

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

**FINAL FINDING & DECISION
EV 3-390**

**Petitioners: Donald Cameron and Nancy Burnham
RS 2477 Section Line Easement Vacation**

This Final Finding & Decision compliments, confirms, and updates the attached Preliminary Decision (PD) approved on April 22, 2025. No changes have been made to the PD.

PETITIONED ACTION:

The petitioner is requesting the vacation of portions of the RS 2477 section line easements located within Section three and Section ten. The subject RS 2477 section line easements are more particularly described as within Lot 2B and Lot 2C, of the Replat of Lots 1 and 2 Gold Channel Subdivision, as depicted on Plat 87-118, recorded in the Fairbanks Recording District on December 14, 1987. This action falls within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T1S, R2W, F.M., Alaska as depicted on Attachment A.

LEGAL AUTHORITY:

AS 38.05.035, AS 38.05.945, 11 AAC 51.065, 11 AAC 51.025, 11 AAC 51.100 and AS 19.30.410.

The Alaska Department of Transportation and Public Facilities (DOT&PF) and the Department of Natural Resources (DNR) have concurrent authority for approving the vacation of section line easements.

PUBLIC NOTICE AND COMMENT:

Public Notice of approval of the PD, pursuant to AS 38.05.945, was posted from April 22, 2025, through May 22, 2025, on the State of Alaska Online Public Notice web site. Copies of the PD were sent to the Petitioner, to the petitioner's surveyor, Fairbanks North Star Borough (FNSB), and State of Alaska Department of Fish and Game (ADFG).

No other comments or objections to the proposed action were received during this comment period.

AGENCY REVIEW AND COMMENT:

1. The following Agencies submitted non-objection comments: FNSB, Division of Parks & Outdoor Recreation (DPOR), ADFG, Department of Transportation & Public Facilities and the Department of Natural Resources Northern Regional Office.
2. No other comments or objections to the proposed EV action were received.

FINDING:

1. The proposed alternate access meets the requirements for the vacation of both segments of the subject section-line easements pursuant to AS 19.30.410 and 11 AAC 51.065. The

proposed alternate route is equally useable, is protected by easements of record, and is adequately wide to satisfy all present and reasonably foreseeable uses.

2. No reasons were presented during the agency or public review that require retention of the portions of the section line easements proposed for vacation.
3. Pursuant to 11 AAC 51.065(e)(1), the Department has given consideration to the recommendations of the FNSB. The FNSB reviewed and approved this proposed section line easement vacation on June 19, 2024.

Approval of the proposed action is contingent upon the following conditions:

1. Comply with Fairbanks North Star Borough's conditions of approval unless waived by the Director, DMLW.
2. A final plat (owner signed / surveyor sealed Mylar) must be submitted to DNR within two years from the date of approval of this Final Finding and Decision unless extended by DMLW, Survey Section.
3. Submittal of a Certificate to Plat, current within 90-days, with the final plat.

Prepared By:

Victoria Braun
Victoria Braun,
Natural Resource Specialist

7/15/2025
Date

FINAL DECISION:

The finding presented above has been reviewed and considered. The requirements of all applicable statutes and regulations have been satisfied. It is the finding of the Director, Division of Mining, Land and Water, that it is in the best interest of the State of Alaska and the public, and that I hereby approve the proposed action.

Approved By:

Gwen Gervelis
Gwen Gervelis, PLS
Chief, Survey Section

7/15/2025
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>.