STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES Northern Regional Land Office

Regional Manager's Decision

ADL 416785 Globe Creek Camp, Inc. Easement Application AS 38.05.850

REQUESTED ACTION

The Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Northern Regional Land Office (NRO) received an application for a private non-exclusive easement from Globe Creek Camp, Inc., for a previously constructed driveway on state-owned, DMLW-managed uplands off of the Elliott Highway. The applicant has requested a private easement approximately 231 feet long by 60 feet wide, comprising 0.32 acres, more or less.

RECOMMENDED ACTION

DNR proposes to issue a 60-foot wide by approximately 231-foot-long private non-exclusive easement for access purposes, for a term of 20 years.

SCOPE OF DECISION

The scope of this decision is to determine if it is in the State's interest to issue a private non-exclusive easement for access purposes across state-owned DMLW-managed uplands. 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 interest of the State of Alaska.

STATUTORY AUTHORITY

This easement application is being adjudicated pursuant to AS 38.05.850.

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 referenced herein, the 2014 Yukon Tanana Area Plan, other classification references described herein, and the casefile for the application serialized by DNR as ADL 416785.

LOCATION INFORMATION

Geographic Location

The proposed private access easement is located on the west side of the Elliott Highway near Milepost 37, north of Fairbanks.

Township Range

Within Section 10, Township 5 North, Range 3 West, Fairbanks Meridian.

Other Land Information

Regional Corporation: Doyon Regional Corporation. No corporate lands are affected.

Borough: Unorganized Borough.

TITLE

The State of Alaska received a Patent (50-88-0351) to the land under General Grant GS 3460 on September 8, 1988. A standard title reservation to the United States for ditches and canals applies.

THIRD PARTY INTERESTS

The applicant has requested a private easement that may impact the following interest:

• Recreational users of Globe Creek.

The existing driveway and gate located within the easement will not affect access to the creek as alternate access is readily available from the Elliott Highway.

PLANNING & CLASSIFICATION

The proposed project is located within the Yukon Tanana Area Plan, Lower Tanana Region, Unit T-54. This unit is designated as settlement. Land disposals are appropriate within the planning period. Retain land for purposes of supporting the State's land disposal program. Parcels should be located a minimum of 100' from the Elliot Highway to avoid adverse impacts on the scenic view from the road.

The land is classified as settlement land under Land Classification Order NC-10-005. The proposed access easement is an acceptable use of state land and is consistent with the area plan.

ACCESS

Functional access to the state land discussed herein is through the Elliot Highway.

During the public notice and agency review process, no public or navigable waterbodies were identified by the Public Access Assertion and Defense Unit as adjacent to the proposed easement area. Approximately 50 feet of unencumbered general state land exists between the northern edge of this easement and Globe Creek; therefore, an easement pursuant to AS 38.05.127 within the easement area is not necessary to ensure free access to and along any public or navigable waters. DMLW reserves the right to create an easement pursuant to AS 38.05.127 over the authorization proposed herein.

BACKGROUND

The private non-exclusive easement was originally issued on December 8, 2004, to Alaska Wilderness Youth Camp (AWYC) for a term of 20 years. The access easement was depicted on survey ASLS 2002-22, for the related conveyance of land to AWYC under ADL 416546.

Subsequently, the name was changed from Alaska Wilderness Youth Camp to Globe Creek Camp, Inc in 2015. Globe Creek Camp Inc applied to renew the access easement for another 20-year term. Infrastructure within the easement consists of a previously constructed and maintained gravel driveway located between the Elliott Highway and the conveyed private parcel. A driveway permit was issued by the Department of Transportation 20 years ago. In addition, the driveway has a steel gate used for the security of the camp and its assets.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public Notice of the application was posted to the State of Alaska Online Public Notice System from November 18, 2024, to December 18, 2024.

Public Notice Comment & Response

No public comments were received during the public notice period.

Agency Review Comment & Response

Agency Review was conducted from November 20, 2024, to December 18, 2024. The notice was sent to the following agencies:

Office of History & Archaeology, Alaska Department of Natural Resources Sue Goodglick, Division of Sport Fisheries, Access Defense, ADF&G Janet Post, Regulatory Division, US Army Corps of Engineers Heather O'Claray, Alaska Department of Transportation & Public Facilities

Agency Review Comment & Response

ADF&G commented that it has no objections to the issuance of the easement; however, they had the following comments: Please remind the applicant that no action should be taken that would impede the public from crossing the driveway easement that is located on state land.

DNR Response: The private easement is gated to prevent access onto private land, however, there are no barriers to prevent crossing the driveway perpendicularly from either side on state land. The applicant will be advised of the comment and that the scope of the easement does not include a right to limit perpendicular crossings.

