

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

FINAL FINDING AND DECISION

of a
**Proposed Land Offering in the Unorganized Borough
Wien Lake West Subdivision – ADL 419308**
AS 38.05.035(e), AS 38.05.045

There are no Related Actions Proposed

This Final Finding and Decision complements and updates the Preliminary Decision dated November 20, 2012. The Preliminary Decision has had the required public review.

Attachment I: Preliminary Decision

I. Recommended Action(s)

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Land Sales and Contract Administration Section (LSCAS) recommends offering for sale State-owned land for private ownership within the Wien Lake West project area (ADL 419308), as described in Attachment I: Preliminary Decision. Surveyed parcels will be offered for future sale by a method under AS 38.05.045 Generally [Land for Sale].

For the purposes of providing land for settlement in the Wien Lake area, if deemed feasible, DNR may develop a subdivision of no more than 100 parcels varying in size from 2 to 40 acres each, totaling no more than 700 acres. If deemed practical and desirable, DNR DMLW may also survey additional parcels to be retained in State ownership, to facilitate access to and from Wien Lake within the project area, provide for the future development of an airstrip in the vicinity of the existing unauthorized airstrip at the northeast edge of the project area, and reserve additional areas associated with the airstrip that DNR DMLW's Northern Region Lands Section could choose to make available for storage of airplanes and equipment for authorized periods longer than 14 days. This project area is located within the Unorganized Borough and therefore survey and platting will be completed to the relevant State subdivision standards. The project may be subdivided and offered in phases.

II. Authority

The State of Alaska, Department of Natural Resources (DNR) has the authority under AS 38.05.035 (e) Powers and Duties of the Director and AS 38.05.045 Generally [Sale of Land] 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.

III. Traditional Use Findings

In accordance with AS 38.05.830 Land Disposal in the Unorganized Borough, a traditional use finding is required for project areas within the Unorganized Borough. This project area is within the Unorganized Borough. There would be an increase in the density of the population in the area. No conflicts with traditional uses of the land have been discovered. Public review brought

Final Finding and Decision

of a Proposed Land Offering in the Unorganized Borough
Wien Lake West Subdivision – ADL 419308
Page 2 of 7

forth no new information indicating traditional use conflicts that were not apparent at the Preliminary Decision stage.

IV. Summary of Public Notice and Comments

Pursuant to AS 38.05.945 Notice, public notice inviting comment appeared on the State of Alaska Online Public Notices website at <http://notes.state.ak.us/pn/> and was posted on the DNR DMLW LSCAS website at http://dnr.alaska.gov/mlw/landsale/public_notice/ for the entire public notice period.

The notice was also published in legal notices of the statewide Anchorage Daily News and the local Fairbanks Daily News-Miner publications, on Sunday, November 25, 2012. Notices were mailed to Doyon, Limited regional corporation, as well as adjacent land owners, permit holders, or managers of record per AS 38.05.945. Additionally, notices and a request to post until the close of business on January 8, 2013 were sent to postmasters and librarians in the vicinity of the offering.

The public notice stated that written comments were to be received by 2:30 PM, January 8, 2013 in order to ensure consideration and eligibility to appeal. For more information, refer to Attachment I: Preliminary Decision.

DNR DMLW LSCAS received comments from the State of Alaska, Department of Fish and Game (DFG) and five other parties. All comments received during the public comment period are summarized below.

Department of Fish and Game, Division of Sport Fish (DFG) Comment: The PD appears to address DFG's concerns submitted during the Agency Review. At this time, we concur with all proposed building setbacks and easements, and with DNR's new proposals to increase public access to the project area.

DNR DMLW LSCAS Response: DNR DMLW appreciates your comment.

John Brown (PO Box 81861 Fairbanks, AK 99708) Comment: Mr. Brown expressed support for the subdivision project and requested that sufficient land be set aside for the airport. Mr. Brown also suggested that proceeds from future land sales in the area be used to improve the existing runway.

