parcels along waters determined to be public or navigable. An alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult.

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 may be determined public or navigable consistent with *AS 38.05.965 (21) Definitions*.

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LCS has not identified any public, navigable, or anadromous water bodies within the project area. The public is invited to comment on use of water resources in the project area to aid in making the public water determination.

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 bodies described, as well as any additional water bodies identified as public or navigable prior to completion of survey in accordance with the ETAP. If, at the time of survey, a water body not identified as public on *Attachment A* is determined to be public or navigable and is located within or along a staked parcel, a public access easement will be reserved upland from the ordinary high-water mark, in accordance with *AS 38.05.127 Access to Navigable or Public Water* and *11 AAC 51.035 Determination of Navigable and Public Water*. If a water body determined to be public is located entirely within a parcel, a public use access easement from the parcel boundary to and along the water body will be reserved and dedicated at the time of field survey. This is unlikely to occur given that staked parcels can only be up to 20 acres in size. However, as administrative parcels may be larger than 20 acres and water bodies smaller than 10 acres in size may be administratively determined public if they contain important public resources, it is possible that this type of public use access easement may be reserved.

Easements, Setbacks, and Reserved Areas: The project area may include a variety of easements, setbacks, and reserved areas, which will be identified in offering materials, staking instructions, and related informational documents. DMLW proposes to create public access easement ADL 421631 for the pioneer road within the project area, as discussed in **Section 1. Proposed Actions**. LCS will continue to research and identify easements, setbacks, or reservations throughout the staking and survey period as necessary to protect resources, third party interests, public use, or access. Of note, staking setbacks differ from building setbacks in that staking setbacks leave an area of land retained in State ownership, while building setbacks and easements are on land conveyed to the staker and place development restrictions thereon. Restrictions and encumbrances will be identified in the staking instructions, depicted on staking maps, and noted in the brochure, where possible.

*Staking Setbacks and Reserved Areas*: Reserved areas and staking setbacks may be designated for public use, access, or to protect valuable resources. Staking will not be allowed within these areas. Staking setbacks and reserved areas will be described in offering information and staking instructions. LCS may identify additional staking setbacks and reserved areas as necessary throughout the staking period. The following staking setbacks and reserved areas will apply to this offering:

- A reserved area approximately 1,200-feet from either side of the Taylor Highway centerline.
- A reserved area 300-feet wide centered on the pioneer road (proposed access easement ADL 421631).
- A reserved area between the identified trail in section 13 and the southeast corner of the project area.
- A 50-foot staking setback from the trail crossing the SE corner of Section 13.
- Minimum 100-foot staking setback from material site ADL 419691.

## **Preliminary Decision**

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*Easements:* Parcels may be subject to a variety of easements, both during the lease period and after sale. This may include, but is not limited to, existing trails (with or without assigned ADL numbers), rights-of-way, section line easements, and public access and utility easements. Throughout the staking period and survey process, LCS will continue to research the status, location, and condition of access routes, and additional easements may be identified. Final width and location of easements and reservations will be determined as part of the platting process. Easements will be noted on the plat. Parcels may be subject to a variety of reservations or restrictions where appropriate, such as:

- a public access and utility easement along parcel boundaries;
- an easement centered on existing trails through or along staked parcels;
- 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*;
- 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*; and
- 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' direct line-of-sight easement from the control station to an azimuth mark or other control monument.

These easements and reservations will apply both during the lease period, and after sale. Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

## **XIV. Hazardous Materials and Potential Contaminants**

During a field inspection on the ground conducted on October 15, 2015, 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 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 staking.

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

## **Preliminary Decision**

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transferring State-owned land into private ownership, the Department is of the opinion that the benefits of offering the land outweigh the potential risks.

## **XV. Survey, Platting, and Appraisal**

After evaluation of 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.

Survey, platting, and appraisal of staked parcels will be completed prior to sale. DMLW proposes to issue survey contracts to conduct the survey, and the survey costs will be prorated by acreage for each parcel. DMLW may also identify and survey additional parcels in a project area to be sold under *AS 38.05.045 Generally*. The number of staked and additional surveyed parcels will not exceed the total number of parcels offered, nor total number of acres to be sold.