The Alaska Department of Transportation & Public Facilities commented that it has no comments and noted that DOT&PF had authorized a driveway permit 20 years ago.

DNR Response: Noted

ENVIRONMENTAL CONSIDERATIONS

This decision considers the environmental factors directly related to the authorization for use of state lands, specifically whether the approval of the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest while informing the overall decision of whether to approve the authorization.

Environmental contamination risk associated with this proposed easement is minimal. Fuel, lubricants, and other hazardous materials will be restricted to those necessary and will be contained within vehicles and equipment necessary for right-of-way maintenance. No fuel or other hazardous materials will be stored within the easement. There are no other known environmental considerations or constraints in this location.

ECONOMIC BENEFIT & DEVELOPMENT OF STATE RESOURCES

In accordance with AS 38.05.850, DMLW considers if the requested authorization will provide the greatest economic benefit to the State and development of its natural resources. Specifically, DMLW assesses both direct and indirect economic benefits and whether the proposed authorization encourages the development of the State's resources.

The State will benefit from the easement by providing access to a camp that provides services to Alaskans citizens and in turn supports economic development.

DISCUSSION

Globe Creek Camp, Inc. applied to renew the easement for access purposes for an additional 20-year term. DMLW discussed with the applicant whether the easement should be public or private. The applicant preferred that the easement remain as a private easement so that a gate could remain for security reasons even though private easements incur an annual fee at a higher fee schedule. Given that there is equally sufficient access to Globe Creek from a pullout along the Elliott Highway, as well as an access easement around the boundary of the private parcel, DMLW has no objection to the easement remaining private as requested by the applicant.

No other alternatives were considered for the renewal of the private non-exclusive easement. Additionally, no objections were raised during agency review. Renewing the easement for an additional 20-year term will likely have minimal negative effect on multiple use, public recreation, and habitat in the area. A private non-exclusive easement will be issued for 20 years or until the easement is abandoned or determined no longer needed; because public land use patterns and needs may change, the term of the easement will be limited to 20 years. Because no further survey or construction is needed, no entry authorization will be issued and the easement will be directly issued after the appeal and reconsideration period is expired.

PERFORMANCE GUARANTY

A performance guaranty is intended to incentivize performance of the conditions of the entry authorization and easement and provide a mechanism for the State to ensure that the applicant shares in the financial burden in the event of noncompliance (including fee payment, survey, etc.), restoration (interim and final), and any associated costs after termination or expiration of the easement. In consideration of the low risk associated with the proposed authorization and the applicant's known history of compliance, it is recommended that a performance guaranty not be required at this time. DMLW reserves the right to require a performance guaranty.

INSURANCE

No new construction or survey is necessary for this existing driveway therefore it is recommended that insurance is not required.

SURVEY

The DMLW Survey Section approved a survey depicting the access easement on Alaska State Land Survey 2002-22, recorded on February 4, 2004, as Plat # 2004-11, in the Fairbanks Recording District. No further survey is being required and the easement will be issued based on said depiction.

FEES

Pursuant to 11 AAC 05.070 (d)(2)(A)(i), a private easement or right-of-way for non-exclusive use is \$480 annually, up to two acres of state land. The total acres of land utilized for this easement is 0.32 acres, therefore the annual fee is \$480. It is recommended that an easement not be granted until the first annual land use fee of \$480 has been paid.

RECOMMENDATION

Based upon the information provided by the applicant, as well as review of relevant planning documents, statutes, and regulations related to this application, it is recommended to issue a private non-exclusive easement as described above to Globe Creek Camp, Inc., on the condition that all stipulations are followed as described in the attached Easement document.

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David Hite, Natural Resource Specialist

REGIONAL MANAGER'S 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 public interest. In consideration of all events and criteria listed above, I hereby determine that the authorizations to be granted by this decision is consistent with DMLW's mission, that this project is consistent with the overall classification 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 responsibility for maintenance or liability for injury or damages attributable to this authorization.

This decision may be rescinded by written notification if, after 60 days from the effective date of this decision, the applicant has not completed all requirements outlined in this decision for issuance of the authorization. Additional time may be allotted to complete these requirements; however, this will not extend the total term of the authorizations issued under this decision. This decision goes into effect and becomes a final administrative order and decision of the department on the first business day after the 20th calendar day after issuance.

R. Bruce Sackinger 8/27/2025

R. Bruce Sackinger, Natural Resource Manager Northern Regional Land Office

Date

ATTACHMENTS

Attachment: Draft Easement Document

APPEALS

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 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 on department's copy of 11 AAC 02 is available the website https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf.