

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

**PRELIMINARY DECISION**  
**ADL 234738**

**Proposed Noncompetitive Conveyance to Public and Charitable Applicant**  
AS 38.05.035(e), AS 38.05.810(a)(1)

**RELATED ACTIONS**

**Proposed Mineral Order (Closing) - AS 38.05.185 and AS 38.05.300**

**PUBLIC COMMENT PERIOD ENDS 4:30 P.M., WEDNESDAY, MAY 27, 2026**

**I. Proposed Actions**

*Preliminary Decision: Approval of Noncompetitive Public and Charitable Use Conveyance ADL 234738*

*Attachment A: Vicinity Map*

*Attachment B: Public Notice*

*Public is also invited to comment on the proposed related actions:  
Draft Mineral Order (Closing) MO No. 1335*

Primary Proposed Action, Noncompetitive Conveyance: The State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS), has received an application from Matanuska-Susitna Borough requesting conveyance of a parcel of state-owned land pursuant to Alaska Statute (AS) 38.05.810(a)(1) Public and Charitable Use. The proposed decision will allow the parcel to be sold to the applicant through a noncompetitive conveyance. The subject parcel is located within DNR's Southcentral Region, in Talkeetna, within the Matanuska-Susitna Borough. The legal description for the parcel is Lots 3 and 4, Block 26, U.S. Survey No. 1260, Talkeetna Townsite, according to the plat approved by the United States Department of the Interior, General Land Office in Washington D.C., on August 22, 1919, containing 1.42 acres, more or less. See *Attachment A: Vicinity Map* for a depiction of the subject parcel.

Proposed Related Action: This related action will be developed separately; however, public notice is being conducted concurrently.

Mineral Order (Closing): DNR proposes to close the subject parcel to new mineral entry. There are no current mining claims located within the subject parcel. Refer to **Section VIII. Planning, Classification, and Mineral Orders** for more information on this proposed related action.

This related action will be developed separately. However, approval of the proposed actions is dependent upon one another in that one action will not proceed without the approval of all actions.

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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 comments on this proposal. Public notice for all actions is conducted concurrently and will include the Preliminary Decision (PD) for the noncompetitive conveyance (ADL 234738) and draft Mineral Order (Closing) No. 1335.

See **Section XVI. Submittal of Public Comments** 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 Final Finding and Decision (FFD) will be issued.

## **II. Authority**

DNR has the authority under AS 38.05.810(a)(1) Public and Charitable Use, to sell or dispose of state land to a state or federal agency or political subdivision for less than the appraised value as determined by the director and approved by the commissioner to be fair and proper and in the best interests of the public, with due consideration given to the nature of the public service or function rendered by the applicant, and of the terms of the grant under which the land was acquired by the State. AS 38.05.810(a) Public and Charitable Use states, "The commissioner shall ensure, by regulation, deed restriction, covenant, or otherwise, that disposals of land under this subsection serve a public purpose and are in the public interest."

AS 38.05.810(g) Public and Charitable Use states, "The commissioner shall retain a reversionary interest on each sale or other disposal granted under (a) or (e) of this section. The commissioner may waive the reversionary interest on a written determination that the waiver is in the public interest."

AS 38.05.035(e) Powers and Duties of the Director, gives DNR the authority to sell state land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State. Article VIII, Section 1, of the Alaska Constitution states, "It is the policy of the state to encourage settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest." The authority to execute this decision has been redelegated to the Section Chief of the DMLW Land Conveyance Section.

For the related action, AS 38.05.300 Classification of Land and AS 38.05.185 Generally, allow for mineral orders.

## **III. Administrative Record**

The case file for Alaska Division of Lands (ADL) 234738 constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Susitna Matanuska Area Plan (SMAP, adopted August 2011) and associated land classification files;
- DNR case files: ADL 232824, ADL 232895, ADL 232896, LAS 27952, GS 83, and TWUA A2024-120;
- Federal patent 50-95-0164;
- Matanuska-Susitna Borough Comprehensive Plan – 2005 Update; and
- Talkeetna Comprehensive Plan adopted January 1998, amended March 1999.

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Also incorporated by reference are additional files and documents listed throughout this decision.

### IV. Scope of the Proposal

The scope of this proposal, under the statutes described in the preceding **Section II. Authority**, is limited and specific to the following: (1) if the applicant and subject parcel themselves qualify for a Public and Charitable conveyance, (2) if it is in the State's best interest to convey the subject parcel, (3) if it is in the State's best interest to convey the subject parcel to the applicant, and (4) if it is in the state's best interest to waive the reversionary clause. The scope of this decision does not include the control of post-patent use and LCS does not intend to impose deed restrictions for this purpose. Restrictions regarding land use will be handled by the local zoning authority, if any.

