

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

FINAL FINDING AND DECISION

of a
Land Offering in the Kenai Peninsula Borough
Cohoe, AK Lot – ADL 234141
AS 38.05.035(e), AS 38.05.045

and its
RELATED ACTION(S):
None

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) dated July 26, 2023. The PD (attached) had the required public review.

I. Recommended Action(s)

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) recommends offering for sale State-owned land for private ownership within the Cohoe, AK project area (ADL 234141), as described in the PD. One surveyed parcel will be offered for future sale by a method under *AS 38.05.045 Generally*.

There are no related actions with this proposal.

II. Authority

DNR has the authority under *AS 38.05.045 Generally* 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, as required by *AS 38.05.035(e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska provides: "It is the policy of the State to encourage the settlement of its land and development of its resources by making them available for maximum use consistent with the public interest."

III. Public Participation and Input

Pursuant to *AS 38.05.945 Notice*, public notice inviting comment on the PD for the proposed primary action was published and distributed in the following manner:

- Posted under State of Alaska Online Public Notice from July 26 to September 14, 2023.
- Posted on DNR Land Sales website from July 26 to September 14, 2023.
- Notices mailed to the Kenai Peninsula Borough per *AS 38.05.945(c)(1)*.
- Mailed to postmasters in Soldotna, Kenai, Kasilof, and Clam Gulch with a request to post for 30 days, per *AS 38.05.945(c)(4)*.
- Mailed to the library in Kenai, Ninilchik, Soldotna, and Kasilof with a request to post for 30 days.
- Mailed to the Cook Inlet regional corporation per *AS 38.05.945(c)(2)-(3)*.

Final Finding and Decision

Cohoe, AK Lot – ADL 234141

Page 2 of 3

- Mailed to 25 current landowners in the Cohoe Alaska Subdivision and nearby area, the Ninilchik, Salamatof, and Kenai Native Associations, the villages of Ninilchik and Salamatof, and the Kenaitze Indian Tribe.
- Sent notification to area state legislators and to multiple state agencies.
- Notified parties via the DNR Land Sales subscribers lists by email and the DNR Land Sales Twitter and Facebook accounts.

The public notice stated that written comments were to be received by 5:00PM, September 14, 2023 in order to ensure consideration and eligibility to appeal. For more information, refer to the PD.

IV. Summary of Comments

DNR DMLW LCS received no comments during the public comment period.

V. Traditional Use Findings

In accordance with *AS 38.05.830 Land Disposal in the Unorganized Borough*, a Traditional Use Finding is required for project areas within the Unorganized Borough. This project area is within an organized borough; therefore, no Traditional Use Finding is required.

VI. Modifications to Decision and/or Additional Information

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

DNR determines that ADL 234141 contains improvements that have become fixtures of the parcel:

- a log cabin on a concrete foundation,

a garage with a concrete floor,

According to the expired lease agreement, all improvements and/or chattel left on the property having an appraised value greater than \$10,000 will be sold and the proceeds will vest with the lessee. Improvements and/or chattel having an appraised value of \$10,000 or less shall revert to DNR with no remuneration provided to the lessee. The value of the fixtures, chattel, and improvements will be determined by an appraisal arranged by DNR.

Recommendation and Approval of the Final Finding and Decision follow.

VII. Final Finding and Decision

The Land Conveyance Section recommends proceeding with the action as described in the Preliminary Decision. This action is undertaken under relevant authorities. Offering this parcel for sale will help meet the State’s goal to provide land for settlement for sale to the public and raise revenue for the State.

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

(Signature on File)

Recommended by: Timothy Shilling
Natural Resource Manager
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

11/7/23

Date

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

(Signature on File)

Approved by: Christianna D. Colles
Director
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

11/8/23

Date

Appeal Provision

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department. Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

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

PRELIMINARY DECISION
Cohoe, AK Lot – ADL 234141

Proposed Land Offering in the Kenai Peninsula Borough
AS 38.05.035(e), AS 38.05.045

RELATED ACTION(S):
None Proposed

PUBLIC COMMENT PERIOD ENDS 5:00PM, THURSDAY, SEPTEMBER 14, 2023

I. Proposed Action(s)

Preliminary Decision: Cohoe, AK Lot - ADL 234141

Attachment A: Vicinity Map

Attachment B: Public Notice

Primary Proposed Action: 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), Land Conveyance Section (LCS) is to offer for sale State-owned land within the identified project area. If approved, a surveyed parcel will be offered for sale.