DNR DMLW does not propose to survey the proposed easement ADL 421631 because a survey is not needed for land management purposes. However, DNR DMLW reserves the right to require a survey if needed for a subsequent action, such as a proposal to upgrade the road within the easement or conveyance of the land underlying the easement.

The project area is located within the Unorganized Borough, and therefore survey and platting will be subject to State of Alaska subdivision standards.

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting DNR standards will be required within two years of the date of entry of any parcel developed under this proposed action.

In accordance with *11 AAC 67.825 Lease Application: Priority* and *11 AAC 67.835 Lease Conditions*, lessees will be required to make payments during the lease period toward the cost of survey, platting, and appraisal.

## **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 July 7 through July 21, 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 Agriculture and DNR Division of Parks and Outdoor Recreation.*

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

Department of Fish and Game (ADF&G) Comment: ADF&G has no major concerns about the project regarding fish and wildlife habitat. A trail crossing the southeast corner of Section 13 within the project area is used by hunters and trappers accessing portions of the Dennison drainage. ADF&G recommends protecting this trail by retaining a portion of Section 13 in State ownership and/or creating a public access easement for the trail. ADF&G requests a copy of the final finding and decision for this project.



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*DNR DMLW LCS Response:* Thanks for reviewing the proposal. Reserving trails in use at the time of staking and prohibiting staking across such trails are standard practices in the RRCS program. LCS will impose a 50-foot staking setback from this trail and will retain the area between the trail and the southeast corner of the project area. Note that the sections within the project area are unsurveyed, therefore the location of the trail with respect to the protracted section lines is approximate.

LCS will continue to provide ADF&G with copies of the preliminary decision when it is released for public comment and will provide ADF&G with a copy of the final finding and decision.

*Department of Transportation (DOT) Comment:* The agency review data table references a material site that can be used for staging. DOT experiences difficulties statewide with land development near material sites but no developed facilities for access, parking, and use. DOT suggests that DNR create or identify a specific pullout or parking area for users that is a not material site. Material sites serve vital maintenance functions for DOT and avoiding conflicting uses is important for safe operations within material sites.

*DNR DMLW LCS Response:* Thank you for reviewing the proposal and raising concerns about the potential impacts to material site operations. There is a highway pull off near the pioneer road and south of the material site that DNR can identify for stakers to use for parking and staging. Identifying this as a staging area instead of the material site will help reduce potential conflicts between stakers and material site operations.

*DNR Division of Geological & Geophysical Surveys (DGGS) Comment:* The geology of the project area is primarily metamorphic rocks intruded by igneous rocks. None of these units are known to be particularly prospective for mineral resources, possibly excepting Paleogenic rhyolite dikes. The project area has low, but not zero, prospectivity. Structures built in this area should follow standard best building practices to accommodate the regional seismic hazards.

*DNR DMLW LCS Response:* Thanks for helping to inform the project. LCS has integrated the information provided into this proposal.

*DNR Division of Oil & Gas (DOG) Comment:* There are no current oil or gas activities within the project area. DOG has no objection to the project and appreciates LCS informing applicants about the State's reservation of the mineral estate.

*DNR DMLW LCS Response:* Thanks for reviewing the proposal. LCS will continue to provide information about State reservations of title and the applicability of mineral orders on the mineral estate in decision documents and the sales materials.

*DNR Division of Forestry Comment:* Forestry provided a map that shows side roads connecting to the pioneer road through the project area (Porcupine Ridge Road) and identified material site ADL 419691 as an area approved for personal firewood harvests.

The project area burned in 2004, but there are patches of black spruce that remain and could complicate fire suppression under certain conditions. Forestry has limited access to the project area beyond Porcupine Ridge Road to provide fire protection. Prospective

## **Preliminary Decision**

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purchasers need to know that there is a significant risk due to wildland fire and there will be delayed responses depending on cabin location.

The project area is heavily used for hunting and other recreational uses. Conflicts with stakers may arise from those who have historically set up hunting camps or harvested firewood in the project area.

Operators that harvest timber from the Tanana Valley State Forest maintain the roads at their expense. Added traffic and damage to the access road associated with the sale of parcels should be addressed through a road users agreement. Forestry will not be building roads or maintaining the existing road at a remote cabin users request. During the winter, snow is only plowed if an operator is harvesting, at their expense. There is a service agreement with DOT to clear snow from the Taylor Highway, but only if Forestry deems it necessary for harvest operations.