The proposed related action will be issued concurrently with the FFD. This action is described in more detail in **Section VIII. Planning, Classification, and Mineral Orders**.

### V. Description

- a. Location: The subject parcel is located within DNR's Southcentral Region, in Talkeetna within the Matanuska-Susitna Borough, within Section 24, Township 26 North, Range 5 West, Seward Meridian. See Attachment A: Vicinity Map for additional information.

*USGS Map Coverage*: Talkeetna B-1

*Platting Authority*: Matanuska-Susitna Borough

*Regional Corporation*: Cook Inlet Region, Inc.

*Village Corporation*: Gold Creek-Susitna Native Association, Inc.

*Federally Recognized Tribes*: None

- b. Legal Description:  
Lots 3 and 4, Block 26, U.S. Survey No. 1260, Talkeetna Townsite, according to the plat approved by the United States Department of the Interior, General Land Office in Washington D.C., on August 22, 1919, containing 1.42 acres, more or less.

The legal description of the proposed mineral order is the same as the subject parcel. The subject parcel will require a record of survey prior to conveyance. See **Section XIII. Survey** for additional information.

### VI. Title

Title Report No. 24139, current as of March 17, 2026, indicates that the State of Alaska holds fee title to the land and mineral estate under federal patent number 50-95-0164, dated April 14, 1995. The applicable State case file is General Grant (GS) 83. The parcel is subject to the reservations, easements, and exceptions contained in the federal patent.

*State Reservation 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, the State retains ownership of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be

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in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper, 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 land 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 surface owner will be compensated for damages resulting from mineral exploration and development. For more information, see **Section VIII. Planning, Classification, and Mineral Orders.**

*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 not meandered, 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 **Section X. Access, Including Access to and Along Public and Navigable Water.**

DNR has not identified any public, navigable, or anadromous water bodies within the subject parcel. If any such water bodies are discovered, the parcel will be subject to access reservations in accordance with AS 38.05.127 Access to Navigable or Public Water.

*Native Interest:* The subject parcel is within the boundaries of Cook Inlet Region, Inc. regional corporation. There are no known Native interests identified within this parcel.

*Other Conflicts or Pending Third-Party Interest:* There are no known conflicts or pending interests. If conflicts or third-party interests are discovered during the public notice period, they will be addressed in the FFD.

## **VII. Background and Discussion**

### ***Background***

The State selected the subject parcel under selection file General Grant (GS) 83 and received title on April 14, 1995, through Patent 50-95-0164. On July 21, 2017, DNR DMLW granted an indefinite term public easement, serialized at ADL 232824, within the subject parcel to Matanuska Electric Association, Inc. The easement authorizes construction, operation, and maintenance of an underground electric line 15-feet in width and 400-feet in length. On May 3, 2017, DNR DMLW opened two competitive land sale project files, serialized as ADL 232895 and 232896, to pursue disposal of the subject parcel as two individual lots. Decisions were not issued and these files were closed on August 15, 2018, because the land classification in the SMAP prohibits competitive sale that is not for public purposes. On July 18, 2025, LCS received

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a complete application from MSB for conveyance of the subject parcel under AS 38.05.810(a)(1), which was serialized as ADL 234738. The MSB has a water right application, serialized as LAS 27952, and a Temporary Water Use Authorization, serialized as TWUA A2024-120 for the new well and public water system. The DMLW Water Resources Section will require updated information to start the amendment for TWUA A2024-120 and the final adjudication of the water right once this conveyance is finalized.

The subject parcel is located within the community of Talkeetna, across the railroad tracks from the main economic center. Access to the subject parcel is via East Front Street, an unpaved public road. The subject parcel is surrounded by low density residential development and short-term rentals, with a campground and boat launch facility operated on Federally owned land across the road. The topography of the subject parcel is mostly flat, with a gentle slope away from the road. Vegetation consists of birch, spruce, and other deciduous and coniferous trees, as well as ferns and low brush. Several trails exist throughout the parcel as documented during an August 2025 field inspection. There are no other known current uses of the subject parcel.

