

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

Regional Manager's Decision
Public Access Easement
DMLW Donkey Terraces Remote Recreational Cabin Sites Area
ADL 230057 Segments A, B, C and D

REQUESTED ACTION AND PROJECT BACKGROUND

On April 30, 2007 the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO) received an application from the DMLW Land Conveyance Section, (LCS) to reserve four segments of public access easement across State-owned, DMLW-managed lands within the Donkey Terraces Remote Recreational Cabin Sites Staking Area (DNR case file ADL 229798). Donkey Terraces is a DMLW land disposal project area situated north of the Yentna River, approximately 58 miles upstream from its confluence with the Susitna River. The purpose of the easement described in ADL 230057 is to provide connectivity between individual lots in the Donkey Terraces project area and other public access features including section line easements, the Yentna River, and floatplane landing lakes.

The original 2007 easement application was submitted prior to initiation of the "open staking period" for remote recreational cabin sites within the area. At that time, LCS staff requested the reservation of three easements along routes that were roughly or partially concurrent with the apparent course of an existing but unreserved overland trail, the banks of a stream known as Rich Creek, and the course of a N-S running Section Line Easement which bisects the staking area. However, following the selection of parcels by successful program participants, LCS withdrew and revised those applications in favor of four discontinuous easement segments that better served the configuration of the chosen lots. Those four alignments, collectively described as segments of ADL 230057, were further adjusted during the DNR-commissioned survey of the staking area that was serialized as ASLS 2007-20.

The public access easements described in ADL 230057 are proposed for issuance pursuant to AS 38.095.850. Easements established in accordance with statutes, regulations or DNR protocols other than AS 38.05.850 are not included in this decision or the final easement for ADL 230057, even if they are depicted on ASLS 2007-20 or other graphic images of the Donkey Terraces Remote Cabin Site project area. These include RS2477 easements, section line easements, protracted section line easements, easements to-and-along navigable waterbodies, and interior-lot-line access and utility easements. Additional information about those easements may be found in the Preliminary and Final Decisions for ADL 229798.

The Donkey Terraces project area is located within the boundaries of the Matanuska-Susitna Borough and was subject to applicable requirements of their local subdivision ordinances per 11 AAC 53.400. The project reviewed by the Matanuska-Susitna Borough Platting Authority in February of 2009. Thereafter, a variance¹ from specific Matanuska Susitna Borough code requirements was approved by the Borough with the following conditions:

1. DNR to locate and reserve at least 1, 100-foot-wide access easement from the Yentna River to the boundary of the Staking Area (ADL 230057 Segment A).
2. DNR to reserve a minimum of one, 100-foot-wide easement to provide for future collector routes through the Staking Area (DNR identified an approximately 5,150 ft. long by 100 ft. wide segment of a N-S running Section Line Easement established pursuant to AS 19.10.010.)
3. DNR to reserve 60-foot-wide easements from the Yentna River, the nearest collector route, or the nearest floatplane-accessible-lake to each parcel that is not located on a floatplane-accessible-lake (ADL 230057 Segments B, C, and D).

Additional conditions included reservation of routes that are feasible for construction, depiction of easement alignments on a plat, and the reservation and survey of a 60-foot-wide easement for any pre-existing trails located across individual staked parcels (no such trails were found.)

RECOMMENDED ACTION

Approve the reservation of the requested easement with the following characteristics:

- Type of Easement: Public Access
- Length: Approximately 12, 576.19 feet long total between four segments.
- Width: 100 or 60 feet wide depending on segment.
- Acreage: Approximately 21.49 acres total between four segments.
- Term: Indefinite
- Grantee: DNR, DMLW on behalf of the public.

The referenced segments are as follow:

- Segment A; approximately 4,368.2 feet long by 100 feet wide for a total of 10.02 acres, more or less, situated between the Yentna River in Section 1, Township 24 North, Range 13 West, Seward Meridian and a 100 ft wide N-S running Section Line Easement common

¹ Matanuska-Susitna Borough Planning and Land Use Department, Platting Division, "Notification of Platting Board Action Re: Donkey Terraces Staking Area, Case 2008-160, dated February 11, 2009.

to Section 36, Township 25 North, Range 13 West and Section 31, Township 25 North, Range 12 West, Seward Meridian (50 feet either side).

