

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

**Preliminary Decision**

**Petitioners: Donald Cameron and Nancy Burnham  
RS 2477 Section Line Easement Vacation – Gold Channel Subdivision  
EV 3-390**

**Petitioned Action:**

EV 3-390 is located off of the Parks Highway between mileposts 353 and 354. 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<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 3 and the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 10, T1S, R2W, F.M., Alaska as depicted on Attachment A.

This proposed action has been reviewed by the Fairbanks North Star Borough. The proposed two partial RS 2477 section line easement vacations have been deemed acceptable by the Fairbanks North Star Borough (see agency review section of this decision).

The reasons for the easement vacation cited by the applicant:

- “Prior plats 87-118 and 85-19 F.R.D. do not depict the section line easement. Development of properties proceeded whether this knowledge and improvements were constructed within the section line easement making it infeasible to use. Alternate means of access exists, making the section line easement of no value to the public.”

**Legal Authority**

AS 38.05.035, AS 38.05.945, 11 AAC 51.065, 11 AAC 51.025, 11 AAC 51.100, AS 19.10.010 and AS 19.30.410.

**Administrative Record:**

The DNR Survey Case File EV 3-390 constitutes the administrative record used for the basis of this decision.

**Borough:**

The proposed action is located within the Fairbanks North Star Borough.

**State Easement Interest:**

33-foot wide RS 2477 section-line easements exist within the subject property pursuant to Chapter 19, SLA 1923 (See Discussion).

**Underlying Interest:**

The petitioners own the estate underlying the 33-foot RS 2477 section line easements proposed for vacation.

**Alternate Route:**

The Parks Highway (Project No. F037-1(35)), a 300-foot right-of-way, is adjacent to the property. The subject area of the Parks Highway is shown on the right of way map for Alaska Project F-037-1(35), Plat Number 88-31, Fairbanks Recording District. Access for the two lots is directly off of the Parks Highway. The Parks Highway intersects with the eastern portion of the SLE proposed for vacation along Section 3 and 10. Approximately 488 feet to the west, the Parks Highway intersects with a remaining section line easement between Sections 9 and 10 which serve as additional alternate access via the remaining section line easements. These two options allow for public access around the portions of the SLEs proposed for vacation. The vacation of the proposed SLE's within the subject lots does not negatively impact travel within the vicinity.

**Land Management Policies:**

1) Pursuant to 11 AAC 51.065, before any vacation, modification, or relocation of a public easement, the petitioner must demonstrate to the satisfaction of the department that equal or better access is available. Equal or better access must be access that is:

- protected by an easement of record that is adequately wide for the purpose; if the easement of record is new, the petitioner must arrange for a note in the vacation document to be recorded that identifies the new easement as a replacement for the vacated easement; and,
- at least equally usable, considering length, type of terrain, and level of improvement, as the easement to be vacated; if development or improvement is needed to make the replacement easement at least equally usable, the petitioner must arrange for the development or improvement to be completed before the vacation takes effect.
- access between the same destinations as the R.S. 2477 right-of-way, for an R.S. 2477 right-of-way other than a section-line easement;
- The Department will determine if the vacation is in the State's best interest.

**Public Use Patterns:**

The two subject RS 2477 section line easements are both cleared. Furthermore, Lot 2B and Lot 2C are both almost completely cleared of vegetation and trees. The SW corner of the building on Lot 2B encroaches the RS 2477 section line easement in section three. Lot 2C has a fabric Quonset with a concrete foundation. This structure encroaches the entirety of the two subject RS 2477 section line easement areas proposed for vacation. The structure falls within the two 33-foot RS 2477 section line easements within section three and section ten. A field inspection was not conducted. Based on aerial imagery there appear to be several vehicles that access the property.

**Practicality of Use:**

The Parks Highway (Project No. F037-1(35)) is fully constructed and maintained. Gold Channel Court is getting regular vehicular use by the landowners and local residents in the vicinity. Access in the vicinity is provided by the dedicated right-of-way. The proposed RS2477 section line easement vacation will not adversely affect land in other ownership or access to it.

**Agency Review:**

Initial Agency review of the proposed action began on July 18, 2024 and concluded on August 18, 2024. Agencies notified included the Fairbanks North Star Borough (FNSB), Department of Transportation & Public Facilities (DOT&PF) Northern Region, Alaska Department of Fish and Game (ADFG), DNR Division of Mining, Land and Water – Northern Regional Land Office (NRO), Alaska Mental Health Trust Land Office (MHTLO) and DNR Division of Parks and Outdoor Recreation (DPOR).

**Agency Comments:**

1. A majority of the notified agencies replied with non-objection comments. The following agencies submitted non-objections: FNSB, DPOR, DOT&PF, ADFG and the NRO.
2. No other comments or objections for the RS 2477 section line easements proposed to be vacated were received.