LCS proposes to sell one parcel within the Cohoe Alaska Subdivision project area for the purpose of providing land for settlement.

Proposed Related Action(s): No related actions proposed.

Public Notice of Proposal: In accordance with *AS 38.05.945 Notice*, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this proposal.

See **Section XVII. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit a comment for consideration. If, after consideration of timely, written comments, LCS moves forward with the proposal, a FFD will be issued.

II. Method of Sale

LCS proposes to offer for sale land within the project area as described herein, through a future offering under *AS 38.05.045 Generally*.

Parcels offered through this action are offered fee-simple for the surface estate only. For more information about the land sales program, please visit <http://landsales.alaska.gov>.

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 2 of 12

III. Authority

DNR has the authority under *AS 38.05.045 Generally* 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, as required by *AS 38.05.035(e) Powers and Duties of the Director*. Article VIII, Section 1, of the Constitution of the State of Alaska states "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest."

IV. Administrative Record

The project file, Cohoe, AK Lot - ADL 234141, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Kenai Peninsula Area Plan for State Lands (KAP, adopted 2000) and associated land classification files;
- *Alaska Interagency Wildland Fire Management Plan 2023*;
- *Alaska Department of Fish and Game Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*;
- *USDA, Natural Resource Conservation Service Custom Soil Report for this project, dated 2022*; and
- DNR case files: electric distribution line easement (ADL 42392), school section selection (SCH10), mineral order (MO-1040); and, other cases, documents, reports, etc. referenced herein.

V. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section III**.

Authority, is limited and specific to LCS's proposal to offer State-owned land within the defined project area for disposal as described herein. The scope of this proposal does not include the control of post-patent use and LCS does not intend to impose deed restrictions for this purpose.

VI. Location

The project area is located within DNR's Southcentral Region, approximately 5 miles northwest of Kasilof and 14 miles south of Soldotna within Section 16, Township 3 North, Range 12 West, Seward Meridian, within the Kenai Peninsula Borough (KPB). The project area consists of 4.711 acres, more or less, identified for disposal by this proposed action.

Platting Authority: The project area is within the Kenai Peninsula Borough and subject to the borough's platting authority.

Native Regional and Village Corporations: The project area is within the boundaries of the Cook Inlet regional corporation. The villages of Ninilchik, Salamatof, and Kenaitze Indian Tribe are within 25 miles of this proposed action and notice will be sent to the Village of Salamatoff, Ninilchik Village, Kenaitze Indian Tribe, Kenai Native Association, Ninilchik Native Association, and Salamatof Native Association.

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 3 of 12

VII. Property Description

Lot 5 in Block 3 of Alaska State Land Survey No EPF28-94, Cohoe Alaska Subdivision, containing 4.711 acres, more or less, according to the survey plat filed in the Kenai Recording District on September 25, 1963, as Plat K-1348.

VIII. Title

Title Report No. 22934, current as of May 4th, 2023, indicates the State of Alaska holds fee title to the land and mineral estate within ADL 234141 under Patent 1220719, dated June 20, 1960. The applicable State case file is SCH10. The parcel is subject to the reservations, easements and exceptions contained in the federal patent.

State Reservations of Title:

Retention of and Access to 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 retains ownership of the mineral estate that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper and silver, etc.), and leasable minerals (such as oil, gas, coal, etc.).

The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all surface uses. The State may also lease these retained 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 owner will be compensated for damages resulting from mineral exploration and development.

Navigable Waters: Per *AS 38.05.126(b) Navigable and Public Waters*, "...the State has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the state." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the Constitution of the State of Alaska and protected in the United States Constitution. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made and access will be reserved per *AS 38.05.127 Access To and Along Public and Navigable Water*. For more information, see **XIII. Access To, Within, and Beyond Project Area**.

The Bureau of Land Management has not made a navigability determination for waters within the affected townships for title purposes.

Where they exist within the project area, State third-party interests will be described in land sales brochures.

IX. Physical Characteristics and Hazards

Information about the project area is based on internal research, information received during agency review, and on-ground field inspections conducted on September 8, 2022 and June 27,

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 4 of 12

2023. 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 the parcel prior to purchase to familiarize themselves with the physical characteristics of the land.

Terrain and Major Features: The parcel maintains a constant elevation between 70 and 73 feet above sea level.

View: No significant terrain features visible from the area.