*DNR DMLW LCS Response:* Thanks for your input on the proposal. The ETAP states that personal use wood harvest should be allowed within the project area (management unit U-69). Accordingly, LCS has no objection to wood harvests within the project area, assuming the harvests avoid parcels that may be created.

LCS understands that there remains risk for wildfire within the project area despite the 2004 burn, however, most areas of Interior Alaska present significant wildfire risk. LCS will continue to encourage stakers to follow *Firewise Alaska* recommendations and inform them that there is no guarantee of protection from wildfire.

If the project moves forward, LCS understands that providing Alaska residents the opportunity to stake parcels will result in changes within the project area. ADF&G did not have concerns about the land offering proposal adversely affecting wildlife habitat or access to public lands for hunting. Because State land is managed for multiple uses, hunters will remain able to hunt on State land within and beyond the project area but will have to be aware of private property if it is created within the project area. Similarly, personal use wood harvest can continue within the vast majority of the project area, and the project area will remain open to mining via leasehold locations after parcels are platted.

LCS will inform stakers that Porcupine Ridge Road will continue to provide access to the Tanana Valley State Forest for forestry operations, and that stakers should have no expectation that DNR will upgrade or maintain the road beyond what Forestry authorizes operators for harvesting timber. Similarly, LCS will inform stakers that DOT does not regularly maintain the Taylor Highway in winter.

DMLW is proposing to authorize a public access easement within the project area (settlement designated land) encompassing Porcupine Ridge Road. If approved, the right of public access could not be restricted, such as gating the road entrance. However, Forestry could move the gate to the western edge of the project area at the beginning of the forest designated land if so desired.

If Forestry would like specific stipulations for this access easement, LCS and Northern Region Permits and Easements welcome engagement on the topic. However, DMLW

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won't be able to require that stakers be bound to rules that don't apply to other members of the public that use the road (e.g. hunters and other recreational users). Agreements on the maintenance of public roads are typically a function of local government entities that exercise taxing authority and establish service areas.

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

- Alaska Association of Conservation Districts;
- Alaska Railroad;
- Department of Environmental Conservation;
- Department of Commerce, Community, and Economic Development;
- Department of Natural Resources
  - Division of Parks and Outdoor Recreation, Office of History and Archaeology;
  - Mental Health Trust Land Office;
  - Office of Project Management and Permitting; and
  - State Pipeline Coordinator's Section; and
- University of Alaska Land Management.

## **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 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 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 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 and Mineral Order 1254 without further notice. The related action 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 Final Finding and Decision and Mineral Order 1254. Upon approval and issuance of these actions, a copy of the decision and order will be made available online at <http://landsales.alaska.gov/> and sent

## **Preliminary Decision**

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with an explanation of the request for reconsideration 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 4:00 PM, DAY OF THURSDAY, SEPTEMBER 30, 2021**

### **XVIII. Alternatives and Discussion**

LCS is considering the following alternatives:

Alternative 1: (Preferred) Offer authorizations to stake up to 35 parcels ranging from 5 to 20 acres in the Dennison Headwaters RRCS project area, for a maximum of 700 acres sold through this offering under *AS 38.05.600 Remote Recreational Cabin Sites*. LCS may also identify and survey additional parcels in a staking area, up to the maximum number of parcels/maximum acreage listed above. The development and offering of the project area may be completed in multiple stages. This proposal includes the mineral order and authorization of the public access easement ADL 421631 under *AS 38.05.850*.

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* and *AS 38.05.600 Remote Recreational Cabin Sites* has placed this charge with DNR, and the legislature has provided funding to administer the land sale program.

Alternative 1 provides a method for LCS to help meet the obligations laid out in the Constitution and statute and maximizes public interest. This offering provides a unique opportunity for Alaskans to obtain remote property in a desirable area. Alternative 1 provides the greatest opportunity for Alaskans to purchase land within this area which suits their needs.

