

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

**EXTENDED DATE FOR PUBLIC COMMENT  
COMMENT PERIOD NOW ENDS  
5:00PM, WEDNESDAY, SEPTEMBER 26, 2012.  
for the**

**PRELIMINARY DECISION**

of a  
**Proposed Land Offering in the Unorganized Borough  
Idaho Inlet Subdivision – ADL 108059**  
AS 38.05.035 (e), AS 38.05.045

and its  
**RELATED ACTIONS:**  
**Proposed Amendment to the Northern Southeast Area Plan**  
AS 38.04.065  
**Proposed Land Classification Order**  
AS 38.04.065 and AS 38.05.300  
**Proposed Mineral Order (Closing)**  
AS 38.05.185 and AS 38.05.300

*This page added to the preliminary decision only for the purpose of informing  
the public of the extended public comment and notice period.*

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**COMMENT PERIOD ENDS 5:00PM, TUESDAY, AUGUST 14, 2012.**

**I. Proposed Action(s)**

Primary Proposed Action(s): 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) is to offer for sale State-owned land for private ownership within the identified project area. Surveyed parcels will be offered for sale in a future offering under the method as described herein.

Attachment A: Vicinity Map

Attachment B: Area Data Summary Table

Attachment C: Public Notice

Located within the Department's Southeast Region, approximately 61 miles west of Juneau and 80 miles northeast of Sitka, the project area is within Sections 24 and 25, Township 43 South, Range 56 East, Copper River Meridian, within the Unorganized Borough. The project area consists of approximately 428 acres, of which DMLW has identified approximately 273 acres of the western portion for potential disposal. For the purposes of providing land for settlement in Southeast Alaska, if deemed feasible, DNR may develop a subdivision of no more than 45 parcels varying in size from 3 to 20 acres. The project may be subdivided and offered in phases.

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Proposed Related Action(s): There are three related actions with this proposal.

Area Plan Amendment: DNR DMLW proposes to amend the Northern Southeast Area Plan (adopted 2002) to change the designation from Gu (General Use) to Se (Settlement) for approximately 273 acres of the western portion of Unit C-03. This area plan amendment will apply only to the proposed development area. Refer to the Area Plan Proposals subsection under Section VI of this document for more information on this proposed related action.

Land Classification Order: In relation to the proposed Area Plan Amendment, DNR DMLW proposes to reclassify approximately 273 acres of the western portion of Unit C-03 from Gu (General Use) to Se (Settlement) in a Land Classification Order. This land classification order will apply only to the proposed development area. Refer to the Area Plan Proposals subsection under Section VI of this document for more information on this proposed related action.

Mineral Order (Closing): DNR DMLW proposes a mineral order to close the project area to new mineral entry. Refer to the Mineral Order subsection under Section VI of this document for more information on this proposed related action.

Public notice for the related actions is being conducted concurrently with the notice for the primary action's Preliminary Decision. If approved after consideration of public comment, the related actions will be developed as separate actions and accompany the Final Finding and Decision for the primary action. The Final Finding and Decision will be dependent upon approval of the related actions such that if the related actions are not approved, the Final Finding and Decision will not be approved, unless modified. Likewise, DNR DMLW will not process the related actions unless proceeding with a Final Finding and Decision. Refer to the Planning and Classification subsection under Section VI of this document for more information.

Pursuant to AS 38.05.945 Notice, this notice will also be posted on the State of Alaska Public Notice website at <http://notes.state.ak.us/pn/> for at least 30 consecutive days. The public is invited to submit comment on these proposed actions. See Section X Submittal of Public Comments section at the end of this document and Attachment C: Public Notice for details on how to submit a comment for consideration. If commenting on more than one proposed action, separate comments should be submitted for each. If after consideration of timely, written comments the proposed actions are approved, DNR will issue a Final Finding and Decision.

## **II. Method**

DNR proposes to offer for sale a portion of the project area as described herein, through a future auction or another method under AS 38.05.045 Generally [Sale of Land]. If the parcels do not sell when offered at auction, they may be offered by another method under AS 38.05.045 Generally [Land for Sale].

## **III. 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. The Land Sales and Contract Administration Section

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(LSCAS) of the Division of Mining, Land, and Water (DMLW) is delegated authority to offer parcels through auction under AS 38.05.050 Disposal of Land for Private Ownership and AS 38.05.055 Auction Sale Procedures.

For related actions, AS 38.04.065 Land Use Planning and Classification, AS 38.05.300 Classification of Land, and AS 38.05.185 Generally [Mining Rights] allow for amendments and special exceptions to area plans, land classifications, and mineral orders.

## **IV. Administrative Record**

The administrative record for the proposed action(s) consists of the documentation contained in the project file ADL 108059. Incorporated by reference is the area plan.

## **V. Scope of the Decision**

The scope of this proposal, under the statutes described in the preceding Section III Authority of this document is limited and specific to DNR DMLW's proposal to offer State-owned land within the defined portion of the project area for disposal and to conduct the proposed related actions as described herein. The scope of this proposal does not include the control of post-patent use and DNR DMLW does not intend to impose deed restrictions for this purpose, except as required to comply with statutes and regulations as described herein. The subdivision and offering may be conducted in phases.

## **VI. Description**

See Attachment B: Area Data Summary Table for a brief listing of the key descriptions for the project area. Additional details are provided in the following paragraphs.

Location: Located within the Department's Southeast Region, approximately 61 miles west of Juneau and 80 miles northeast of Sitka. See Attachment A: Vicinity Map for a graphic depiction of the project area.

Legal Description of the Project Area: Tract A of US Rectangular Survey (USRS), dated January 5, 2001, within Sections 24 and Section 25, Township 43 South, Range 56 East, Copper River Meridian, Sitka Recording District, First Judicial District, Alaska, containing approximately 427.43 acres.

Legal Description of the Proposed Area for Development and Reclassification: SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$  Section 24, and W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  Section 25, Township 43 South, Range 56 East, Copper River Meridian, Sitka Recording District, First Judicial District, Alaska, containing approximately 273 acres.

Title: Information from Title Report No. 2162, current as of November 23, 2010, indicates the State of Alaska holds fee title to the land and mineral estate within the project area under Patent No. 50-2007-0453, dated May 16, 2007. The applicable State case file is NFCG 252.

*Retained Interests:* In accordance with AS 38.05.125 Reservation of Mineral Rights to Alaska, the State retains ownership of oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells. The State

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and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Under common law, this access reservation is superior to any and all surface uses. The State may also lease these 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 (surface) owner will be compensated for damages resulting from mineral exploration and development.

