

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

**FINAL FINDING AND DECISION**

of a  
**Proposed Land Offering in an Organized Borough  
Prairie Home Subdivision – ADL 229512**  
AS 38.05.035(e), AS 38.05.045

and its  
**RELATED ACTION:**  
**Proposed Mineral Order (Closing) #1178**  
AS 38.05.185 and AS 38.05.300

This Final Finding and Decision complements and updates the Preliminary Decision dated December 2, 2015. The preliminary decision and related action has had the required public review.

The Preliminary Decision is considered part of this decision and is hereby attached.

**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 Prairie Home Subdivision project area (ADL 229512), 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 DNR Southcentral region, if deemed feasible, DNR may develop a subdivision consisting of up to 5 parcels no smaller than 5 acres. This project area is located within the Matanuska Susitna Borough and therefore survey, platting, and dedication of access will be completed to the relevant subdivision standards. The project may be subdivided and offered in multiple stages.

There is one related action with this proposal: a mineral order.

Mineral Order: DNR DMLW propose to close the project area to new mineral entry through Mineral Order (closing) #1178.

Public notice for this related action was conducted concurrently with the notice for the primary action's Preliminary Decision.

**II. Authority**

DNR DMLW has the authority under *AS 38.05.045 Generally [Sale of Land]* to sell State-owned land if, on preparation and issuance of a written finding under *AS 38.05.035 (e) Powers and Duties of the Director*, it is determined to be in the best interest of the State. In addition, if it is

deemed appropriate, DNR has the authority to develop and offer parcels larger than 5 acres under the allowances listed in *AS 38.04.020 (h) Land Disposal Bank*.

For related actions, *AS 38.05.300 Classification of Land* and *AS 38.05.185 Generally [Mining Rights]* allows for mineral orders.

### **III. Public Participation and Input**

All State requirements for public notice and public comment input have been met as covered in detail in Section V below. Further research, evaluation of agency and public input, and ongoing development study may reveal new data for consideration with concept and design of the proposed project. Should this project move forward with State approval, final subdivision design and survey will be completed by an Alaska licensed surveyor. The surveyor will submit a platting application including a preliminary plat to the local platting authority prior to survey. This process will be subject to the Matanuska-Susitna Borough (MSB) ordinances and codes. During the process the public will have opportunity at the local level to provide additional comment and feedback prior to final establishment of lot corners and monuments.

Subdivision design will be submitted to the MSB for review in accordance with Title 43 of their Administrative Codes.

Title 43.10.060(A) Platting Board Procedure: "The platting board shall act on an application for preliminary plat ... only after holding a public hearing on the application."

Title 43.10.065 Notice: Public Hearing: This section details the parameters required for public hearing notification by the MSB.

### **IV. 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 located within the Unorganized Borough. This project area is within an organized borough; therefore no Traditional Use Finding is required.

### **V. 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/](http://dnr.alaska.gov/mlw/landsale/public_notice/) for the entire public notice period. Notification and decision copies were sent directly to area legislators and to multiple State agencies, and to other interested entities; parties were notified via the subscribers list for public notice and subdivision offering by email; information was posted to Twitter and Facebook.

Notices were mailed to the Matanuska Susitna Borough per *AS 38.05.945 (c) (1)*, as well as CIRI regional native corporation per *AS 38.05.945 (c) (2)-(3)*. Courtesy Notice was distributed to Montana Creek Native Association and Caswell Native Association. Additionally, notices, Attachment A map, and a request to post for 30 days were sent to postmasters and librarians in the vicinity of the offering.

The public notice stated that written comments were to be received by 5:00PM, January 6, 2016 in order to ensure consideration and eligibility to appeal. For more information, refer to the Preliminary Decision.

DNR DMLW LSCAS received timely comment from two state agencies, the MSB, and one private individual.

Alaska Department of Fish and Game (ADF&G): ADF&G stated that they have no objection to the proposed subdivision.

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

DNR DMLW Office of History and Archaeology (OHA) Comment: “The Alaska Heritage Resources Survey (AHRs) indicated that there are no known cultural resource sites” within the project area. There is however, a “high potential for encountering previously unidentified sites”. Should and cultural resources be discovered OHA should be notified.

DNR DMLW LSCAS Response: LSCAS appreciates your review of our proposal. LSCAS is aware that only a portion of the state has been surveyed for cultural resources. Should any such sites be discovered by LSCAS during the development of this project, OHA will be notified. LSCAS will make information known to the public during offerings that should inadvertent discoveries of cultural resources by the purchaser, OHA offices should be notified.

MSB Land and Resource Management Comment: We agree with the singular access from Whispering Birch Circle onto the Parks Highway. The proposal does not affect borough land, but we note the adjacent parcels to the west are borough agriculture parcels.

DNR DMLW LSCAS Response: LSCAS appreciates your review of our proposal. Access to and within the project area will include both access from East Whispering Birch Circle to section line easements and internal platted ROWs, as well as direct access from the Parks Highway to internal platted ROWs. DNR submitted a request to DOT for access to the subdivision from the Parks Highway, and DOT approved and constructed an approach on the highway as part of the 2010/2011 highway realignment project. DNR will continue to coordinate with the MSB and DOT as necessary for the platting, design, and dedication of access for the subdivision. Access will be maintained through the project area and will not affect the borough agriculture parcels to the west.

Comment: We received one public comment regarding the Alaska Stand Alone Pipeline (ASAP), asking: “The proposed high pressure Alaska Stand Alone Pipeline should be running through this property, West side of Parks Highway. Are the needed safety setbacks incorporated into the subdivision? Will this subdivision complicate the gas line project?”

DNR DMLW LSCAS Response: Although the Alaska Stand Alone Pipeline corridor was along the west side of the Parks Highway, the most recent alignment routes the ASAP east of the project area. After further consultation with DNR State Pipeline Coordinator’s Section (SPCS), they noted that the ASAP alignment under current Revision 6.1 lies east of, and outside of the project area. However, SPSC also noted that the lessee for ASAP intends to submit an update to Revision 6.1 in the next few weeks, and that there is the possibility that the alignment will once again fall close to or along the subdivision project. LSCAS will continue to coordinate with SPCS as necessary as this project proceeds.

**VI. Modifications to Decision and/or Additional Information**

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

Recommendation and Approval of the Final Finding and Decision follow.

## VII. Final Finding and Decision

The Department recommends proceeding with the proposed action as described in the Preliminary Decision and as supplemented 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.

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 actions as described and referenced herein.

/s/ Kathryn Young

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

January 11, 2016

Date

/s/ Brent Goodrum

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

January 12, 2016

Date

/s/ Mark Meyers

Approved by: Mark Meyers  
Commissioner  
Department of Natural Resources  
State of Alaska

January 14, 2016

Date

## Reconsideration Provision

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may request reconsideration, in accordance with *11 AAC 02 Appeals*. Any reconsideration request 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 the Commissioner, Department of Natural Resources, 550 W. 7<sup>th</sup> Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 907.269.8918; or sent by electronic mail to [dnr.appeals@alaska.gov](mailto:dnr.appeals@alaska.gov).

If reconsideration is not requested by that date or if the commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st day after issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court and to the extent permitted by applicable law. An eligible person must first request reconsideration of 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.