

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

**FINAL FINDING AND DECISION**

**Proposed Land Offering  
South Central Region  
Willer-Kash ADL 230825  
AS 38.05.035(e)**

This Final Finding and Decision supplements the Preliminary Decision dated 10/4/2013, for the proposed action, which is incorporated herein, except as amended, changed, or deleted by this Final Finding and Decision.

Attachment 1: Reconnaissance Engineering Study - Alternative #1 Map

Attachment 2: Preliminary Decision

**I. Recommended Action:**

The Department of Natural Resources (DNR), Division of Agriculture (DAg) in cooperation with the Division of Mining, Land and Water (DMLW) recommends conveying into private ownership, via sealed bid auction, no more than 6 parcels, ranging in size from 40 to 320 acres, comprising approximately 680 acres of state-land within the Willer-Kash Agriculture Project (ADL 230825), which is located approximately 5 miles Northeast of Willow and 2 miles North of the Willow Fishhook Road. The project area is composed of the N1/2, SE 1/4 of Section 19 & the NE1/4, N1/2 N1/2 SE1/4 of Section 30; Township 20 North, Range 3 West; Seward Meridian

Parcels approved for sale by this decision may be offered for sale over the course of several auctions.

**II. Authority:**

The Department of Natural Resources has the authority under Alaska Statute 38.05.035(e) to sell state land for private ownership if determined to be in the best interest of the state.

**Alaska Statute (AS) 38.04.005** – Public and Private Land Use Policy,  
**AS 38.05.035** – Powers and Duties of the Director,  
**AS 38.05.045** – General Provisions for the Sale of State Land,  
**AS 38.05.050** – Disposal of Land for Private Ownership,  
**AS 38.05.055** – Procedures for Sale by Auction,  
**AS 38.05.321** – Restrictions on Disposal of Agricultural Land,  
**AS 38.05.945** – Requirement for Notice

### **III. Public Notice and Response to Comments:**

Pursuant to AS 38.05.945 public notice inviting comments was published in the Mat-Su Valley Frontiersman and the Anchorage Daily News on October 11, 2013. Notice was sent to the postmaster in Willow as well as the library in Willow with a request to post the notices for 30 days. The notice was posted on the DNR public notice website, the Division of Agriculture's web page and the DMLW land sale page. The notice and project vicinity map (attachment A) were posted at several locations near the proposed agricultural land offering. A public notice was sent out stating that comments were to be received by 4:00 pm November 14, 2013 and could be submitted by mail, email or fax. It was discovered that Notice was incomplete and therefore the deadline was extended to December 27. The Preliminary Decision and Public Notice were revised with updated dates reflecting an additional comment period and re-issued with an additional 37 days for comments given (comments due by 4:00 pm December 27, 2013). The Public Notice was sent to all required entities, the Willow Post Office, placed on the DNR public notice website, the Division of Agriculture's web page and the DMLW land sale page. Additionally public notice was posted in several locations near the proposed agricultural land offering.

Five written comments were received in a timely manner. Three during the first notice period, and 2 during the second.

#### **Written Comments:**

**Issue 1:** Public comments & MSB comment- Supports DNR, Division of Agriculture's in offering agricultural lands.

DNR Response: Thank you for your comment.

**Issue 2:** Wants the Division to explain auction procedures.

DNR Response: The auction procedures will be detailed in the auction brochure if it is determined a sale is in the states best interest.

**Issue 3:** Upper Susitna Soil and Water Conservation District- Encourages offering a variety of parcel sizes to allow for a diversity of bidders and agricultural uses.

DNR Response: Parcel sizes offered will vary from 40 acres to 320 acres.

**Issue 4:** Upper Susitna Soil and Water Conservation District- Directs future sales to be located adjacent to roads and power lines in order to reduce development costs, increase access to markets, and reduce production costs.

DNR Response: Thank you for your comment.

**Issue 5:** Upper Susitna Soil and Water Conservation District- Requests DNR, Division of Agriculture consider increasing clearing requirements and require clearing be maintained.

DNR Response: Current policy for agricultural land sale contracts sets the minimum clearing requirements at 25% of agricultural soils being developed within 5 years of approval of the State Farm Conservation Plan and requires that the development be maintained until the contract has been paid off.

**IV. Clarifications Reserving Access:**

Access to, within, and beyond the project area is addressed in a Reconnaissance Engineering Study prepared by Department of Natural Resources – Division of Parks and Outdoor Recreation engineers. The preferred routes, described as Alternative #1 (Attachment 1) consist of three separate proposed roads, yet to be constructed, all originating from Willer-Kash Road.

- “Road A” intended to provide access to parcel 1 (ADL 231857) is an existing, but not yet surveyed 60 foot wide public easement serialized as ADL 228207. ADL 228207 will be located and surveyed out of parcel 1 (ADL 231857) during the survey planned for spring 2014.
- “Road B” intended to provide access to parcels 2 (ADL 231858) and 3 (ADL 231859) along a section line (the section line between sections 20 and 29, Township 20N., R. 3W. Seward Meridian) and stay within the section line easement.
- “Road C” intended to provide access to parcels 4 (ADL 231860) and 5 (ADL 231861) and will also run along a section line (the section line between sections 29 and 30, Township 20N., R. 3W. Seward Meridian) within the section line easement.
- An additional 30 foot, multi-use, winter trail serialized as ADL 231319-V will be located and surveyed out of parcel 1 (ADL 231857) during the survey planned for spring 2014.

Other trails created during previous logging activity within the project area branch off of the Willer-Kash Road and either terminate within the project area or re-join Willer-Kash Road. These logging trails are not part of a larger trail system, do not provide access to State lands outside of the project area, and will not be reserved.

**V. Final Finding and Decision:**

This action is consistent with the overall management intent for state land and is in the state's best interest. By offering the project area at sealed bid auction, the state can provide Alaskans the opportunity for private ownership of land and can generate revenue for the state and promote Alaska's agriculture industry.

The finding presented above has been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945. The case files have been found to be complete and the requirements of all applicable statutes have been satisfied. It is the finding of the Division of Mining, Land and Water that it is in the State's best interest to precede with this conveyance under the authority of AS 38.04 and 38.05.

Concur: /s/ 3/5/2014  
**Franci Havemeister, Director** **Date**  
**Division of Agriculture**

Approved: /s/ 3/4/2014  
**Brent Goodrum, Director** **Date**  
**Division of Mining, Land and Water**

**Appeal Provision**

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