Dispersed, low density staking is the best alternative for this area since it is a remote location with little or no infrastructure; the amount of contiguous high-quality acreage suitable for a large number of adjacent sites is low due to varying topography. Under designated parameters, entrants may choose individual sites within the staking area that suit their needs. Allowing additional parcels and parcels that are not converted from lease to sale to be surveyed and sold under *AS 38.05.045 Generally* will maximize the opportunities for the transfer of State-owned land into private ownership under a uniform set of conditions. Alternative 1 is preferred.

Alternative 2 is not preferred. The Legislature and the public have indicated a 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. The

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primary action and related action are dependent upon one another, and if DNR does not approve the project, the related action will not be processed.

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

Recommendation follows.

**Preliminary Decision**

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**XIX. Recommendation**

This Preliminary Decision for the proposed disposal of State lands, public access easement ADL 421631, and Mineral Order 1254 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, public access easement ADL 421631, and/or Mineral Order 1254. If the decision is approved, Mineral Order 1254 will accompany and precede any Final Finding and Decision issued.

Signature on file

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Prepared by: Colin Craven  
Natural Resource Specialist  
Land Conveyance Section  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

August 17, 2021

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Date

Signature on file

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

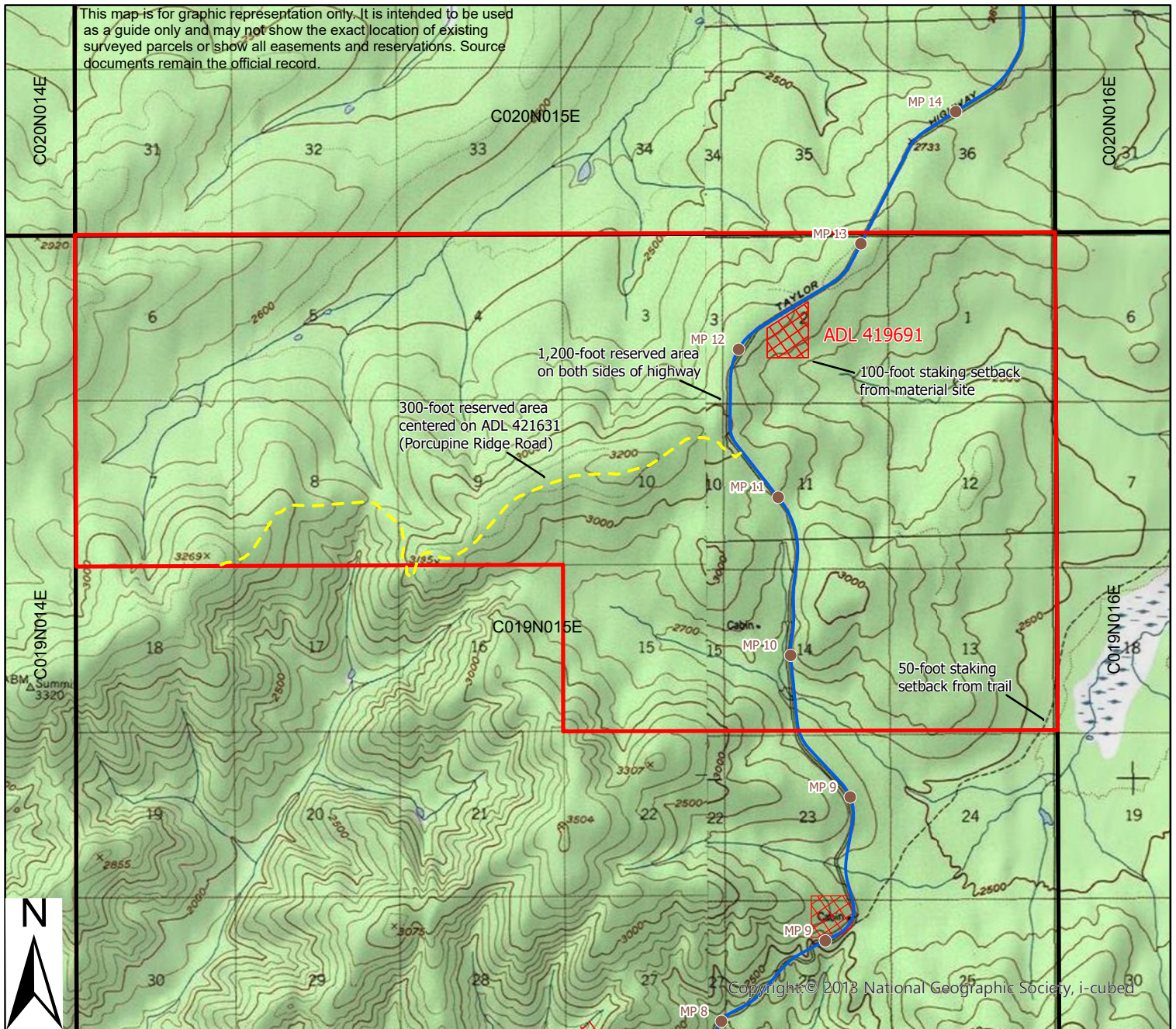
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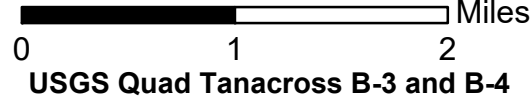
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# Attachment A: Vicinity Map Dennison Headwaters RRCS Project Area ADL 420909

