

# Fact Sheet:

## State Land Sales Process



Division of Mining, Land & Water – December 2014

### **Summary of the Department of Natural Resources land sale project development process:**

a multi-year decision making process involving multiple procedural steps and points of public participation.

#### **Planning**

Land sale projects begin with a review of the area plans to determine locations for potential land sales. Area plans allocate state land to a variety of uses, such as agriculture, forestry, and settlement, and they specify criteria that affect potential development. The area plan is established through a public process by the Resource Assessment and Development Section (RADS) within DNR. It begins with land status and resource research, followed by consultation and information gathering from multiple units within DNR, other state and federal agencies, affected interest groups, and through public scoping meetings. A draft plan (called a Public Review Draft) is then prepared and distributed for review within DNR, other state agencies, and the public. Typically, numerous public meetings are held throughout the area plan region. Almost always the draft plan is modified as a result of this public and agency review process, and a revised plan is subsequently submitted to the DNR Commissioner for adoption. Land within the planning area is classified in accordance with the designations in the area plan, and this establishes the areas that are classified settlement. State land must be classified Settlement prior to sale per *AS 38.04.065 Land Disposal Bank*. Land Sales and Contract Administration Section (LSCAS) may identify lands for potential sale which are not classified Settlement, but the classification of the land, as well as the area plan itself, must be changed to Settlement prior to sale.

Besides establishing classification, area plans provide management intent, management guidelines, and certain policies for land management, usage, and development in accordance with these classifications. Area plans provide specific recommendations and requirements for the development, design, and sale of land designated settlement.

#### **Research**

Once a project area is identified, the LSCAS Project Development Team (PDT) researches the applicable area plan to identify the management intent, guidelines, and conditions for that project. In addition, the PDT researches the physical conditions of the land (topography, soils, wetlands, etc.), land title, access, and other information. This information is compiled and presented for internal division review. The PDT then compiles the research and information from division review, and sends a basic proposal to other state agencies for review in their field of expertise. This step is called Agency Review.

#### **Preliminary Decision**

The PDT compiles the research and information gathered from the above steps and summarizes this information in a Preliminary Decision (PD). The PD is DNR's written proposed determination that the project is in the state's best interest. The PD contains information about the known conditions of the land; existing uses; proposed and existing easements and rights-of-way; proposed title reservations; lands to be retained; the proposed method of sale; and the proposed conditions of sale and development. The PD includes a summary of comments received during Agency Review and responses to those comments, a Vicinity Map, a Data Summary Table, and the public comment notice. If there are any related proposed actions (such as Mineral Orders, Land Classification Orders, or Area Plan Amendments), these documents are also drafted and included with the PD.

#### **Public Notice and Comment**

The PDT then provides public notice of the PD and any related proposed actions in accordance with *AS 38.05.945 Notice*, which notifies the public of the PD and invites public review and comment. The notice includes directions on how to obtain a copy of the PD, instructions on how to submit comment, provides deadlines for public comments, and notification that to be eligible to appeal a final decision, an aggrieved person must provide timely comment on the PD. The PD is posted on the State Public Notice website, the Division of Mining, Land and Water's (DMLW) Hot Topics website, and the LSCAS website. The PD may also be available at any DNR Public Information Center. Copies of the public notice are mailed to interested parties, landowners, municipalities, Native and community organizations, etc. in the vicinity of the offering. LSCAS may also request posting in various other public areas, or may request notification via media outlets. Social media may also be utilized to make the public notice known.

A public comment period lasts a minimum of 30 days after issuance of the PD. Comments received after the deadline for public comments cannot be considered. Depending on accessibility, timing, public interest, funding, and other factors; LSCAS may also hold a public open house in communities near the offering. Public open houses offer the public an in-person opportunity to meet with LSCAS staff to learn and share information about a project prior to the comment period deadline.

### **Final Finding**

Once the public comment period has ended, the PDT evaluates the comments received, and considers any issues or concerns raised. If issues can be eliminated or mitigated, and if the department still believes the proposal is in the best interest of the state, the PDT will draft a Final Finding and Decision (FFD) in accordance with *AS 38.05.035(e) Powers and Duties of the Director*. The FFD incorporates and revises the PD. The FFD will describe any new information or modifications to the proposal, and how DNR will proceed with the disposal. The FFD also contains the department's response to all comments received during the public comment period. If the disposal requires any related actions (such as Mineral Orders, Land Classification Orders, or Area Plan Amendments) these will be issued concurrently with the FFD. If the proposal requires a significant change, or if the scope of the project increases, DNR will revise the PD accordingly and reissue public notice and allow additional opportunity for public comment on the amended proposal. If DNR determines that the proposal is not in the best interest of the state, a FFD is typically not issued.

Once approved, the FFD is signed and issued by DNR. Parties who submitted comment during the public comment period will receive a copy of the FFD. The FFD also contains information on appealing the decision or requesting reconsideration by the Commissioner, as applicable. The FFD will also be posted on the LSCAS public website.

### **Development, Appraisal and Offering**

#### Subdivision Sales:

If the FFD is issued, DNR may proceed with development of the project. This includes design, survey, platting, and appraisal. The project design and survey will conform to the conditions described in the FFD. DNR will typically contract for a subdivision survey. Local platting authorities, usually boroughs, provide for further public input before a preliminary plat is fixed. Once a final survey plat is complete, DNR may proceed to appraisal and sale offering. All parcels must be appraised within two years prior to offering, *AS 38.05.05.840 Appraisal*. The appraisal may be conducted by DNR, or may be contracted. Parcels are then offered for sale to the public per *AS 38.05.05.045 Generally [Sale of Land]*.

#### Remote Recreational Cabin Sites program:

If the FFD is issued, DNR may make available a limited number of authorizations to eligible Alaskans for entry to the project area. This is done by an application and drawing process. Individuals who receive an authorization to stake a parcel will receive additional instruction on the guidelines for staking during the specified staking period. After staking, authorized participants must submit a lease application. If approved, they may lease the site for up to four years while the state surveys and appraises the property. DNR requires a rental fee for the lease and payments toward a deposit to pay for the survey and the appraisal of the leased parcel. Once the survey and appraisal are completed and approved, the lessees may convert from a lease to a sale, paying appraised fair market value for the surveyed parcel.

#### Both programs:

A borough/municipality typically exercises platting authority, and DNR and the contract surveyor will work with the local platting or planning departments for approval of the subdivision plat. Although individual borough/municipal ordinances vary, this process typically includes opportunity for public review of the action and an additional public notice and opportunity for public comment per relevant borough/municipal ordinances. In the Unorganized Borough, DNR is the platting authority and will approve any subdivision plat in accordance with state subdivision requirements.

The state can finance the purchase of parcels offered under both of these programs, depending on the eligibility of the purchaser and the amount involved. Financing the purchase of state land makes buying land a possibility for most purchasers who otherwise may not be able to afford to buy undeveloped land.

**For more information, visit the DNR Land Sales website at**  
<http://landsales.alaska.gov/>