**Discussion:**

1. Determination of the existence of the RS 2477 section line easements:
  - a. The Rectangular Survey Plat for Township 1S, Range 2W, Fairbanks Meridian was approved by the U.S. Surveyor General's Office on June 7, 1913.
  - b. The lands underlying the SLE in section three proposed to be vacated were conveyed into private ownership by Patent Number 1110736. Patent Number 1110736 was issued by the Bureau of Land Management conveying Mineral Survey No. 2053, embracing a portion of Sections three, nine and ten in Township one south, of Range two west, Fairbanks Meridian, in the Fairbanks Mining District, Alaska, to United States Smelting Refining and Mining Company on March 17, 1941. The date of entry (application filed) according to the case file abstract for BLM case file AKF 004284 was December 29, 1939.
  - c. The remainder of the subject area lands underlying the SLE in section three proposed to be vacated were conveyed into private ownership by Patent Number 1111880. Patent Number 1111880 was issued by the Bureau of Land Management conveying Mineral Survey No. 2064, embracing a portion of Sections three and ten in Township one south, of Range two west, Fairbanks Meridian, in the Fairbanks Mining District, Alaska, to United States Smelting Refining and Mining Company on August 16, 1941. The date of entry (application filed) according to the case file abstract for BLM case file AKF 004356 was March 23, 1940.
  - d. BLM Historical Index research verified that the subject property was unreserved & unappropriated on April 6, 1923.
  - e. Federal documents research confirmed there were no other reservations (Executive Orders, Public Land Orders, Acts of Congress) impacting the subject area prior to April 6, 1923 and the passage of Ch. 19 SLA 1923.
  - f. For surveyed federal land that was unappropriated and unreserved at any time on or after April 6, 1923 through January 17, 1949, the width identified in Ch. 19, SLA 1923 for any section-line easement is 33-feet (11 AAC 51.025, Editor's Note #2).
2. Pursuant to AS 19.30.410 and 11 AAC 51.065(g) the proposed alternate access is equal to or better and meets the requirements for vacation of a portion of the subject easement. The proposed alternate routes are at least equally useable, considering length, type of terrain, and level of improvement.

3. Pursuant to 11 AAC 51.065(e)(1), the Department has given consideration to the recommendations of the FNSB Platting Board regarding this action.

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

1. Pursuant to AS 38.05.945, a Public Notice must be completed. The Department of Natural Resources may modify the decision after analyzing public comments.

2. Comply with Fairbanks North Star Borough's conditions of approval unless waived by the Director, DMLW.

3. A final plat (owner signed / surveyor sealed Mylar) must be submitted to DNR within two years from the date of approval of the Final Finding and Decision unless extended by DMLW, Survey Section.

4. Submittal of a Certificate to Plat, current within 90-days, with the final plat.

**Recommendation:**

Based on our findings, the applicant meets DNR's requirements to vacate the subject RS 2477 section line easements. The proposed vacation may be in the state's best interest. Therefore, the Division of Mining, Land and Water, Survey Section recommends approval of this action and may proceed with adjudication and public notice in accordance with AS 38.05.945.

Prepared by:

Victoria Braun

Victoria Braun, Adjudicator  
Natural Resource Specialist 2

4/22/2025  
Date

Approved by:

Ryan Quigley

Ryan Quigley, PLS, CFedS  
for Gwen M. Gervelis, PLS  
Chief, Survey Section

4/22/25  
Date

Enclosures: Attachment A

## **PUBLIC NOTICE:**

### **Notice of Preliminary Decision RS 2477 Section Line Easement Vacation – Gold Channel Subdivision EV 3-390**

Per 11 AAC 51.065, the Department of Natural Resources, Division of Mining, Land and Water has made a Preliminary Decision (PD) giving contingent approval to a petition to vacate portions of the RS 2477 section line easements located within Section three and the Section ten of T1S, R2W, F.M., Alaska. 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.

The public is invited to comment on the PD. Copies are available from DMLW, 550 W. 7<sup>th</sup> Avenue, Suite 650, Anchorage, AK 99501-3576 or <https://aws.state.ak.us/OnlinePublicNotices/>. Persons wanting to provide comments on this proposed easement vacation can **submit their comments in writing or by e-mail. To be eligible to appeal under AS 38.05.035(i)(j), one must respond in writing during the comment period. All comments must be received in writing at DMLW on or before May 22, 2025.** Correspondence or questions should be addressed to DNR, DMLW, Survey Section, Attn: Victoria Braun, 550 W. 7th Ave., Suite 650, Anchorage, Alaska 99501. Comments may also be submitted via e-mail at [victoria.braun@alaska.gov](mailto:victoria.braun@alaska.gov). Please reference EV 3-390 in your correspondence, include the date, your name, telephone number, mailing and e-mail address to ensure you receive copies of all subsequent decisions.

If public comment in response to this notice indicates the need for significant changes to the Preliminary Decision, additional public notice will be given. If no significant change is required, the PD, including any minor changes, will be issued as a Final Finding & Decision.

DMLW reserves the right to waive technical defects in this publication.

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