### ***Discussion***

The MSB has requested that this conveyance application be considered under AS 38.05.810(a)(1). The Talkeetna Sewer & Water System, the only utility owned by the MSB, was built in 1988 after significant flooding of the Talkeetna and Susitna Rivers damaged personal wells and septic systems in Talkeetna proper. There were also concerns over possible groundwater contamination as wells and septic systems became more densely concentrated with population growth. The Talkeetna Sewer & Water System includes water treatment, water distribution, wastewater collection, and wastewater treatment. The current source wells are located on Alaska Railroad Corporation reserve land under a contract agreement that permits the land use.

The Talkeetna Comprehensive Plan (adopted January 1998, amended March 1999) recommends that a relocation site be reserved for the source wells. The Matanuska-Susitna Borough Comprehensive Plan (2005 update) includes a goal to develop efficient and effective public facilities to meet the needs of the Borough's diverse communities, economy, and growing population by considering expansion of public water and sewer infrastructure where appropriate based on population trends and anticipated population density. The recommendation and goal from both plans are accomplished with the construction and operation of a new public drinking water facility on the subject parcel. The proposed improvements include a storage tank, a new well, pumps, and treatment building on the subject parcel. Adequate water storage and a new raw water source will ensure the community's ability to effectively provide safe, cost-effective, drinking water and fire protection services to residents and summer visitors. Operation of the new facility is dependent on the amendment of the DMLW Temporary Water Use Authorization and issuance of the water right.

Under AS 29.65 General Grant Land, the MSB is entitled to receive 355,210 acres of state-owned land as a municipal entitlement grant. MSB has completed its land selections under the Municipal Entitlement Act, and is therefore requesting conveyance of the subject parcel under AS 38.05.810(a)(1). Pursuant to AS 29.65.100(c) and AS 38.05.810(a)(1), the MSB is eligible for a land conveyance for less than the appraised value as determined by the director and approved by the commissioner to be fair and proper and in the best interests of the public, with due consideration given to the nature of the public services or function rendered by the applicant, and of the terms of the grant under which the land was acquired by the state. The

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commissioner shall ensure, by regulation, deed restriction, covenant, or otherwise, that disposals of land under AS 38.05.810(a) serve a public purpose and are in the public interest. Conveyance of the subject parcel to the MSB provides an opportunity to improve the public drinking water system for residents and visitors. LCS considered the MSB's conveyance request according to the criteria set forth in statute and determined that it is appropriate for a public and charitable use conveyance at no cost.

AS 38.05.810(g) Public and Charitable states that the commissioner shall retain a reversionary interest on each sale or other disposal granted under AS 38.05.810(a) or (e) Public or Charitable Use unless the reversionary interest is waived.

## **VIII. Planning, Classification, and Mineral Orders**

### ***Planning***

The subject parcel is located within the Susitna Matanuska Area Plan (SMAP, adopted August 2011), South Parks Highway Region, Management Unit S-22. The plan designates the subject parcel as Public Facilities - Retain which converts to a classification of Reserved Use Land (pg. 3-34). Pursuant to 11 AAC 55.170, land classified Reserved Use Land is reserved for the transfer to another governmental or non-governmental agency that is performing a public service.

The management summary for the South Parks Highway Region states that numerous parcels of state land that exist at or near the Talkeetna Townsite, most of which are of small size and designated Public Facilities - Retain, are to be retained in public ownership and used for public purposes, if required (pg. 3-27). The management intent for Unit S-22 states "Retain in state ownership unless required for public purposes". This management intent allows for the Public and Charitable sale to a "state or federal agency or political subdivision" under AS 38.05.810 provided the intended use is for public purposes. The MSB plans to use the subject parcel to develop a public drinking water facility. This use is consistent with the direction and guidelines of the SMAP that allow conveyance out of state ownership.

### ***Mineral Order***

DNR proposes to close the subject parcel to new mineral entry in accordance with AS 38.05.185 Generally and AS 38.05.300 Classification of Land. There are no current mining claims located within the subject parcel. Closing the parcel to new mineral entry is consistent with the management intent of the SMAP, and minimizes the potential for conflict between the land estate and mineral estate users. If approved by the Commissioner, Mineral Order No. 1335 will close the subject parcel to new mineral entry. If the Department approves the public and charitable conveyance, the mineral order will accompany the FFD. The approval of the mineral order is a separate action occurring concurrently with the FFD.

Mineral orders which close an area to mineral entry, close the area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. 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 mineral exploration and development.