DNR DMLW LSCAS Response: As noted in the Preliminary Decision, if deemed practical and desirable, DNR DMLW may survey parcels to be retained in State ownership, to facilitate access to and from Wien Lake within the project area, provide for the future development of an airstrip in the vicinity of the existing unauthorized airstrip at the northeast edge of the project area, and reserve additional areas associated with that airstrip that DNR DMLW's Northern Region Lands Section could choose to make available for storage of airplanes and equipment for authorized periods longer than 14 days. Proceeds from land sales are utilized at the discretion of the Alaska State Legislature. Currently, proceeds are directed to new development. DNR DMLW does not have the authority to use these proceeds in the manner suggested by Mr. Brown. DNR DMLW is not proposing to improve or maintain the airstrip as part of this project.

Final Finding and Decision

of a Proposed Land Offering in the Unorganized Borough

Wien Lake West Subdivision – ADL 419308

Page 3 of 7

Michael and Robin Maher (PO Box 82568 Fairbanks, AK 99708): The Mahers indicated that they would like DNR DMLW to preserve the existing trail just north of USS 6538, as it provides much needed access to the north. The Mahers recommended that DNR DMLW improve and or widen this trail as necessary to ensure continued access for area residents. The Mahers also suggested that the trail in Section 22 be hardened where it crosses the drainage. The Mahers requested that DNR DMLW identify and preserve the existing trail(s) that exists in Sections 28 and 33.

DNR DMLW LSCAS Response: Access to, through and within the proposed project area will be identified during the survey and design phase of this project's development. The location of existing trails will be taken into consideration during the design of the subdivision. Where deemed practical and desirable, trails may be reserved in their present locations. Existing trails or portions of existing trails may also be rerouted or relocated due to topographic, design, or other constraints as they become apparent during the subdivision design and survey. As noted in the Preliminary Decision, DNR DMLW may choose to harden certain areas within the project area to facilitate ATV travel across trail areas that are wet or particularly susceptible to damage. Should DNR DMLW choose to harden portions of trails, DNR DMLW does not propose to conduct maintenance in the future. Subsequent trail maintenance would be the responsibility of landowners and/or future local government and may require additional authorizations from DNR DMLW.

Robert and Sandra Bird (404 Craig Ave, Fairbanks, AK 99701): The Birds indicated that they often use and maintain the unauthorized airstrip on the north end of Wien Lake at their own expense and using their garden tractor with a mower deck and disk. They recommend retaining the western portion of Section 23 and the eastern portion of Section 22 in State ownership for the purposes of preserving public access via the airstrip and potentially for the future development and improvement of the strip. The Birds indicated that a realignment of the airstrip to a more east-west orientation in the future may be desirable and requested that sufficient land be retained to facilitate that. The Birds also requested that all of the trails within the project area be identified, reserved for access and, where needed, hardened in appropriate areas.

DNR DMLW LSCAS Response: The location of the existing unauthorized airstrip will be taken into consideration during subdivision design. As noted in the Preliminary Decision, if deemed practical and desirable, DNR DMLW may survey parcels to be retained in State ownership, to facilitate access to and from Wien Lake within the project area, provide for the future development of an airstrip in the vicinity of the existing unauthorized airstrip at the northeast edge of the project area, and reserve additional areas associated with that airstrip that DNR DMLW's Northern Region Lands Section could choose to make available for storage of airplanes and equipment for authorized periods longer than 14 days. DNR DMLW is not proposing to improve or maintain the airstrip. DNR DMLW LSCAS notes that current maintenance activities at the unauthorized airstrip, as described in the Birds' comment, may be beyond the scope of 11 AAC 96.020 Generally Allowed Uses and may therefore require a permit or other written authorization from DNR DMLW, Northern Region Lands Section.

Access to, through and within the proposed project area will be identified during the survey and design phase of this project's development. The location of existing trails will be taken

Final Finding and Decision

of a Proposed Land Offering in the Unorganized Borough

Wien Lake West Subdivision – ADL 419308

Page 4 of 7

into consideration during the design of the subdivision. Where deemed practical and desirable, trails may be reserved in their present locations. Existing trails or portions of existing trails may also be rerouted or relocated due to topographic, design, or other constraints as they become apparent during the subdivision design and survey. Also as noted in the Preliminary Decision, DNR DMLW may choose to harden certain areas within the project area to facilitate ATV travel across trail areas that are wet or particularly susceptible to damage. Should DNR DMLW choose to harden portions of trails, DNR DMLW does not propose to conduct maintenance in the future. Subsequent trail maintenance would be the responsibility of landowners and/or future local government and may require additional authorizations from DNR DMLW.