- Segment B; approximately 1,222.79 feet long by 60 ft. wide for a total of 1.68 acres, more or less, between an unnamed floatplane landing lake in Section 26, Township 25 North, Range 13 West, Seward Meridian and a 50' Wide E-W running protracted Section Line Easement along the southern boundary of Section 23, Township 25 North, Range 13 West, Seward Meridian which leads to private parcel ASLS 2007-20 Tract D (ADL 230313).
- Segment C; approximately 5,259.53 feet long by 60 ft. wide for a total of 7.24 acres, more or less, between the N-S running Section Line Easement in Section 25, Township 26 North, Range 13 West, Seward Meridian and private parcel ASLS 2007-20 Tract C (ADL 230314) in Section 24, Township 26 North, Range 13 West, Seward Meridian.
- Segment D; approximately 1,725.67 feet long by 60 feet wide for a total of 2.37 acres, more or less, running from a 50 ft. wide public access easement reserved along an unnamed floatplane landing lake along the southern boundary of private parcel ASLS 2007-20 Tract A (ADL 230261) and a 50 ft. wide protracted Section Line Easement in Section 21, Township 26 North, Range 13 West, Seward Meridian to a 50 ft. wide protracted Section Line Easement and private parcel ASLS 2007-20 Tract B (ADL 230185) in Section 22, Township 13, Seward Meridian.

See Attachments A and B.

SCOPE OF DECISION

The scope of this decision is to determine if it is in the State's interest to create an easement for the proposed use. The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization is in the best interest of the State of Alaska. All other aspects of the project are outside the scope of this decision.

STATUTORY AUTHORITY

This easement application is being adjudicated pursuant to AS 38.05.850 and the Alaska Land Act as amended.

ADMINISTRATIVE RECORD

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations as referenced herein, the Copper River Basin Area Plan and the casefile for the application serialized as ADL 230057.

LOCATION INFORMATION

- Geographic Information

The four easement segments established in ADL 230057 lie north of the Yentna River, either to or within the DMLW-established Donkey Terraces Remote Recreational Cabin Site Staking Area.

- Meridian, Township, Range and Sections

- Segment A runs within Section 1, Township 24 North, Range 13 West, Seward Meridian.
- Segment B runs within Section 26, Township 25 North, Range 13 West, Seward Meridian.
- Segment C runs within Sections 24 and 25, Township 26 North, Range 13 West, Seward Meridian.
- Segment D runs within Section 22, Township 26 North, Range 13 West, Seward Meridian.

- Other Land Information

- Municipal: The project site is within the boundaries of the Matanuska-Susitna Borough, but outside of any city government.
- Regional ANCSA Native Corporation: The regional ANCSA corporation for the subject area is Cook Inlet Regional Corporation, but there is no local ANCSA Village corporation for this location.
- Federally Recognized Tribe: The site is not represented by a federally recognized tribe.

TITLE

The State of Alaska holds title to subject lands within Township 24 North, Range 13 West, Seward Meridian per BLM Patent 50-66-0432 issued on April 4, 1966. The pertinent DNR case file is GS 253.

The State of Alaska holds title to subject lands within Township 25 North, Range 13 West, Seward Meridian per BLM Patent 50-98-057 issued on September 14, 1998. The pertinent DNR case file is GS 2210.

The State of Alaska holds title to subject lands within Township 26 North, Range 13 West, Seward Meridian per BLM Patent 50-97-0297, issued on August 18, 1997. The pertinent DNR case file is GS 2210.

THIRD PLANNING INTERESTS

There are no third-party interests affecting the proposed easement alignments.

PLANNING AND CLASSIFICATION

Segment A of the proposed easement falls within Management Unit U08 in the Susitna Lowlands Region of DNR's Susitna Matanuska Area Plan (SMAP).

According to the Resource Allocation Table for Subunit U08 on SMAP page 3-71 the affected lands are designated for both wildlife habitat and water resources uses. According to the land use designation and classification information presented in SMAP Chapter 4:

- A) Land designated wildlife habitat converts to the classification "Wildlife Habitat Lands" per 11 AAC 55.230, which states that "Land classified wildlife habitat is land which is primarily valuable for
 - 1) Fish and wildlife habitat resource production, whether existing or through habitat manipulation to supply sufficient numbers or diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or
 - 2) A unique or rare assemblage of a single or multiple species of regional status or national significance."

- B) Lands designated water resource convert to the classification "Water Resources Lands" per 11 AAC 55.222 which states "Land classified water resources is land encompassing watershed and is suitable for uses such as water supply, watershed protection, or hydropower sites."

The management intent for Unit U08 includes the "protection of trails, easements and RS2477 routes" among other goals.

Segments B, C and D of the proposed easement fall within Management Unit B09 of the Sunflower Basin Region of SMAP.

According to the Resource Allocation Table for Unit B09 on SMAP page 3-59 the affected lands are designated for settlement use. According to the land use designation and classification information presented in SMAP Chapter 4, lands designated settlement convert to the classification "Settlement Lands" per 11 AAC 55. 202 which states that "An upland area classified settlement is

land that is, by reason of its physical qualities and location, suitable for year-round or seasonal residential or private recreational use or for commercial or industrial development.”