Vegetation: The parcel is almost completely vegetated by white spruce. In the northwest corner of the parcel a small portion of land has been cleared for a gravel driveway and a cabin and garage. This cleared area is mostly vegetated by low-lying herbaceous plants.

Soils: Soils within the project area generally consist of well-drained silt loams the properties of which indicate they would make a poor gravel source. Depth to bedrock is approximately 6.5 feet. The parcel has nonirrigated capability class 3 soils making it a good place to practice small scale gardening or agriculture.

Wetlands: No wetlands have been identified within the project area.

Geologic Hazards: According to information provided by DNR, Division of Geological and Geophysical Surveys, the project area is within a region of Alaska that has the potential for isolated permafrost. There are no known active faults nearby, but the seismic hazard potential of the area is still moderately high. It is advised to follow standard best building practices to account for seismic activity. There is also the potential for ash fall from Cook Inlet and Alaska Peninsula volcanic activity.

Fire Information: Pursuant to observations from the on-ground field inspection and information from the Alaska Wildland Fire Information Map series, fire risk in the area is likely high. There is no reported history of fires within the vicinity. The project area is within the Central Emergency Services Area.

Landowners with structures are encouraged to follow the Alaska Wildland Fire Coordinating Group *Firewise Alaska* recommendations. Offering materials include information regarding wildland fire prevention.

Fire management options and policies for the area are identified in the Alaska Interagency Wildland Fire Management Plan available from DNR Division of Forestry. The current fire management option for the project area is "Critical." The policy on areas with the "Critical" management option reads, "wildfires occurring in the Critical Management Option or that threaten critical sites are assigned the highest priority for suppression actions and assignment of available firefighting resources." It also states that there is no guarantee of protection from wildfire in any management option. It is the responsibility of landowners to mitigate and minimize risk to their property before it becomes threatened by a wildfire.

Flood Hazard: The project area is within FEMA Flood Insurance Rate Map Community Panel 0200122390A. There is no flood information available for the project area.

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 5 of 12

Water Resources: All surface and subsurface waters on all lands in Alaska are a public resource, subject to appropriation in accordance with the Alaska Water Use Act (AS 46.15). There are subsurface water rights in the vicinity located at lot 6 of block 1 of Cohoe Alaska Subdivision. Information from well logs indicate that well depths in the vicinity typically range from 80 to 220 feet. Potential water sources in the area include drilled wells. Water quality is unknown. Additional information on wells, water quality, and drinking water may be obtained from the Alaska Department of Environmental Conservation.

Utilities: This area is currently served by Homer Electric Association (HEA).

Waste Disposal: The Central Peninsula Landfill is located at mile 98.5 of the Sterling Highway. There are also transfer facilities located in Kasilof, Kenai, Nikiski, and Sterling. All on-site wastewater disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

X. Background:

The Cohoe Alaska Subdivision was surveyed and platted in 1963. Since then, almost all the lots are either under lease or privately owned. Lots on the west side of Cohoe Loop Road are between 3 and 4 acres and lots on the east side are about 5 acres. Lot 3 of block 1 and lots 4 and 5 of block 2 are all Cook Inlet Regional Corporation land, it appears these lots are currently undeveloped. Tract A is municipal entitlement land that also appears to be undeveloped. Much of the land to the east and north of the subdivision is undeveloped municipal entitlement land. Cohoe Loop Road provides access to the parcels.

ADL 234141 is former lease ADL 36145, Lot 5 Block 3 of Cohoe Alaska Subdivision. The parcel was offered for auction in 1963 but was not leased and went to over-the-counter sales. A lease was issued in 1967. A preference right to purchase case was closed in 2011 after the lessee failed to submit an application. In 2013 relinquishment documents were received, but the lessee decided to sell the cabin and assign the lease. The buyer backed out and the lease remained open. In 2022 the lease expired, and the parcel was transferred to LCS for adjudication.

The parcel has been developed in the northwest corner of the lot. A cabin, garage and small shed have been built, all appearing to be in generally good condition from the outside. The cabin is constructed with notched logs on a concrete foundation and a framed gable roof covered with metal panels. Inside the cabin there is an arctic entry housing the breaker box and heater. This leads to the main quarters of the house. A living room and kitchen take up most of the cabins space. There are cabinets, a sink, and countertops in the kitchen, but no appliances. Through the back of the cabin is the bathroom, bedroom, and a small closet holding a water heater. The garage is a wood-frame building sheathed with uncovered plywood with a metal roof. There is a large crack in the foundation of the garage. The garage has an addition clad with T1-11 and translucent plastic panels, used as a greenhouse. According to the Kenai Peninsula Boroughs parcel report the heating source is via forced air and there is a septic system on site. There is a small shed that appears to be a well house of some kind and an old outhouse behind the cabin.