George Hobson (PO Box 80750, Fairbanks, AK 99708): Mr. Hobson indicated that he often uses and maintains the unauthorized airstrip on the north end of Wien Lake. He recommends retaining the western portion of Section 23 and the eastern portion of Section 22 in State ownership for the purposes of preserving public access via the airstrip and potentially for the future development and improvement of the strip. Ms. Hobson also requested that existing trails within the area be identified and reserved for access. Ms. Hobson indicated that an existing trail within Sections 22 and 28 should be hardened; using culverts and/ or filter fabric, where it crosses two generally wet areas. Ms. Hobson suggested that if the State were to provide culverts for trail hardening, and a material site, local landowners could do the work. Ms. Hobson also included a map that depicted the location of existing trails within the project area.

DNR DMLW LSCAS Response: The location of the existing unauthorized airstrip will be taken into consideration during subdivision design. As noted in the Preliminary Decision, if deemed practical and desirable, DNR DMLW may survey parcels to be retained in State ownership, to facilitate access to and from Wien Lake within the project area, provide for the future development of an airstrip in the vicinity of the existing unauthorized airstrip at the northeast edge of the project area, and reserve additional areas associated with that airstrip that DNR DMLW's Northern Region Lands Section could choose to make available for storage of airplanes and equipment for authorized periods longer than 14 days. DNR DMLW is not proposing to improve or maintain the airstrip.

Access to, through and within the proposed project area will be identified during the survey and design phase of this project's development. The location of existing trails will be taken into consideration during the design of the subdivision. Where deemed practical and desirable, trails may be reserved in their present locations. Existing trails or portions of existing trails may also be rerouted or relocated due to topographic, design, or other constraints as they become apparent during the subdivision design and survey. Also as noted in the Preliminary Decision, DNR DMLW may choose to harden certain areas within the project area to facilitate ATV travel across trail areas that are wet or particularly susceptible to damage. Should DNR DMLW choose to harden portions of trails, DNR DMLW does not propose to conduct maintenance in the future. Subsequent trail maintenance would be the responsibility of landowners and/or future local government and may require additional authorizations from DNR DMLW. DNR DMLW will consider providing materials for hardening during the subdivision design phase of this project.

Final Finding and Decision

of a Proposed Land Offering in the Unorganized Borough

Wien Lake West Subdivision – ADL 419308

Page 5 of 7

Jim Sackett (PO Box 249, Nenana, AK 99760): Mr. Sackett expressed support for the Wien Lake West Subdivision project. Other comments from Mr. Sackett pertained to potential future offerings and were not related to this proposed subdivision.

DNR DMLW LSCAS Response: DNR DMLW appreciates your comment.

V. Modifications to Decision and/or Additional Information

The recommended action has not been modified from the original proposed action(s) described in Attachment I: Preliminary Decision.

Recommendation and Approval of the Final Finding and Decision follow.

Final Finding and Decision

of a Proposed Land Offering in the Unorganized Borough
Wien Lake West Subdivision – ADL 419308
Page 6 of 7

VI. Final Finding and Decision

The Department recommends proceeding with the proposed action as described in Attachment I: Preliminary Decision and as supplemented, amended, changed, or deleted herein. This action is undertaken under relevant authorities. Offering these parcels for sale will help meet the State’s goal to provide land for settlement for sale to the public and raise revenue for the State.

The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945 Notice and comments received were considered. The project file has been found to be complete and the requirements of all applicable statutes have been satisfied. The proposed actions are consistent with constitutional and statutory intent for State-owned land and this action is undertaken under relevant authorities.

Under the authority of the applicable statutes, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended action(s) as described and referenced herein.

/s/

Recommended by: Kathryn Young
Section Manager
Land Sales and Contract Administration Section
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

February 1, 2013

Date

/s/

Approved by: Brent Goodrum
Director
Division of Mining, Land, and Water
Department of Natural Resources
State of Alaska

February 6, 2013

Date

Final Finding and Decision

of a Proposed Land Offering in the Unorganized Borough

Wien Lake West Subdivision – ADL 419308

Page 7 of 7

Appeal Provision

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to Daniel Sullivan, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. If no appeal is filed by that date, this decision goes into effect as a final order and decision on the 31st day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.