Physical Characteristics: The following paragraphs describe the project area's physical characteristics based on internal research and a field inspection conducted by DNR Survey staff on September 9, 2010. 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 individual parcels prior to purchase to familiarize themselves with the physical characteristics of the land.

The project site is divided by an anadromous stream identified as Cabin Creek (AWC# 114-40-1025). East of the development area, forks of Cabin Creek merges into one outlet with a large delta at the shoreline of Idaho Inlet. North of the streams and delta the terrain is largely an alluvial fan with a very gradual rise inland. Terrain south of the streams is rolling with a low ridge parallel to the inlet for about 0.5 mile; the upland side rises gradually to the east. Farther south, the ridge climbs and forms steep ocean frontage at the cove on the south end of the project area. Again, from the top of the ridge the terrain gradually climbs to the east. The project site is covered by typical Southeast Alaskan rainforest consisting of Sitka Spruce, Western Hemlock, and riparian vegetation with coastal grasses near rocky portions of the shore.

See Attachment B: Area Data Summary Table for more information on the description of the project area.

Background: This area was considered for public sale many years ago, but in 1985 that project was dropped in favor of studying the site again in the future for such action. With limited State-owned land in the area and increasing public interest for purchase, the current project is now being proposed. No authorized or unauthorized structures or activities were observed during DNR Survey staff's September 9, 2010 field inspection. The proposed subdivision is surrounded by the Tongass National Forest on the north, east, and south, and the waters of Idaho Inlet on the west. Appropriate access, buffers, and other protections of the environment and public interest will be part of the development design and the proposed development should not preclude traditional and public use of resources in the immediate and nearby areas of this proposed action. See Easements and Retained Lands within Access To, Within, and Beyond the Project Area subsection of this document for more information.

Planning and Classification: The project area is within the Northern Southeast Area Plan (NSEAP), Southern Region, Chichagof Island Area. General Use (Gu) is the current, primary surface-use designation for this Unit C-03. Under the Gu designation, this parcel is to be used for multiple uses including potential settlement, dispersed recreation, and the protection of wildlife and fisheries. The Land Classification Order from NSEAP (CL No. SE-02-001) covers the entire area plan, however, only that portion to be developed under this proposal, the western

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~273 acres of Unit C-03, will be formally reclassified to Settlement (Se) as part of this project.

*Area-wide Considerations:* The Settlement and Management Guidelines in NSEAP, Chapter 2, provide that State-owned land may be made available for private settlement uses. It is the intent of DNR to abide by the guidelines outlined in this chapter to the maximum extent possible in order to preserve and enhance the quality of the natural setting and the recreational opportunities of the area. The subdivision will be designed to accommodate the specific factors listed in the NSEAP, Chapter 2 Management Guidelines, Subsection D, paragraph 4), Subdivision Design, with consideration given to parcel size, density, access, and the like. If it is deemed necessary, DNR may consider parcels over 5 acres per the allowances listed in AS 38.04.020 (h) Land Disposal Bank.

*Unit C-03:* NSEAP considerations for this parcel include settlement development that will protect sport, commercial, and subsistence fisheries; bear and other wildlife movement and corridors; any historical sites discovered; and the anadromous stream as well as riparian and wetland segments.

*Area Plan Proposal:* DNR DMLW proposes an Area Plan Amendment:

Area Plan Amendment: DNR DMLW proposes to amend the Northern Southeast Area Plan (adopted 2002) to change the designation from Gu (General Use) to Se (Settlement) for approximately 273 acres of the western portion of Unit C-03. This area plan amendment will apply only to the proposed development area. Refer to the Legal Description of the Proposed Area for Development and Reclassification subsection of this document and Attachment A: Vicinity Map for more information.

This Area Plan Amendment is appropriate given the description in NSEAP's Chapter 3 Management Intent describing the General Use (Gu) designation to include "multiple uses including potential settlement, dispersed recreation, and the protection of wildlife and fisheries," more specifically "development of the westerly portions" of Sections 24 and 25 adjacent to and near the coast.

*Classification Proposal:* DNR DMLW proposes a Land Classification Order:

Land Classification Order: In relation to the proposed Area Plan Amendment, DNR DMLW proposes to reclassify approximately 273 acres of the western portion of Unit C-03 from Gu (General Use) to Se (Settlement) in a Land Classification Order. This land classification order will apply only to the proposed development area. Refer to the Legal Description of the Proposed Area for Development and Reclassification subsection of this document and Attachment A for more information.

This Land Classification Order is appropriate given the description in NSEAP's Chapter 3 Management Intent describing the General Use (Gu) designation to include "multiple uses including potential settlement, dispersed recreation, and the protection of wildlife and fisheries," more specifically "development of the westerly portions" of Sections 24 and 25 adjacent to and near the coast.

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Public notice for the related actions is being conducted concurrently with the notice for the primary action's Preliminary Decision. If approved after consideration of public comment, the related actions will be developed as separate actions and accompany the Final Finding and Decision for the primary action. The Final Finding and Decision will be dependent upon approval of the related actions such that if the related actions are not approved, the Final Finding and Decision will not be approved, unless modified. Likewise, DNR DMLW will not process the related actions unless proceeding with a Final Finding and Decision.

Reservation of 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, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing, and producing the reserved mineral resources. Exploration and development, that could occur, would be consistent with AS 38.05.130 Damages and Posting of Bond and any other applicable statutes and regulations, which provide that the land estate (surface) owner be compensated for damages resulting from mineral exploration and development. Refer to the Mineral Order(s) section of this document for more information on restrictions on use of the mineral estate within the project area.

*Mineral Order(s)*: According to DNR Land Administration System (LAS) records, the State of Alaska owns the land and mineral estates of the project area and there are neither existing mineral orders nor mineral claims within the project area.

Mineral closing orders, where established, close an area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. Such mineral orders do not apply to leasable minerals, including oil and gas leasing, coal leasing, shallow gas leasing, 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 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 (surface) and mineral estate (subsurface) 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.

*Mineral Order Proposal*: DNR DMLW proposes a Mineral Order (Closing):

Mineral Order (Closing): DNR DMLW proposes a mineral order to close the project area to new mineral entry in order to prevent any conflict with the primary settlement and other uses associated with the project area.