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### ***Local Planning***

The subject parcel is within the Matanuska-Susitna Borough but is not within a zoned area or designated Special Land Use District. The Talkeetna Comprehensive Plan (adopted January 1998, amended March 1999) recommends that a relocation site be reserved for the source wells. The Matanuska-Susitna Borough Comprehensive Plan (2005 update) includes a goal to develop efficient and effective public facilities to meet the needs of the Borough's diverse communities, economy, and growing population by considering expansion of public water and sewer infrastructure where appropriate based on population trends and anticipated population density.

### ***Flood Risk***

This parcel is in Zone AE as determined by the FEMA Flood Insurance Rate Map panel 2803E, effective March 17, 2011. Zone AE indicates that base flood elevations have been determined and the parcel is subject to inundation by the 1% annual chance flood. The subject parcel is also included within the 100-year Flood Zone on the MSB flood maps.

## **IX. Traditional Use Findings**

The subject parcel is located within the Matanuska-Susitna Borough 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. If this proposal is approved, LCS will address the information received in a subsequent FFD, if one is issued. See the **Section XVI. Submittal of Public Comments** and *Attachment B: Public Notice* for details on how to submit comment.

## **X. Access, Including Access To and Along Public and Navigable Water**

### ***Public Access***

Physical and legal access is via East Front Street, a public right-of-way. The subject parcel is within the Greater Talkeetna Road Service Area.

### ***Access Along Navigable and Public Waters***

In accordance with AS 38.05.127 Access to Navigable or Public Water, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 Determination of Navigable or Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water, and 11 AAC 53.450 Buffer strips, reserved areas, and public easements.

DNR has not identified any public, navigable, or anadromous water bodies within the subject parcel. If any such water bodies are discovered, the parcel will be subject to access reservations in accordance with AS 38.05.127 Access to Navigable or Public Water.

### ***Easements and Setbacks***

- ADL 232824, a Public Easement for an underground electric line. The line is buried at a depth of 48 inches and runs 15 feet in width and 400 feet in length within Lots 3 and 4, Block 26, U.S. Survey No. 1260; and
- Additional reservations and/or restrictions required through the local platting authority.

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

### **XI. Reservation of Mineral Estate**

In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125 Reservation, 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, if any, which could occur, would be consistent with AS 38.05.130 Damages and Posting of Bond and other applicable statutes and regulations.

### **XII. Hazardous Materials and Potential Contaminants**

There is no known contamination of, or hazardous materials on, the subject parcel. The applicant is expected to inspect the subject parcel to ascertain the quality and condition of the land. The State makes no representations and no warranties, expressed or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land proposed for conveyance to the applicant. The State does not assume any liability for the removal of hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

### **XIII. Survey**

Preliminary Survey Determination #20265002 dated February 3, 2026, from the DMLW Survey Section determined that the subject parcel is unsurveyed. The constituent parts of the parcel do not meet the state's survey criterion for conveyance as a group or individually. Completion of a record of survey at the expense of the MSB will be sufficient to satisfy state survey criteria. This record of survey requires platting authority approval from the MSB.

LCS will issue a notice to proceed to survey if no requests for reconsideration are received, or when requests for reconsideration are resolved, after issuance of an FFD. The MSB must hire a surveyor, and the surveyor must apply to DMLW's Survey Section for Survey Instructions. After issuance of the Survey Instructions, the MSB must submit a completed record of survey to DMLW's Survey Section for review. The record of survey must be approved by DMLW and the MSB platting authority as set forth in the Survey Instructions.

### **XIV. Compensation and Appraisal**

Pursuant to AS 38.05.810(a)(1) Public and Charitable Use, DNR may convey land to a state or federal agency or political subdivision, for less than the appraised value as determined by the director and approved by the commissioner to be fair and proper and in the best interests of the public, with due consideration given to the nature of the public services or function rendered by the applicant, and of the terms of the grant under which the land was acquired by the State.

LCS has evaluated the MSB's proposed project and has determined that it is consistent with the intent of AS 38.05.810(a)(1) Public and Charitable Use. Selling the parcel for less than the appraised value is in the best interests of the public. If the conveyance is approved, the subject parcel will be sold at no cost pursuant to AS 38.05.810(a)(1) Public and Charitable Use. See section **VII. Background and Discussion** for more information on the public purpose. No appraisal is necessary for the conveyance.