Improvements remaining on the parcel will be handled in accordance with AS 38.05.090 *Removal or Reversion of Improvements Upon Termination of Leases.*

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 6 of 12

There is a 40-foot-wide utility easement, ADL 42392, that passes through Lot 5, Block 3 parallel to the western boundary. The electric poles reside on property about 5 feet inside the western lot line. There are no known current uses of the land. This parcel is a surveyed lot near Kasilof and other great towns on the Kenai Peninsula. DNR DMLW expects the auction of this parcel to gather interest from surrounding landowners and new individuals looking to establish themselves in the area.

XI. Planning and Classification

The project area is within Kenai Area Plan (KAP, adopted 2000), Region 6, Unit 93-B. Lands within this unit are currently designated Settlement, and classified Settlement under Land Classification Order No. SC-99-002. The project area consists of one surveyed parcel in the management unit. LCS reviewed the general management intent of the area plan and management unit for consistency with the proposed offering.

Region 6, Unit 93-B Considerations: Management intent states that sale or conveyance of lots that revert to state ownership may be allowed.

Area-wide Considerations: LCS reviewed the area plan's guidelines in Chapter 2 Areawide Land Management Policies. LCS will incorporate these considerations into the design and development of the project. Specific area-wide management intent and management guidelines affecting this proposal are discussed below.

Forestry: Management guidelines state that in units designated Settlement, a percentage of forest cover is available for timber production and included in the timber base unless prohibited by the management intent for the individual unit. Given the small size of the parcel and limited timber sale potential, LCS does not propose any timber harvest activities in advance of sale.

Heritage Resources: Management guidelines indicate that when found, heritage sites need to be reported to the Office of History and Archaeology (OHA). During agency review OHA indicated that there are no known cultural resource sites within the parcel. Offering material will include information on archaeological sites and how to notify OHA of discoveries.

Materials: Generally, if a unit is designated Settlement but contains sand and gravel deposits, rock sources, or other similar, high-value materials resources, a pit area will be identified and retained in public ownership for future use before lands are offered for sale. The parcel is not known to contain high-value materials.

Settlement and Agriculture: These management guidelines have been considered in the development of this project. The applicable area-wide management guidelines regarding settlement include coordination with local government, and erosion and flood control. The parcel was previously leased, but the lease has expired as of June 2022. In accordance with management guidelines, it will be made available for lease, sale, or conveyance. The KPB Comprehensive Plan was reviewed and no conflicts with the proposed offering were found. During the public notice process KPB will be notified and included in the review of this proposal. LCS did not identify any erosion

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 7 of 12

or flood concerns within the project area. Refer to section **IX. Physical Characteristics and Hazards** for more information.

Fish and Wildlife Habitat: Guidelines indicate public access to public waters will be protected, whether through retained access or easements when lands are sold. The parcel does not directly abut Cook Inlet and as such no easement or access will be retained.

Shorelines, Stream Corridors and Wetlands: Area-wide management guidelines state DNR should retain public access adjacent to waterbodies and a setback from Mean High Water when transferring land out of state ownership. The parcel is not directly adjacent to any waterbodies and as such no setback will be retained.

The proposed offering is consistent with area-wide land management policies and general management intent of the KAP and specific management unit.

Mineral Activity and Order(s): No mineral activity has been identified on these lands. The project area is closed to mineral entry under Mineral Order (closing) No. 1041.

Mineral orders which close an area to mineral entry, close the applicable area to new exploration and development of locatable minerals. Such mineral orders do not apply to leasable minerals (such as: oil, gas, coal, etc.), 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 for locatable minerals 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 and mineral estate users. Area plan land use designation for settlement states that, areas designated settlement should be closed to mineral entry prior to sale.

Local Planning: The project area is within the KPB and property purchased through this proposed offering will be subject to the applicable zoning, ordinances, and restrictions of the borough. The project area is within the boundary of the Kenai Peninsula Borough Comprehensive plan. Review of that plan did not indicate any conflicts with the proposed State land disposal.