Public notice for the related actions is being conducted concurrently with the notice for the primary action's Preliminary Decision. If approved after consideration of public comment, the related actions will be developed as separate actions and accompany the Final Finding and Decision for the primary action. The Final Finding and Decision will be

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dependent upon approval of the related actions such that if the related actions are not approved, the Final Finding and Decision will not be approved, unless modified.

Likewise, DNR DMLW will not process the related actions unless proceeding with a Final Finding and Decision.

Hazardous Materials and Potential Contaminants: During the field inspection on September 9, 2010, DNR staff observed no apparent adverse human impact or indication of man-made hazardous conditions. Staff did not identify any hazardous wastes, spills, or other potential contaminants within the area. Interested parties are encouraged to inspect the property and familiarize themselves with the condition and quality of the land prior to bid or application submittal. There are no known environmental hazards present within the project area, however, the State makes no representations and no warranties, express nor 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.

DNR DMLW recognizes there are potential 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. Given the high degree of interest from both the legislature and citizens in sale of State-owned land, DNR DMLW is of the opinion that the benefits outweigh the potential risks.

Traditional Use Finding: The project area is located within the Unorganized Borough and a traditional use finding is therefore required per AS 38.05.830 Land Disposal in the Unorganized Borough. Noting NSEAP's mentions of potential historic and prehistoric sites in the area, we consulted DNR Division of Parks, Office of History and Archeology and will consider their findings, if any, when designing the development of the project area. Additionally, the State of Alaska, Department of Fish & Game (DFG), Division of Sport Fish commented that their management intent for this unit is for protection of Pacific herring over-wintering areas and areas of brown bear concentration (NSEAP, pg. 3-323). DFG also indicated that this area is also important for the commercial harvest of various crab and fish species as well as subsistence fishing for salmon. Additional information on traditional use is welcome during the public comment period and if this proposal is approved, we will address the information received in the Final Finding and Decision.

Local Planning: The State of Alaska acts as the local platting authority for land in the Unorganized Borough.

At the request of DFG and DNR DMLW Southeast Region Office (SERO), LSCAS will consider fewer, larger, water-front lots in the design of the proposed subdivision and add a note to the plat stating that lots may not be subdivided further unless approved by a community incorporated under AS 29.05 Incorporation [Home Rule Cities] and exercising platting authority or unless the Final Finding and Decision is amended to allow lots created hereon to be subdivided under AS 40.15.305-900 [Subdivisions and Dedications]. Where the land remains within the Unorganized Borough and if after approval of a Final Finding and Decision and sale the land owner believes that the restriction precluding further subdivision is no longer

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appropriate, the owner may then request the Division amend the Final Finding and Decision. Whether to proceed with the amendment process is at the Division's Discretion. Where the Division determines to adjudicate such a request, existing procedures for amending a Final Finding and Decision will be followed, including notification of the public as set forth under AS 38.05.945 Notice. If at the time of the request to subdivide the land is within an organized borough or under the jurisdiction of a local platting authority, that platting authority shall adjudicate the request under their subdivision or land use procedures.

Access To, Within, and Beyond the Project Area: Access to the project area is via the open waters of Idaho Inlet and by ground access through the surrounding Tongass National Forest. According to NSEAP, a secure anchorage exists offshore from this tract in the southerly portion, which provides protection from northerly winds. The suitability of anchorage areas has not been identified. Nautical charts should be consulted.

During the field visit on September 9, 2010, staff did not observe any established trails and we found no serialized trails within the Land Administration System (LAS) record within the project area. Should any be identified at a later date, DNR DMLW will consider their use in the design of the project's development.

DNR DMLW intends to provide all lots in the proposed subdivision with legal access to the shoreline, including any upland flag lots. Subdivision design will provide for public access to and along all water bodies (see below) and to public USFS lands beyond the project area. See Attachment A: Vicinity Map for a graphic depiction of the area.

*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 body of water or waterway is a navigable or public waterway and will establish easements or right-of-ways as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or right-of-ways 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.

For the purposes of AS 38.05.027:

- navigable water 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 (18) Definitions.

For the purposes of reserving access to public or navigable water under the aforementioned statutes and regulations, if a water body is determined to be public or navigable prior to disposal, a continuous easement extending upland from the ordinary high water mark will be reserved within parcels located along said waters. An alternate upland access route may be reserved if topography or obstructions prevent or make a continuous easement difficult. If a water body determined to be public is located entirely within a parcel, a public use access

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easement from the parcel boundary to and along the water body will be reserved or dedicated at the time of field survey. Refer to the Easements and Retained Lands subsection and Section VII Agency Comments of this document for additional information.

Public access is recognized upon the waters of Idaho Inlet and within any reserved State-owned land or easement. DFG has identified Cabin Creek as an anadromous stream (AWC# 114-40-1025) with concern for a wildlife corridor along its course. DNR will provide a buffer or easement on each side of Cabin Creek within the proposed development area to provide adequate areas for safer bear-human interactions in this area heavily used by bears, as recommended by DFG. Refer to the Easements and Retained Lands subsection of this document for more detailed information.

*Building Setbacks From Public or Navigable Water.* If subdivision is deemed feasible, DNR DMLW proposes to retain sufficient State-owned land to protect access, fish and wildlife habitat, and personal property. In addition, DNR DMLW proposes building setbacks from various resources as described throughout this section. Except for utilities, water-dependent structures whose purpose is access, or minor accessory structures for uses that must be in or adjacent to the water body in order to function, structures and subsurface sewage disposal systems will not be permitted within the setback areas. Such areas will be depicted and notated on the plat, as appropriate. DNR DMLW will continue to develop and apply criteria as needed, and the public is invited to comment on this topic. Refer to the Easements and Retained Lands subsection and Section VII Agency Comments of this document for additional information.

*Easements and Retained Lands:* Parcels may be subject to a variety of Easements and Retained Lands. Easements and Retained Lands will be identified on the subdivision plat and included in related informational documents. The width and location of easements and reservations are specified in this decision as follows and will also be documented on the final subdivision plat.