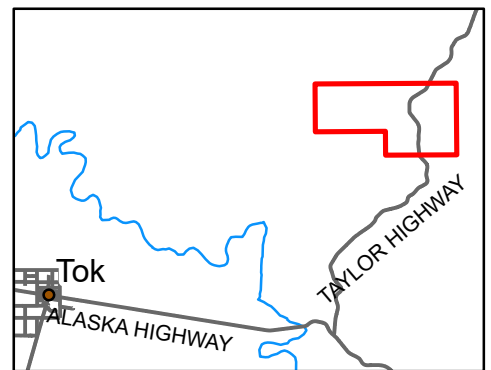
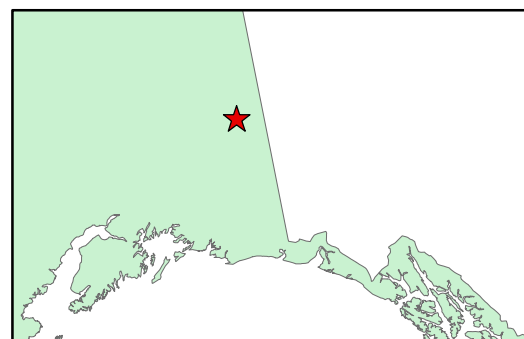


-  Project Area
-  Proposed Easement, ADL 421631
-  Material Site
-  Taylor Highway



CMC  
April 21, 2021

For more information contact:  
Colin Craven  
Department of Natural Resources  
Division of Mining, Land, and Water  
Land Conveyance Section  
907.451.2730  
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:  
Dennison Headwaters RRCS, **ADL 420909**  
Draft Mineral Order, **MO 1254 (Closing)**  
Proposed Public Access Easement, **ADL 421631**

**COMMENT PERIOD ENDS 4:00PM, THURSDAY, SEPTEMBER 30, 2021**

This proposed project includes offering for sale Remote Recreational Cabin Sites (RRCS) parcels in a future offering under the method and the related actions as described in the Preliminary Decision document, including the proposed related actions.

Located approximately nine miles north of Tetlin Junction, between mileposts 10 – 13.5 of the Taylor Highway, within Township 19 North, Range 15 East, Copper River Meridian, Alaska.

Proposed Offering: up to 35 parcels sized from 5 to 20 acres.

To obtain a copy of the Preliminary Decision, Mineral Order, 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 the hearing impaired 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, September 23, 2021.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on the Preliminary Decision, Mineral Order, and/or Easement 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 4:00PM, THURSDAY, SEPTEMBER 30, 2021.** 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 Colin Craven, DNR Land Sales, 3700 Airport Way, Fairbanks, AK 99709, [land.development@alaska.gov](mailto:land.development@alaska.gov), or fax # 907-451-2751. If you have questions, call Colin Craven at 907-451-2730.

If no significant change is required, the Preliminary Decision and Mineral Order, including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision and Mineral Order 1254, and Easement ADL 421631, without further notice. A



**Attachment B: Public Notice**

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copy of the Final Finding and Decision and related actions will be sent to any persons who commented timely on the Preliminary Decision.

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