The management intent for Unit U08 includes the “protection of trails, easements and RS2477 routes” among other goals.

Upon review of the referenced land use classifications, management intent statements, and other guidance provided in (acronym), DMLW determines that the issuance of the easement segments as they are currently described is consistent with the provisions of (acronym).

PUBLIC AND AGENCY REVIEW

Public Notice Summary

A public notice of the proposed easement was released by DMLW for review and comment between September 16, 2010, and October 15, 2010. The notice was posted on the State of Alaska Public Notice Website, sent for public display to the US Post Offices in Houston, Skwentna, Trapper Creek, Alaska and mailed to the following participants in the Donkey Terraces Remote Recreational Cabin Site staking program:

- Applicant for staked lot ADL 230185
- Applicant for staked lot ADL 230261
- Applicant for staked lot ADL 230158
- Applicant for staked lot ADL 230171
- Applicant for staked lot ADL 230161
- Applicant for staked lot ADL 230313
- Applicant for staked lot ADL 230314

No public comments were received.

Agency Review Summary

An agency review of the proposed easement was circulated by DMLW concurrently with the public notice between September 16, 2010, and October 15, 2010, to the following parties:

- Alaska Department of Fish and Game Habitat Section
- Alaska Department of Fish and Game Wildlife Conservation Section
- Alaska Department of Environmental Conservation,
- Alaska Mental Health Trust Land Office,
- Alaska Department of Natural Resources, Division of Mining, Land and Water, Land Sales and Contracts Office,

- Alaska Department of Natural Resources, Division of Mining, Land and Water, Mining Section,
- Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, State Historic Preservation Officer
- Alaska Department of Transportation and Public Facilities,
- Matanuska-Susitna Borough Planning and Land Use Department, Alaska Coastal Management Program,
- Matanuska-Susitna Borough Planning and Land Use Department, Platting Division
- US Army Corps of Engineers Regulatory Program, Alaska

No agency comments were received.

ENVIRONMENTAL CONSIDERATIONS

Use of fuel, lubricants, and other hazardous materials will be restricted to those necessary and contained within vehicles, tools and equipment for the performance of authorized activities only. Additionally, no fuel or other hazardous materials are authorized for storage on site.

ECONOMIC BENEFIT AND DEVELOPMENT OF STATE RESOURCES

DMLW assesses the economic benefits for the proposed authorization and whether it encourages the development of the State's resources. This authorization does not provide a direct benefit to the State in the form of land use fees. However, it provides an indirect benefit to the State by supporting development in a rural location that is experiencing limited economic activity. There are no known competing projects for use of these lands, therefore, issuance of this easement provides for the greatest economic benefit to the State and is consistent with the legislative intent expressed in AS 38.05.850.

PERFORMANCE GUARANTEE

The applicant is a State of Alaska agency, and the required survey of the subject easement alignments has been concluded and approved by the DNR Survey Unit. Considering the low degree of risk associated with the issuance of a final easement for ADL 230057, DMLW waives the requirement for provision of a Performance Guarantee

INSURANCE

The applicant is a self-insured State of Alaska agency. Proof of insurance will not be required.

SURVEY

The DMLW Survey Section approved ASLS 2007-20 on August 23, 2011. The survey is filed as Talkeetna Recording District Plat 2011-11.

FEES

Per 11 AAC 05.020(b), interim and one-time fees for this authorization are waived since applicant is a State agency and the request is in the public interest. The easement document will be filed with the State Recorder’s Office under the caption “State Business-No Charge.”

RECOMMENDATION

Based on the information provided by the applicant, as well as a review of relevant planning documents, statutes, and regulations related to this application, it is my recommendation that an easement is issued as described above, on the condition that all stipulations are followed as described in the attached authorization.


Cynthia Zuelow-Osborne
Natural Resource Specialist 3

8-22-24
Date

DECISION

When adjudicating an easement authorization pursuant to AS 38.05.850, DMLW seeks to responsibly develop Alaska’s resources by making them available for maximum use and benefit consistent with the public interest. In consideration of all evens and criteria listed above, I hereby determine that the authorizations to be granted by this decision are consistent with DMLW’s mission, that this project is consistent with the overall classification and management intent for this land, and that issuance of an authorization as described above is in the interest of the State of Alaska. The Department assumes no liability for maintenance or liability for injury or damages attributable to this authorization. This decision goes into effect and becomes a final administrative order and decision of the department on the 21st calendar day after issuance.


Authorized Officer
Natural Resource Manager

8/22/2024
Date

APPEAL

An eligible person affected by this decision may appeal 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 20.040. 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.