Parcels may be subject to a variety of reservations or restrictions where appropriate, such as:

- a 15-foot-wide public access and utility easement along certain interior parcel boundaries;
- a 50-foot-wide public access easement on each side of surveyed or protracted section lines on State-owned land, unless formally vacated;
- a 100-foot-wide public access easement as required for replacing a proposed section-line easement vacation between Sections 24 and 25;
- a 50-foot-wide public access easement from the mean high water mark (MHWM) of Idaho Inlet per AS 38.05.127 Access To Navigable or Public Water;
- a 75-foot-wide building setback to protect access, fish and wildlife habitat, and personal property, measured from all wetland areas and the MHWM of Idaho Inlet throughout the development area, as well as the delta tree line north of Cabin Creek in the northern portion of the development area;

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- a 200-foot-wide buffer on each side of the centerline of Cabin Creek (totaling 400 feet in width) to be retained in State ownership within the proposed development area to provide adequate areas for safer bear-human interactions in this area heavily used by bears, as recommended by DFG;
- a 4.83-acre Homesite identified as Tongass National Forest Homesite Lease No. 270 within the proposed development area to be retained in State ownership; and
- standard survey easements from the nearest practical point on the property boundary to control monuments within the parcel, easements with a radius around the control monument, and as applicable, direct line-of-sight easements from the control station to an azimuth mark or other control monument.

Where appropriate, reservations and restrictions will be depicted on the plat and described in plat notes.

Survey, Platting, and Appraisal: Depending on agency and public commentary, physical conditions of the land, and access issues, DNR DMLW proposes to offer the property for sale. In order to offer the property, a combination of survey, subdivision, or plat may be required. This proposed project area is located within the Unorganized Borough, and therefore survey and platting will be completed to the relevant subdivision standards.

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

## **VII. Agency Comments**

Agency review was conducted from October 19, 2010 through November 26, 2010 concurrently with other separate, proposed projects. Comments pertinent to this proposed action received during agency review have been considered and addressed in the following paragraphs. Additional timely comments received during the Public Notice period will be considered and addressed in the Final Finding and Decision if the proposal proceeds to that step.

Resource Assessment and Development Section (RADS) provided the following comments: RADS noted that it will be necessary to amend the area plan and reclassify the project area. They requested that the revisions retain management intent for the protection of sensitive areas within the project area, which could include cultural sites, anadromous streams, habitat, and wetlands. To achieve this, consideration should be made to reduce the settlement area. The area near the coast is appropriate for settlement. RADS strongly recommends reducing the size of the area to be reclassified.

DNR DMLW LSCAS Response: LSCAS concurs. The area to be reclassified is smaller than the project area. The subdivision survey will stay within the area reclassified to Settlement and will consider sensitive areas within the proposed settlement area during the design phase. See Attachment A:Vicinity Map for boundaries of proposed settlement classification within the project area and Easements and Retained Lands subsection of this document for more information.

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DNR, Division of Geological & Geophysical Surveys (DGGS) provided the following comment specific to the project area: A Holocene fault (activity less than ~10,000 years old) has been mapped as close as 2 miles away on the other side of Idaho Inlet across Marble Creek to the south and southwest of the subdivision area; so greater-than-average potential may exist for local seismic-shaking and associated potential hazards. Additionally, the area is subject to the regionally typical coastal issues of erosion, storm waves, and surges for parcels along the coast, as well as seismic shaking and associated potential hazards from earthquakes originating on the Queen Charlotte-Fairweather Fault system. Siting and design of structures should be carried out in accordance with local building codes that should already incorporate best practices for the potential seismic hazard.

DNR DMLW LSCAS Response: The geologic factors described have been taken into consideration and do not appear to preclude offering the proposed project. It will be the responsibility of the future land owners to evaluate structure siting and design, and to follow local building codes if and when they exist. Currently, the area is without building codes.

DNR DMLW Southeast Region Office (SERO) provided the following comment specific to the project area: SERO recommends the placement of a subdividing restriction on the lots of subdivisions that are located outside of boroughs or the boundaries of other local platting entities with platting authority.

DNR DMLW LSCAS Response: A note will be added to the plat stating that lots may not be subdivided further unless approved by a community incorporated under AS 29.05 Incorporation [Home Rule Cities] and exercising platting authority or unless the Final Finding and Decision is amended to allow lots created hereon to be subdivided under AS 40.15.305-900 [Subdivisions and Dedications]. Refer to the Local Planning subsection of this document for more information.

Department of Fish & Game (DFG), Division of Sport Fish provided the following comment: DFG concurs with the reservation of a 50-foot public access easement, pursuant to AS 38.105.127 Access To Navigable or Public Water, upland of the Mean High Water Mark (MHW) of Idaho Inlet, Cabin Creek, and any other streams. DFG also concurs with the reservation of 50-foot section-line easements for public access.

This area provides important habitat for bears and other wildlife. This use occurs mostly along the beach and Cabin Creek. Cabin Creek is a cataloged anadromous stream (AWC# 114-40-1025) that supports a pink salmon population. DFG recommends a subdivision design that provides a minimum 200-foot wide buffer on each side of Cabin Creek (NSEAP pg. 2-45) because this stream is heavily used by bears. DFG recommends this larger buffer to protect the wildlife as well as protection to the public. DFG also recommends a minimum 25-foot wide building setback, outside the easements and buffers (NSEAP pg. 2-46), be reserved to protect water quality and prevent erosion.

The project area is adjacent to Idaho Inlet, which is designated important for Habitat and Harvest (CT-002). Management intent for this unit is for protection of Pacific herring over-

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wintering areas and areas of brown bear concentrations (NSEAP pg. 3-323). This area is also important for the commercial harvest of various crab and fish species as well as subsistence fishing for salmon. In order to minimize the impacts on these resources, DFG recommends fewer, larger, water-front lots. This will decrease the number of tide land developments and watercraft traffic to the site. DFG would also like to recommend community docks rather than individual docks to each parcel. If this option is chosen then overland access will need to be established in the subdivision design.

DNR DMLW LSCAS Response: For purposes of subdivision design, some portions of section-line easements may be vacated, however, alternative public access will be provided.

A buffer on each side of Cabin Creek will be established within the proposed development area to provide adequate areas for safer bear-human interactions. No other streams were identified during the September 9, 2010 field visit. Should additional streams be identified throughout the design phase, DNR DMLW will evaluate the appropriateness of buffers for such water bodies. If the water bodies are deemed public or navigable, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.

LSCAS will consider fewer, larger, water-front lots in the design of the proposed subdivision. As previously mentioned in response to commentary from DFG, a note will be added to the plat stating that lots may not be subdivided further unless approved by a community incorporated under AS 29.05 Incorporation [Home Rule Cities] and exercising platting authority or unless the Final Finding and Decision is amended to allow lots created hereon to be subdivided under AS 40.15.305-900 [Subdivisions and Dedications]. Refer to the Local Planning subsection of this document for more information.