XII. Traditional Use Finding

The project area is located within the KPB and a traditional use finding is therefore not required per *AS 38.05.830 Land Disposal in the Unorganized Borough*. However, information on current or traditional use is welcomed and can be given during the public comment period. See the **Section XVII. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit comment.

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 8 of 12

XIII. Access To, Within, and Beyond Project Area

Access to the project area is via Cohoe Loop Road. Cohoe Loop Road is within road service area W3 and is maintained by the KPB.

Easements, Setbacks, and Reservations: The parcel is subject to easements, setbacks, and reservations of record. In addition to platted easements and reservations, the parcel is also subject to a utility easement, ADL 42392 paralleling Cohoe Loop Road.

Retained Lands: None

XIV. Hazardous Materials and Potential Contaminants

During a ground field inspection conducted on June 27, 2023, field staff did not observe any environmental hazards within the project area. There are no known environmental hazards present within the project area; however, the State makes no representations and no warranties, express or 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. 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.

LCS recognizes there are potential future 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. This risk is no greater than when vacant private land undergoes development. Given that this land was specifically designated Settlement for transfer into private ownership, and given the high degree of interest from both the legislature and citizens in transferring State-owned land into private ownership, LCS is of the opinion that the benefits of offering the land outweigh the potential risks.

XV. Survey, Platting, and Appraisal

After evaluating public comment and conditions of the land, DNR will determine if it is in the State's best interest to offer the proposed project area for sale.

In accordance with *AS 38.05.840 Appraisal*, an appraisal meeting DNR standards will be required within two years of the date fixed for the sale of this parcel.

Project research and development includes consideration of economic factors utilizing market data and project development costs compiled by DNR DMLW staff, to evaluate the economic feasibility of a project. Since it commonly takes several years for the project development process, *AS 38.05.840* ensures the current market conditions are addressed in order to obtain a realistic minimum bid or purchase price for the sale of State land.

XVI. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from December 21, 2022 through January 11, 2023.

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 9 of 12

Comments pertinent to this proposed action received during agency review have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent FFD, if one is issued.

DNR DMLW LCS received brief comments of non-objection from the following agencies: DNR Office of Project Management and Permitting; DNR Division of Parks and Outdoor Recreation; DNR Division of Oil and Gas; Department of Transportation and Public Facilities; Alaska Department of Fish & Game

DNR DMLW LCS Response: LCS appreciates your review of the proposal.

DNR Division of Geological & Geophysical Surveys (DGGS) Comment: DGGS summarized the geologic setting and hazards for the project area (summarized in **Section IX. Physical Characteristics and Hazards**).

DNR DMLW LCS Response: LCS appreciates your review of the proposal.

DNR Division of Parks and Outdoor Recreation, Office of History and Archaeology (OHA) Comment: The office has no comment on the proposed action.

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

The following agencies or groups were included in the agency review, but no comment was received:

- Department of Environmental Conservation;
- Department of Natural Resources;
 - Division of Agriculture;
 - Division of Forestry;
 - State Pipeline Coordinator's Section;
 - Mental Health Trust Land Office;
- Department of Commerce, Community, and Economic Development;
- Alaska Railroad;
- University of Alaska;
- Alaska Association of Conservation Districts; and
- Kenai Soil and Water Conservation District.

XVII. Submittal of Public Comments

See Attachment B: Public Notice for specific dates and conditions.

Pursuant to AS 38.05.945 Notice, LCS is issuing public notice inviting comment on this Preliminary Decision.

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 Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether to hold a public hearing.

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 10 of 12

LCS will consider all timely, written comments received. If analysis of such comments indicates 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 any of the proposals will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the Preliminary Decision, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent FFD without further notice.

Only persons from whom LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the FFD. Upon approval and issuance of a FFD a copy of the decision will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the appeal process to any party who provides timely written comment.

LCS is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact the Department's Public Information Center. For more information refer to *Attachment B: Public Notice*.

DEADLINE TO SUBMIT WRITTEN COMMENT IS 5:00 PM, THURSDAY, SEPTEMBER 14, 2023

XVIII. Alternatives and Discussion

LCS is considering the following alternatives:

Alternative 1: (Preferred) Offer the parcel for sale.

Alternative 2: (No Action) Do not offer this project area for private ownership. Retain the land in State ownership.

Article VIII, Section 1 of the Alaska Constitution states, "it is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." Furthermore, *AS 38.05.045 Generally* has placed this charge with DNR, and the legislature has provided funding to administer the land sale program.

Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute, and maximizes public interest. This offering provides an opportunity for the public to obtain land for settlement in a desirable area. This proposal, if approved in a subsequent FFD, will provide financial return to the State. Alternative 1 provides the greatest opportunity for more Alaskans to purchase land within the Cohoe Alaska Subdivision. Alternative 1 is preferred.

Alternative 2 does not meet the legislative and public desire for DNR to offer State-owned land for private ownership. Retention of this land would inhibit DNR from meeting its constitutional, statutory, and legislative goals. Not offering the project area would deny Alaskans the opportunity to obtain land in an area that is suited to settlement and consistent with the surrounding development. Alternative 2 is not preferred.

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 11 of 12

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

Recommendation follows.

Preliminary Decision

Cohoe, AK Lot – ADL 234141

Page 12 of 12

XIX. Recommendation

This Preliminary Decision for the proposed disposal of State land described throughout this document and its attachments is consistent with the overall management intent for State-owned land. Alternative 1 is the preferred alternative because it provides the maximum opportunity for offering State land to the public and helps meet the mission of the land sales program. The Preliminary Decision described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of State lands. If the decision is approved, a FFD will be issued.

Signature on file

Prepared by: Meghan Montagne
Natural Resource Specialist 2
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

7/26/23

Date

Signature on file

Approved by: Tim Shilling
Natural Resource Manager II
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