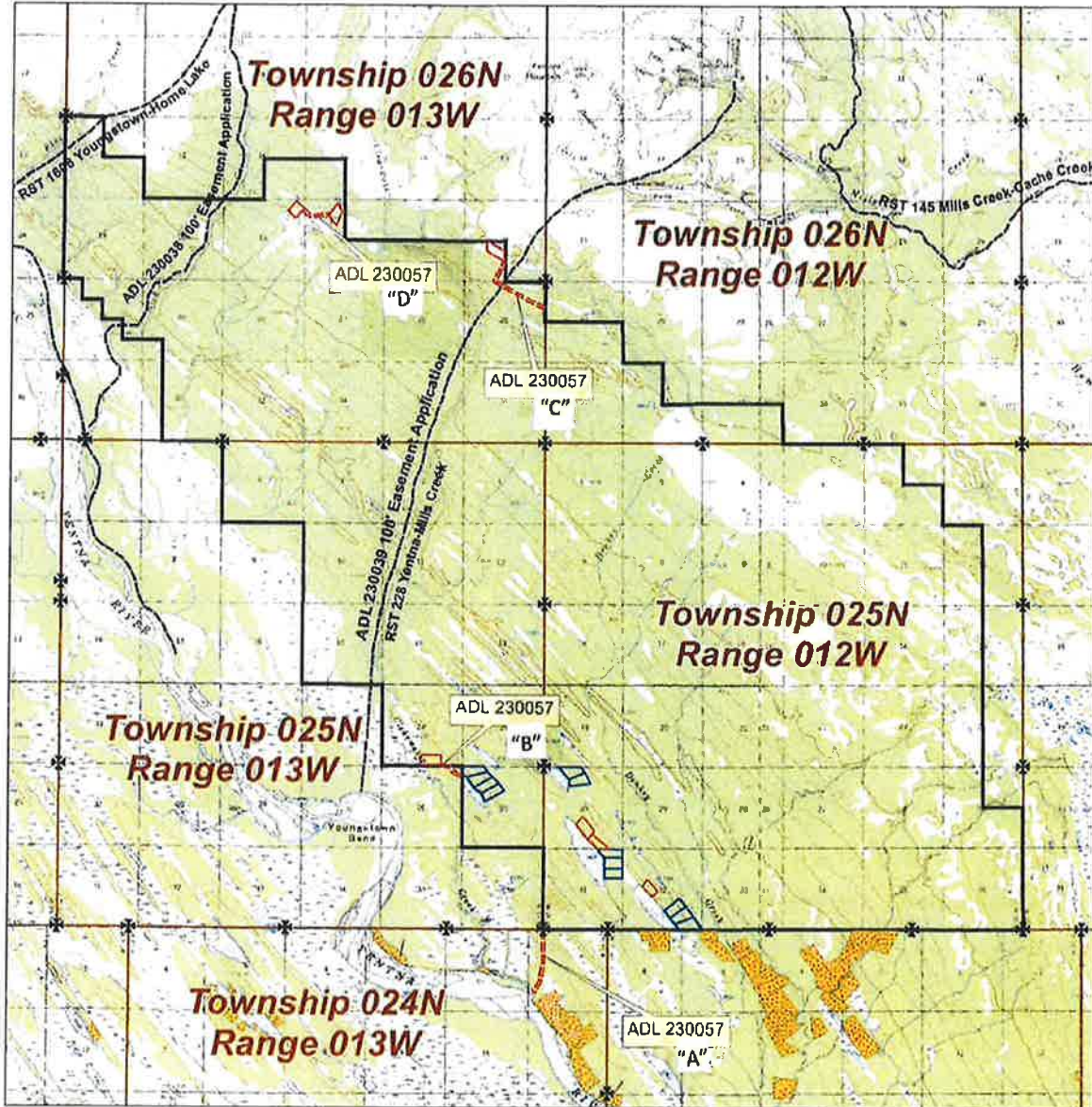
Appeals may be mailed or hand-delivered o the DNR Commissioner’s Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to

dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160(a)-(b). A .pdf or print copy of 11 AAC 02 may be obtained by contacting DNR's Appeals Program via phone at (907) 269-3565, via email at dnr.appeals@alaska.gov, and is also available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

ATTACHMENT A: ADL 230057 Easement Segments A, B, C, and D

ATTACHMENT B: ASLS 2007-20/Talkeetna Plat 2011-11 (5 sheets).

ADL 230057 ATTACHMENT A
 ADL 230057 Easement Segments A, B, C, and D



NRRI 3/2/2010
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|--|------------------------------|--|------------------|
| | BLM Monuments | | Surveyed Parcels |
| | ADL 230057 | | Leased Parcels |
| | Easements and Other Trails | | Other Parcels |
| | Donkey Terraces Staking Area | | |

ADL 230057 ATTACHMENT
 ASLS 2007-20/TALKEETNA PLAT 2011-11
 SHEET 2