DNR DMLW does not intend to construct nor maintain a community dock. However, such facilities might be permitted through applications by the future land owners of the area. The public access easements DNR DMLW plans to reserve along the mean high water mark could be used as access from such facilities. DNR DMLW will consider flag lots in the development's design to concentrate access and encourage minimization of tideland development.

Refer to the Access To, Within, and Beyond the Project Area subsection of this document for more detailed information.

Other Agencies: DNR Division of Agriculture and DNR State Pipeline Coordinators Office (SPCO) provided comments of non-objection to this action. A number of other agencies or groups were included in agency review, but did not submit comments. We will send notice to a number of entities as required by AS 38.08.945 Notice.

## **VIII. Alternatives and Discussion**

DNR DMLW is considering the following alternatives:

Alternative 1: (Preferred) Survey and plat a subdivision consisting of up to 45 parcels varying in size from 3 to 20 acres, and offer those parcels for sale. Parcels will be located in

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Idaho Inlet Subdivision – ADL 108059

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the development area reclassified as Settlement through a related action and development and offering of the parcels may be phased.

Alternative 2: Do not subdivide the proposed project area prior to sale. Offer the area to be reclassified as Se as one or two large parcels (likely divided by section line), totaling approximately 273 acres.

Alternative 3: (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, in part, that “it is the policy of the State to encourage the settlement of its land...” Furthermore, AS 38.05.045 Generally [Sale of Land] has placed this charge with the commissioner of DNR. In turn, the authority to sell has been delegated down to DMLW Land Sales and Contract Administration Section (LSCAS).

Alternative 1 provides a method for DNR to help meet the obligations laid out in the Constitution and statute.

Alternative 1 maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. The subdivision of up to 45 parcels will allow DNR DMLW to create a design that will maximize use of the land and provide the public a greater opportunity to purchase land within this area.

Alternative 2 does not maximize public interest and is not preferred. Due to the unique amenities of the area and location relative to the communities of Elfin Cove, Hoonah, Gustavus, Juneau, and Sitka, the project area is better suited to subdivision prior to offering. Not subdividing the project area prior to offering will not maximize opportunity for conveyance to private ownership. Alternative 2 is not preferred.

Alternative 3 is not preferred. The Legislature and the public have indicated a desire for DNR DMLW to offer State-owned land for private ownership. Retention of this land would inhibit DNR DMLW from meeting its Constitutional and legislative obligations. Not offering the project area would deny Alaskans the opportunity to obtain land in an area that is suited to settlement.

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

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**IX. Recommendation**

This Preliminary Decision for the proposed primary and any related actions described throughout this document and its attachments are consistent with the overall management intent for State-owned land; potential changes to public resources and the public interest as a result of the proposal are acceptable; and these proposed actions appear to be in the best interest of the State. It is hereby recommended to proceed to public notice.

This is a Preliminary Decision and subsequent public review may result in changes to the preferred alternative or disapproval of the proposed primary action and the accompanying related actions altogether. If the decision is approved, the related actions will accompany and precede the Final Finding and Decision.

/s/ Heather Fair for

Prepared by: John W. Thomas  
Natural Resource Specialist II  
Land Sales and Contract Administration Section  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

July 5, 2012

Date

/s/ Kathryn Young

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

July 5, 2012

Date

## **Preliminary Decision**

of a Proposed Land Offering in an Unorganized Borough

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### **X. Submittal of Public Comments**

**See Attachment C: Public Notice for specific dates and conditions.** Pursuant to AS 38.05.945 Notice, a public notice inviting comment on this Preliminary Decision will be posted on the State of Alaska Public Notice website at <http://notes.state.ak.us/pn/>. Notices will also be published in newspapers in statewide circulation and newspapers of general circulation in the vicinity of the land offering. In addition, notices will be mailed to parties known or likely to be affected by the action; relevant postmasters of permanent settlements; relevant municipalities if the land is within the boundaries of a municipality; relevant regional corporations if the land is within their corporation boundary; relevant village corporations if the land is within 25 miles of the village for which the corporation was established; and relevant soil and water conservation districts.

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 Department Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

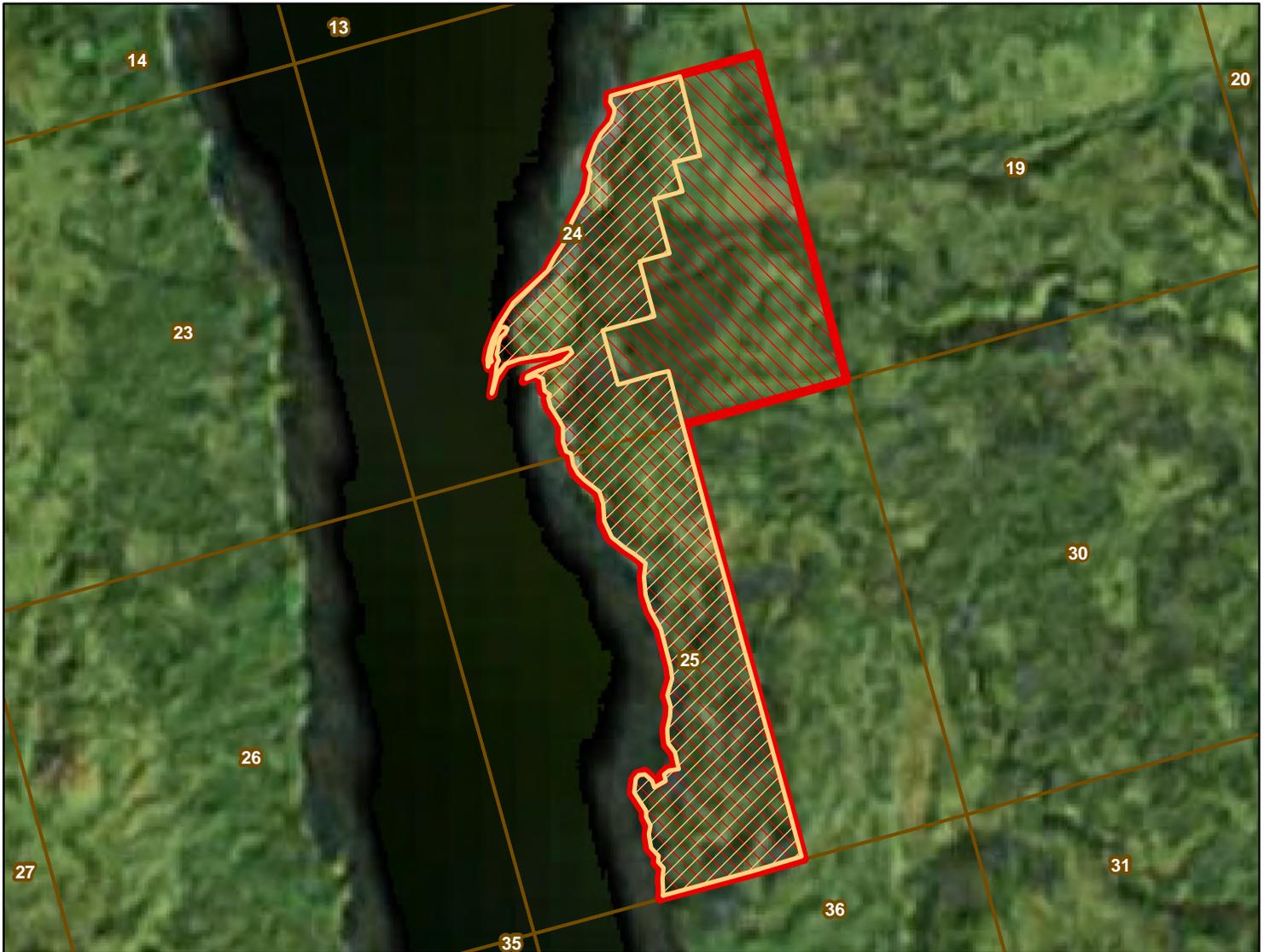
DNR DMLW will consider all timely comments. If timely, written comments received in response to this notice indicate the need for significant changes to the Preliminary Decision, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to the proposed action will not be considered significant changes requiring additional public notice.