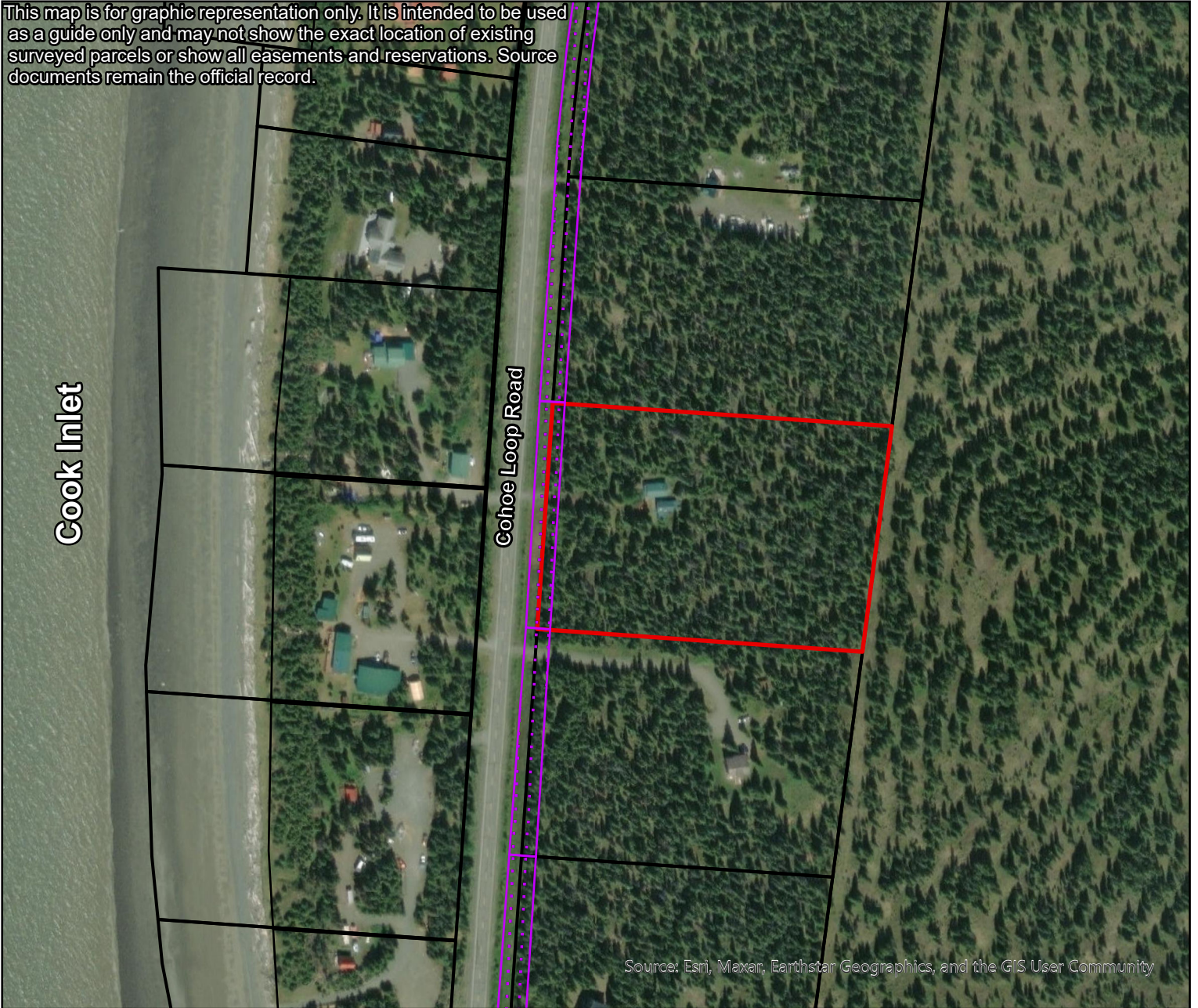
7/26/23

Date





Attachment A: Vicinity Map Cohoe Alaska Subdivision ADL 234141

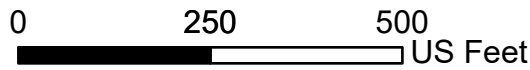
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

-  Project Area
-  Utility Easement - ADL 42392

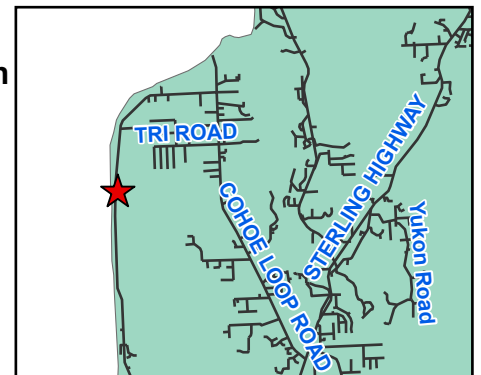
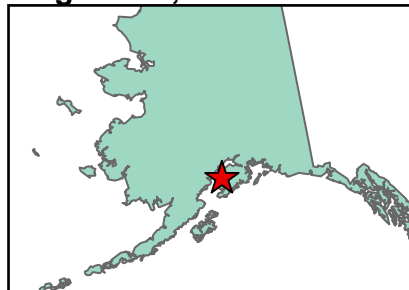


MM 07/25/2023

USGS QUAD 1:63,360
 Kenai B-4
 For more information contact:
 Meghan Montagne
 Department of Natural Resources
 Division of Mining, Land, and Water
 Land Sales Section
 Phone: 907-269-8655
 Fax: 907-269-8916
 Email: land.development@alaska.gov



**Section 16, Township 3 N,
Range 12 W, Seward Meridian**



STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
LAND CONVEYANCE SECTION

ATTACHMENT B: PUBLIC NOTICE

Requesting Input for
a Proposed Land Offering:
Cohoe, AK Lot – ADL 234141

COMMENT PERIOD ENDS 5:00PM, THURSDAY, SEPTEMBER 14, 2023

This proposed project includes offering for sale a surveyed parcel in a future offering under the method described in the Preliminary Decision document.

The parcel is located within DNR's Southcentral Region, approximately 5 miles northwest of Kasilof and 14 miles south of Soldotna, within Section 16, Township 3 North, Range 12 West, Seward Meridian, within Kenai Peninsula Borough.

Parcel size: 4.711 acres, more or less.

To obtain a copy of the Preliminary Decision or instructions on submitting comment, go to <http://landsales.alaska.gov/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, 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 at 907-269-8400, Fairbanks at 907-451-2705, or the Southeast Land Office in Juneau at 907-465-3400 (TTY for the hearing impaired for all locations: 711 for Alaska relay or 800-770-8973), or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 PM, Wednesday, September 9, 2023.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on the Preliminary Decision. **The deadline for public comment is 5:00PM, THURSDAY, SEPTEMBER 14, 2023.** Only persons from whom DNR DMLW LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Written comment may be received by email, fax, or postal mail. To submit comments or for direct inquiries, contact Meghan Montage: land.development@alaska.gov, fax # 907-269-8916, or 550 W. 7th Ave., Ste. 640, Anchorage, AK, 99501. If you have questions, call Meghan Montage at 907-269-8655.

If no significant change is required, the Preliminary Decision including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision without further notice. A copy of the Final Finding and Decision will be sent to any persons who commented timely on the Preliminary Decision.

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