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### XV. 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 PD. The conveyance application documents were distributed to State agencies for review from January 23, 2026, to February 24, 2026. The intent of an agency review is to request comments from agencies that may be affected by a conveyance decision. Agencies are given the opportunity to evaluate and comment on MSB's land request to determine if the State should retain all or a portion of the subject lands, and if so, provide supporting reasons for the requested action. Additionally, agencies are requested to identify any stipulations that may be appropriate if the land is to be conveyed out of state ownership. Timely comments received during the Public Notice period will also 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: Department of Transportation and Public Facilities (DOT&PF), DNR Division of Parks and Outdoor Recreation, and DNR Division of Oil and Gas.

*DNR DMLW LCS Response:* LCS appreciates your review of the application materials for the subject parcel.

Alaska Department of Environmental Conservation (DEC), Contaminated Sites Program: There are five documented contaminated sites in "Cleanup Complete" status near the subject parcel. It is unlikely that these sites will impact the proposed project. If contamination is encountered, please halt operations and contact Alaska Department of Environmental Conservation Contaminated Sites Program.

*DNR DMLW LCS Response:* LCS appreciates your review of the proposed noncompetitive conveyance. The MSB may use the DEC Contaminated Sites map to identify the location and attributes of the five documented sites.

Alaska Department of Environmental Conservation (DEC), Drinking Water Program: When the MSB develops a public water system, please ensure that it is in compliance with 18 AAC 80, and in direct communication with Charity Bare, the Drinking Water Program point-of-contact for this region.

*DNR DMLW LCS Response:* LCS appreciates your review of the proposed noncompetitive conveyance. The scope of this decision does not include the control of post-patent use and LCS does not intend to impose deed restrictions for this purpose. Development of the public water system is beyond the scope of this decision, but MSB will receive this PD with the comment from the DEC Drinking Water Program.

Alaska Department of Fish and Game (ADF&G), Access Defense Program: ADF&G has no objection to the land disposal to the MSB but offered comments stating that development of the area would slightly reduce habitat for local species, but is unlikely to have a population level impact on wildlife. Conserving habitat features like trees, shrubs, and ground cover can help support breeding bird populations while meeting project goals. Information on typical nesting seasons in Alaska is available at <https://www.fws.gov/alaska-bird-nesting-season> and may be useful when considering the timing of vegetation clearing.

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*DNR DMLW LCS Response:* LCS appreciates your review of the proposed noncompetitive conveyance. The MSB will receive this PD with the comment from ADF&G.

Alaska Department of Natural Resources, Division of Geological & Geophysical Surveys:  
The Division of Geological & Geophysical Surveys (DGGS) has no objection to this conveyance. However, DGGS shared geological and geophysical information about the site that will be provided to the MSB.

*DNR DMLW LCS Response:* LCS appreciates your review of the proposed noncompetitive conveyance. The MSB will receive this PD with the comment from DGGS.

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

- Alaska DNR State Historic Preservation Office, DNR Division of Forestry and Fire Protection, Alaska Department of Commerce, Community, & Economic Development, Division of Community and Regional Affairs, Alaska Mental Health Trust Land Office, and Alaska Soil and Water Conservation District, Upper Susitna Soil and Water Conservation District, and U.S. Fish and Wildlife Service.

## **XVI. 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 and draft mineral order.

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Notice 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 or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the PD or draft mineral order, additional public notice for the affected lands will be given. Making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposals are approved and no significant change is required, the PD and draft mineral order, including any deletions, minor changes, and a summary of comments and LCS responses, will be issued as a subsequent FFD and Mineral Order No. 1335 without further notice. The related action will be developed separately. However, approval of any action is dependent upon one another. One action will not proceed without approval of all actions.

Only persons from whom LCS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the FFD and Mineral Order No. 1335. Upon approval and issuance of these actions, a copy of the decision and order will be

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made available online at <http://landsales.alaska.gov/> and sent with an explanation of the request for reconsideration process to any party who provides timely written comment.

DNR 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 DNR's Public Information Center. For more information refer to *Attachment B: Public Notice*.