If the proposed action is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and Division responses, will be issued as a subsequent Final Finding and Decision without further notice. Only persons from whom the Department receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, a copy of the decision will be made available online at <http://dnr.alaska.gov/mlw/landsale/> and sent with an explanation of the appeal process to any party from whom DNR DMLW LSCAS receives timely, written comment.

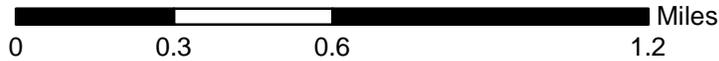


# Attachment A: Vicinity Map

to the Preliminary Decision for a  
Proposed Land Offering in the Unorganized Borough  
Idaho Inlet Subdivision - ADL 108059



LFR 07/03/2012



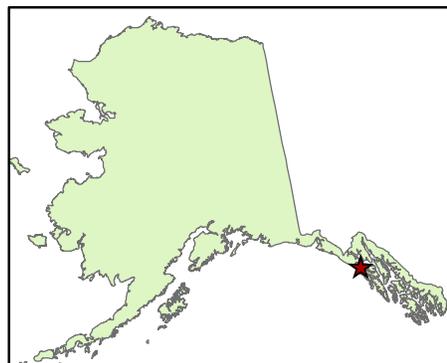
Within Township 43 South, Range 56 East, Copper River Meridian, Alaska

**Legend**

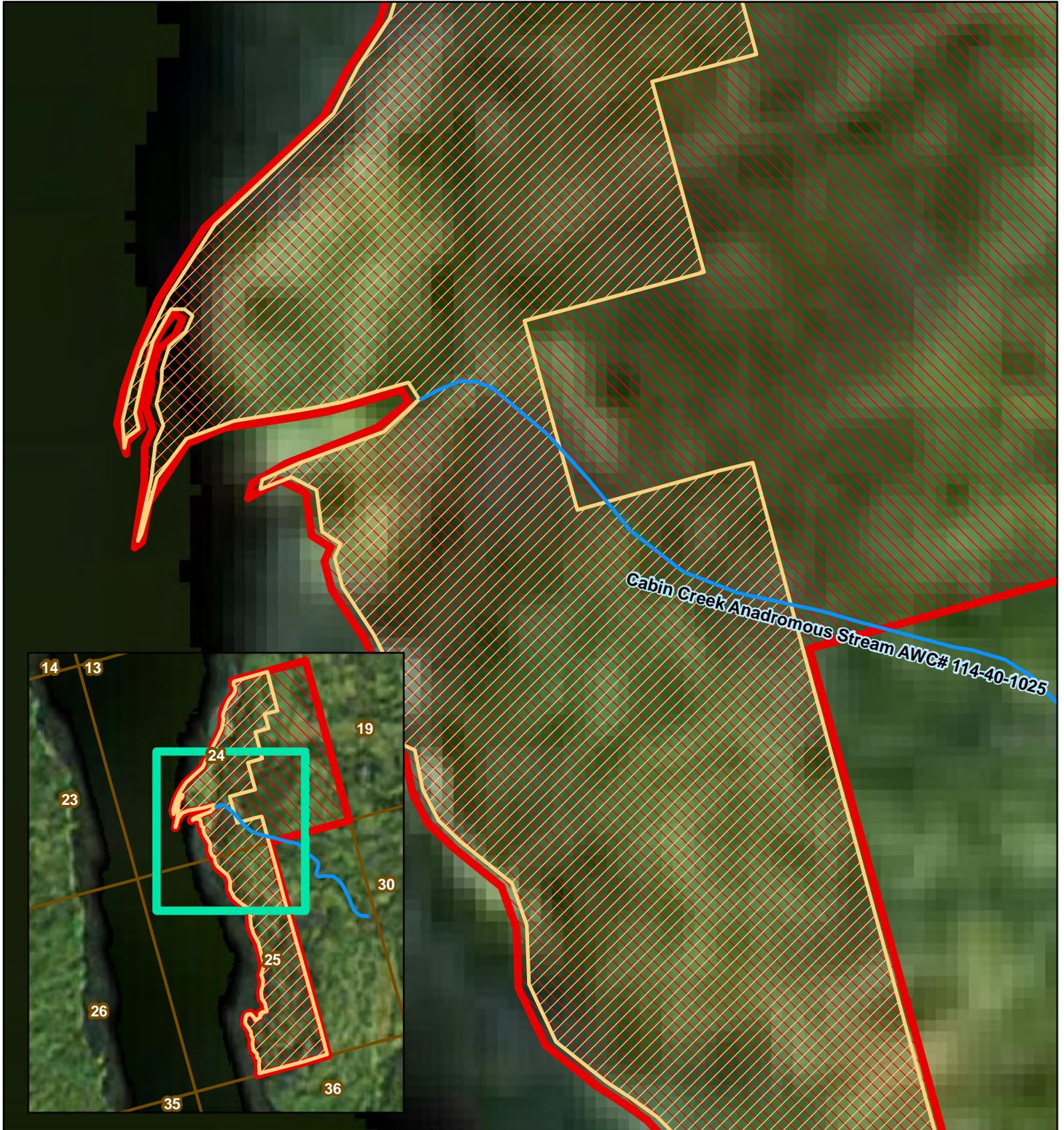
-  Development Area
-  Project Area
-  Section

