

State of Alaska
Department of Natural Resources
Division of Mining, Land, and Water
Southcentral Region Office

ADL 232821
Regional Managers Decision
AS 38.04.058, AS 38.05.035 (a)(2), 11 AAC 51.100 (a)
Temporary Section Line Easement Closure
Through Spring Creek Correctional Center

Overview:

On February 21st, 2017, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Southcentral Region Office (SCRO) received a petition from the Department of Corrections (DOC) to indefinitely close a portion of DMLW-managed section line easement (SLE) that runs across a DOC-managed prison facility located on State owned land near the City of Seward. Specifically, DOC's request pertains to a portion of AS 19.10.010 SLE located between the northern boundary of Tract B, Fourth of July Creek Tracts (SRD Plat 84-6) and the southern boundary of a state SLE attached to the protracted section line common to Sections 8 & 17 and 7 & 18, Township 1 South, Range 1 East, Seward Meridian. The Department of Corrections has requested this closure due to the co-location of this SLE with the prison facilities. This decision closes the portion of SLE in question in order to protect public safety while considering DOC's request for indefinite closure.

Authority:

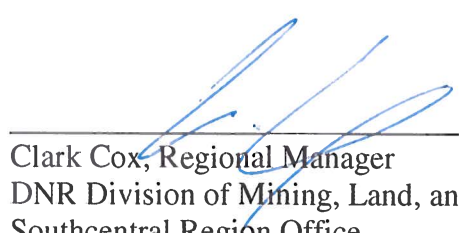
The Division of Mining, Land and Water is authorized to close DMLW managed easements under the provisions of AS 38.05.035(a)(2) and (a)(7) (Powers and Duties of the Director). Additionally, DNR may close easements under the provisions of AS 38.04.058 (Restriction On Easement or Right-of-Way Use) and 11 AAC 51.100(a) (Management of Public Easements).

Public and Agency Notice:

Public and agency notice are not required prior to a temporary and revocable closure. Public and agency notice will be conducted in conjunction with DOC's request for indefinite closure under ADL 232821.

Restriction and Term:

The portion of Section Line Easement described in the request for indefinite closure received by DNR on February 21st, 2017 and filed under ADL 232281 is closed to all public use from the date of this order. This order shall be active for a period of up to one year but will be superseded by SCRO's decision regarding DOC's request for the indefinite closure of this SLE. Operation of the correctional facility and related activities that coincidentally take place within the SLE are not affected by this decision.



Clark Cox, Regional Manager
DNR Division of Mining, Land, and Water
Southcentral Region Office

Date

A person affected by 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 the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b). This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar 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.