### **DEADLINE TO SUBMIT WRITTEN COMMENT IS 4:30 P.M., WEDNESDAY, MAY 27, 2026**

## **XVII. Stipulations**

The MSB will be required to comply with the following stipulations to complete the proposed land conveyance:

### **A. Conditions**

1. A notice to proceed to survey will be issued if no requests for reconsideration are received, or when requests for reconsideration are resolved, after issuance of a Final Finding. The applicant must hire a surveyor, and the surveyor must apply to the DMLW Survey Section for Survey Instructions. Within two years after issuance of the Survey Instructions, the applicant must submit a completed survey to DMLW's Survey Section for review. The applicant's surveyor must be approved by DMLW and the local platting jurisdiction, as set forth in the Survey Instructions. Survey costs shall be borne by the applicant.
2. Upon approval and recording of the survey, a notice to proceed to purchase will be issued to the applicant. Within the time period specified in this notice, the applicant must submit the following to LCS:
  - A completed and signed Declaration of Intent Form; and
  - Patent application and recordation fees. Fees are established under 11 AAC 05.100 Land Disposals and 11 AAC 05.200 Recorder's Office and are subject to change. Some fees have been reduced by Director's Order Number 3.
3. Prior to the completion of the conveyance and issuance of a state conveyance document, the applicant must remain in good standing with respect to all terms of the Contract for the Sale of Real Property throughout its term, if such a Contract is issued. The applicant must also remain in compliance with all applicable state and local ordinances and regulations, including all applicable taxes. Failure to do so may result in termination of the Contract for the Sale of Real Property, if such a contract is issued.

If extenuating circumstances delay any of the stipulations listed above, the applicant is responsible for notifying LCS and receiving approval from LCS for the delay with new timeframes for completion to be given. Failure to do this could result in the closure of the conveyance application. The conveyance cannot be completed until all the above stipulations have been satisfied.

### **B. Restrictions and Reservations**

Conveyance document will be issued subject to the following restrictions and reservations:

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1. Valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
2. Reservation of the mineral estate pursuant to Section 6(i) of the Alaska Statehood Act and AS 38.05.125 Reservation; and reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130 Damages and Posting of Bond.
3. AS 38.05.810(g) Public and Charitable Use, states that the commissioner shall retain a reversionary interest on each sale or other disposal granted under AS 38.05.810(a) or (e) Public and Charitable Use, unless the reversionary interest is waived. In this case, DNR will retain the reversionary interest for this land conveyance.
4. ADL 232824, a Public Easement for an underground electric line. The line is buried at a depth of 48 inches and runs 15 feet in width and 400 feet in length within Lots 3 and 4, Block 26, U.S. Survey No. 1260

## **XVIII. Discussion and Alternatives**

The following alternatives were considered:

### Alternative 1: Convey

Approve the proposed conveyance of the subject parcel to the MSB as proposed in this decision in accordance with AS 38.05.810(a) Public and Charitable Use.

### Alternative 2: Retain

DNR will take no action and retain the subject parcel.

Alternative 1 will allow conveyance of state land to the MSB at no cost to serve a public purpose. This will support the Talkeetna Sewer & Water System and is compatible with area plan management intent. This project allows the MSB to meet a Comprehensive Plan goal of developing efficient and effective public facilities to meet the Borough's communities, economy, and growing population, and aligns with the Talkeetna Comprehensive Plan recommendation of identifying a site for relocating the drinking water system. Therefore, it is in the best interest of the State to convey the parcel as proposed in this decision.

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." Alternative 1 provides a method for DNR to meet the obligations laid out in the Constitution and statute and maximizes public interest. This is the preferred alternative.

The related action is necessary to allow for the offering of the subject parcel. The primary action and related action are dependent upon one another, and if DNR does not approve the primary action, the related action will not be processed.

Under Alternative 2, the Department will take no action and retain the subject parcels. The applicant would be unable to construct a new public drinking water facility. State retention would

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not further the Borough's values and goals for meeting future community needs. Retaining the subject parcel in state ownership is not in the best interest of the State. This alternative is not preferred.

For the reasons outlined above, Alternative 1 is the preferred alternative.

Recommendation follows.

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**XIX. Recommendation and Preliminary Decision**

This Preliminary Decision for the proposed disposal of state lands and Mineral Order No. 1335 described throughout this document and its attachments are consistent with the overall management intent for state-owned land and consistent with the requirements of AS 38.05.810(a)(1) Public and Charitable Use. Alternative 1 is the preferred alternative because it is the maximum best use of state land and is in the best interest of the public. Alternative 1 will allow MSB to utilize this parcel for the public purpose of providing public utility infrastructure to the local community.

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 and Mineral Order No. 1335. A Final Finding and Decision will address any significant issues or concerns raised during the public review process. If the applicant is unable to complete the stipulations, DMLW may decide to close this conveyance application.

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.

Signature on file

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April 23, 2026

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Prepared by: John King  
Natural Resource Specialist 4  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

Date of Signature

Signature on file

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April 23, 2026

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Approved by: Hannah Uher-Koch  
Section Chief  
Land Conveyance Section  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

Date of Signature