### USGS QUAD 1:63,360

Mt. Fairweather A-1  
 For more information contact:  
 John Thomas  
 Department of Natural Resources  
 Division of Mining, Land, and Water  
 Land Sales & Contract Administration Section  
 Phone 907.269.8591  
 Fax 907.269.8916  
 Email [subdivision.sales@alaska.gov](mailto:subdivision.sales@alaska.gov)



Attachment A continued: Anadromous stream



**Legend**

- Anadromous stream
- Development Area
- Project Area
- Section

Within Township 43 South, Range 56 East, Copper River Meridian, Alaska



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

**ATTACHMENT B: AREA DATA SUMMARY TABLE**

to the  
**Preliminary Decision**

for a  
**Proposed Land Offering in the Unorganized Borough  
Idaho Inlet Subdivision – ADL 108059**

|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Project Area Acreage</b>                                                    | ~428 acres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Development Area</b>                                                        | the western ~273 acres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Proposed Number of Parcels, Acres per Parcel</b>                            | Up to 45 parcels, varying in size from 3 to 20 acres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Location</b>                                                                | Southeast Alaska, approximately 61 miles west of Juneau and 80 miles northeast of Sitka. See Attachment A: Vicinity Map for a graphical depiction of the area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Area Access</b>                                                             | Primarily via the waters of Idaho Inlet, some individual lots would be accessible via platted internal easements or similar reservations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Native Regional &amp; Village Corporations within 25 miles</b>              | SEALASKA Regional Corporation and Huna Totem Village Corporation (Juneau).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Platting Authority, Coastal Issues, &amp; Local Planning Considerations</b> | State of Alaska Platting Authority in the Unorganized Borough.<br>Notice with an invitation to comment will be sent to the following local communities, villages, and other relevant parties: City of Gustavus, City of Hoonah, City of Pelican, Community of Elfin Cove, USFS Tongas National Forest and Hoonah Ranger District, SEALASKA Regional Corporation, Huna Totem Corporation, Pelican Traditional Council, Hoonah Indian Association, Southeast Conference, and the Central Council of Tlingit & Haida Indian Tribes of Alaska. Notice with a request to post for public viewing will also be sent to Postmasters in Gustavus, Hoonah, Pelican, and Elfin Cove. |
| <b>Title</b>                                                                   | State of Alaska holds fee title to land and mineral estate within project area under Patent No. 50-2007-0453, May 16, 2007.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Legal Description</b>                                                       | <u>Project Area</u> : Tract A of US Rectangular Survey (USRS),                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**Attachment B: Area Data Summary Table**

to the Preliminary Decision and its Related Actions  
for a Proposed Land Offering in an Unorganized Borough  
Idaho Inlet Subdivision – ADL 108059  
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|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | <p>dated January 5, 2001, within Sections 24 and Section 25, Township 43 South, Range 56 East, Copper River Meridian, Sitka Recording District, First Judicial District, Alaska, containing approximately 427.43 acres.</p> <p><u>Proposed Area for Development and Reclassification:</u><br/>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, W<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, W<math>\frac{1}{2}</math>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math>SE<math>\frac{1}{4}</math>, SW<math>\frac{1}{4}</math> Section 24, and W<math>\frac{1}{2}</math>W<math>\frac{1}{2}</math>E<math>\frac{1}{2}</math>, E<math>\frac{1}{2}</math>W<math>\frac{1}{2}</math> Section 25, Township 43 South, Range 56 East, Copper River Meridian, Sitka Recording District, First Judicial District, Alaska, containing approximately 273 acres.</p> |
| <b>Area Plan</b>        | Northern Southeast Area Plan (NSEAP) (adopted 2002), Southern Management Region, Chichagof Island Area, Unit C-03, proposed related action to amend the Area Plan to change the designation of the development area in the western portion of the project area from Gu (General Use) to Se (Settlement).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Classification</b>   | Presently classified Gu (General Use); proposed related action to reclassify the development area in the western portion of the project area to Se (Settlement).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Mineral Order</b>    | Project area presently open to mineral entry and there are no mining claims on record. DNR DMLW proposes a mineral order (closing) as a related action to close the development area in the western portion of the project area to new mineral entry.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Topographic Map</b>  | USGS Quad Mt. Fairweather (A-1). Gently to moderately sloping terrain in Section 24, somewhat steeper terrain in Section 25.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Geologic Hazards</b> | Holocene fault (activity less than ~10,000 years old) mapped ~2 miles away on the other side of Idaho Inlet across Marble Creek to the south and southwest of the subdivision area; greater-than-average potential may exist for local seismic-shaking and associated potential hazards. The area is also subject to the regionally typical coastal issues of erosion, storm waves, and surges for parcels along the coast, as well as seismic shaking and associated potential hazards from earthquakes originating on the Queen Charlotte-Fairweather Fault system. Siting and design of structures should be carried out in accordance with local building codes that should already incorporate best practices for the potential seismic hazard. Should any additional geologic hazards be discovered in the future, they will be considered in the project's design and                                                                                                                                                                                                                                                                                                                                                                                                       |

**Attachment B: Area Data Summary Table**

to the Preliminary Decision and its Related Actions  
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|                           |                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | described in the project file and offering materials.                                                                                                                                                                                                                                                                                            |
| <b>Soils</b>              | USDA, Soil Conservation Service Exploratory Soil Survey of Alaska: SO18, Humic, Lithic Cryorthods-Humic Cryorthods, & RM1, Rough Mountainous Land. Known soil concerns will influence the project's design and feasibility and such features will be described in the project file and offering materials where relevant.                        |
| <b>Vegetation</b>         | Typical Southeast Alaska rainforest: heavily vegetated with Sitka Spruce, western hemlock, and riparian vegetation with coastal grasses near on rocky portions of the shore. The eastern parts of Section 24 are quite wet with many palustrine wetlands.                                                                                        |
| <b>Fire Hazards</b>       | Due to heavy rainfall common in the maritime climate and dense vegetation on wet soils, the Southeast Alaska Rainforest presents minimal fire hazard                                                                                                                                                                                             |
| <b>Navigable Waters</b>   | Idaho Inlet on the western shores of the project area. If additional water bodies are deemed public or navigable, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.                                                                                                                             |
| <b>Public Waters</b>      | Idaho Inlet on the western shores of the project area. If additional water bodies are deemed public or navigable, DNR DMLW will comply with statutory requirements to provide access to and along said water bodies.                                                                                                                             |
| <b>Anadromous Streams</b> | Cabin Creek AWC# 114-40-1025 bisects the project area and flows into a large delta at the shoreline of Idaho Inlet. No other streams were identified during the September 9, 2010 field visit. Should additional streams be identified throughout the design phase, DNR DMLW will evaluate the appropriateness of buffers for such water bodies. |
| <b>Flood Zone</b>         | There is no relevant Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map; area is unmapped.                                                                                                                                                                                                                                      |

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

**ATTACHMENT C: PUBLIC NOTICE**

to the  
**Preliminary Decision**

for a  
**Proposed Land Offering in an Unorganized Borough  
Idaho Inlet Subdivision – ADL 108059**  
AS 38.05.035 (e), AS 38.05.045

and its  
**Proposed Related Actions:**  
**Proposed Amendment to the Northern Southeast Area Plan**  
AS 38.04.065  
**Proposed Land Classification Order**  
AS 38.04.065 and AS 38.05.300  
**Proposed Mineral Order (Closing)**  
AS 38.05.185 and AS 38.05.300

**COMMENT PERIOD ENDS 5:00PM, TUESDAY, AUGUST 14, 2012.**

Primary Proposed Action(s): 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) is to offer for sale State-owned land for private ownership within the identified project area. Surveyed parcels will be offered for sale in a future offering under the method as described herein.

Located within the Department's Southeast Region, approximately 61 miles west of Juneau and 80 miles northeast of Sitka, the project area is within Sections 24 and 25, Township 43 South, Range 56 East, Copper River Meridian within the Unorganized Borough. The project area consists of approximately 428 acres, of which DNR has identified approximately 273 acres of the western portion for potential disposal. For the purposes of providing land for settlement in Southeast Alaska, if deemed feasible, DNR may develop a subdivision of no more than 45 parcels varying in size from 3 to 20 acres. If it is deemed necessary, DNR may consider parcels over 5 acres per the allowances listed in AS 38.04.020 (h) Land Disposal Bank. The project may be subdivided and offered in phases.

### **Attachment C: Public Notice**

to the Preliminary Decision and its Related Actions  
for a Proposed Land Offering in the Unorganized Borough  
Idaho Inlet Subdivision – ADL 108059  
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Proposed Related Action(s): There are three related actions with this proposal: an amendment to the Northern Southeast Area Plan (NSAP), the related Land Classification Order, and a Mineral Order closing the area to new mineral entry. The details for these proposed related actions are provided in the Preliminary Decision.

Area Plan Amendment: DNR DMLW proposes to amend the Northern Southeast Area Plan (adopted 2002) to change the designation from Gu (General Use) to Se (Settlement) for approximately 273 acres of the western portion of Unit C-03. This area plan amendment will apply only to the proposed development area.

Land Classification Order: In relation to the proposed Area Plan Amendment, DNR DMLW proposes to reclassify approximately 273 acres of the western portion of Unit C-03 in a Land Classification Order from Gu (General Use) to Se (Settlement). This land classification order will apply only to the proposed development area.

Mineral Order (Closing): DNR DMLW proposes a mineral order to close the project area to new mineral entry.

Additional information on these proposed actions is available from DNR DMLW's Land Sales and Contract Administration Section (LSCAS) on our website at <http://dnr.alaska.gov/mlw/landsale/>. For direct inquiries, contact John Thomas by phone at 907.269.8591 or email [subdivision.sales@alaska.gov](mailto:subdivision.sales@alaska.gov). 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 by phone at 907.269.8400 (TDD at 907.269.8411) or email at [dnr.pic@alaska.gov](mailto:dnr.pic@alaska.gov); in Fairbanks by phone at 907.451.2705 (TDD at 907.451.2770) or email at [fbx-pic@alaska.gov](mailto:fbx-pic@alaska.gov); or in Juneau at the DNR Land Counter by phone at 907.465.3400 (TDD at 907.465.3888) or email at [sero@alaska.gov](mailto:sero@alaska.gov). Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, Friday, August 3, 2012.

Public notice for the primary and related actions is being conducted concurrently. Pursuant to AS 38.05.945 Notice, this notice will also be posted on the State of Alaska Public Notice website at <http://notes.state.ak.us/pn/> for at least 30 consecutive days. The public is invited to submit comment on these proposed actions by fax to 907.269.8916; by mail to: Attention: Subdivision Development Team c/o DNR DMLW LSCAS at 550 W. 7<sup>th</sup> Ave., Suite 640, Anchorage, Alaska 99501 or by email to [subdivision.sales@alaska.gov](mailto:subdivision.sales@alaska.gov). If commenting on more than one proposed action, separate comments should be submitted for each. The comment period ends at 5:00PM, Tuesday, August 14, 2012. Only persons from whom DNR DMLW LSCAS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision.

DNR DMLW LSCAS will consider all timely comments received. If said comments indicate the need for significant changes to the Preliminary Decision for the primary and related actions, additional public notice for the affected lands will be given. Reducing the amount of land offered and making minor changes to the proposed action will not be considered significant changes requiring additional public notice.

**Attachment C: Public Notice**

to the Preliminary Decision and its Related Actions  
for a Proposed Land Offering in the Unorganized Borough  
Idaho Inlet Subdivision – ADL 108059  
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If after consideration of timely, written comments the proposed actions are approved, and no significant change is required, DNR DMLW LSCAS will, without further notice, issue a subsequent Final Finding and Decision, including the Preliminary Decision with a summary of comments and Division responses, and any deletions or minor changes as needed. Similarly, if approved after consideration of public comment, the related actions will be developed as separate actions and accompany the Final Finding and Decision for the primary action. The Final Finding and Decision will be dependent upon approval of the related actions such that if the related actions are not approved, the Final Finding and Decision will not be approved, unless modified. Likewise, DNR DMLW will not process the related actions unless proceeding with a Final Finding and Decision.

Upon approval and issuance, a copy of the Final Finding and Decision will be made available online at <http://dnr.alaska.gov/mlw/landsale/> and sent to any party from whom DNR DMLW LSCAS received timely, written comment.

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