

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Northern Regional Land Office

Regional Manager's Decision

ADL 234687
Matanuska Electric Association
Easement Application
AS 38.05.850

REQUESTED ACTION

On June 2, 2025, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), received an application for a public utility easement from Matanuska Electric Association (MEA) for a proposed installation of a new inset pole in an existing overhead primary line and trenched conduit on state-owned lands within the DNR-Division of Agriculture's Plant Materials Center Interagency Land Management Assignment (ADL 228306) near Palmer, Alaska. The purpose of the proposed easement is to provide power to a new seed cleaning mechanical room within the Division of Agriculture's Plant Materials Center (PMC). The applicant has requested a public utility easement measuring approximately 150 feet in length and 20 feet in width, comprising 3,000 square feet, more or less.

RECOMMENDED ACTION

NRO recommends issuing the easement as requested and for a perpetual term.

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 interest of the State of Alaska. All other aspects of the applicant's project are outside the scope of this decision.

STATUTORY AUTHORITY

This easement application is being adjudicated pursuant to AS 38.05.850 and AS 38.05.127.

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 2011 Susitna Matanuska Area Plan (SMAP) and other classification references described herein, and the casefile for the application serialized by DNR as ADL 234687.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize an easement approximately five miles south of Palmer, across South Bodenbug Spur, within the DNR-Division of Agriculture's Plant Materials Center Interagency Land Management Assignment (ADL 228306).

Township Range

The applicant has applied to use state-owned, DMLW-managed lands within the S½ of the NW¼ of Section 34, Township 17 North, Range 2 East, Seward Meridian, as shown on the attached site diagram.

Other Land Information

Municipality: Matanuska-Susitna Borough
Regional Corporation: Cook Inlet Region, Inc.
Village Corporation: Eklutna, Inc.
Federally Recognized Tribe: Native Village of Eklutna

TITLE

The State of Alaska received title to lands within the S½ of the NW¼ of Section 34 of Township 17 North, Range 2 East, Seward Meridian, Alaska on March 6, 1973 via warranty deed from Shirley A. Beaver, which is serialized by DNR as OSL 573. The Bodenbug Spur Road described in the Omnibus Deed of June 30, 1959 does not appear to apply to the easement area as it had been conveyed out of federal ownership in 1946.

THIRD PARTY INTERESTS

The applicant has requested an easement that may impact the following interests:

ADL 228306: DNR-Division of Agriculture's Plant Materials Center Interagency Land Management Assignment
ADL 230183: A private, non-exclusive easement issued to ENSTAR.

PLANNING & CLASSIFICATION

The subject lands are within the G-02 management unit of the Glenn Highway Region of the SMAP. Lands within this unit are designated as "Pr" (Public Facilities – Retain). Land thus designated is classified as Reserved Use Land, designated for public facilities and retained for the operation of the PMC. The proposed easement is consistent with the above classification and exists in support of the PMC and therefore is compatible with the SMAP.

ACCESS

The applicant proposes to create a public utility easement which will span across the Department of Transportation and Public Facilities (DOT&PF) managed right of way associated with South Bodenbug Spur. DOT&PF has provided DMLW with no objection to the DMLW easement considered herein.

No navigable or public waters were identified in the proposed easement area by DNR-DMLW's Public Access Assertion and Defense Unit. No easements pursuant to AS 38.05.127 are therefore needed. DMLW reserves the right to create an easement pursuant to AS 38.05.127 over the authorization proposed herein.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public Notice of the application was conducted from August 29, 2025 to September 29, 2025. The notice was posted to the State of Alaska Online Public Notice System. Public notice was also sent via email to Enstar Natural Gas Company on August 29, 2025.

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency Review of the application was conducted from August 29, 2025 to September 29, 2025. The notice was sent via email to the following recipients:

- DNR, Div. of Agriculture, Alaska Plant Materials Center
- DNR, Div. of Parks, Office of History and Archeology
- Alaska Department of Transportation and Public Facilities (DOT&PF), Statewide ROW Chief
- Alaska Department of Fish and Game (ADF&G), Access Defense
- Matanuska-Susitna Borough, Planning Department

Agency Review Comment & Response

ADF&G: Conserving habitat (such as trees, shrubs, or ground cover) while meeting project goals is important for sustaining breeding bird populations. ADF&G recommends the applicant take precautionary measures to protect birds breeding and nesting, and if possible, to schedule work before or after nesting season.

DMLW Response: Noted, recommendations have been forwarded to the applicant.

DOT&PF: No comment at this time.

DMLW Response: Noted.

No other comments were received.

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 or not 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 vegetation clearing equipment when such equipment is necessary for right-of-way maintenance. No fuel or other hazardous materials will be stored on site. There are no other known environmental considerations or constraints in this location. The applicant is ultimately responsible for determination of site suitability.

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 authorization considered herein will provide a direct economic benefit to the state in the form of land use fees. The proposed project also presents an indirect economic benefit to the State by facilitating operation of an agricultural research facility. In consideration of these factors, and because there are no competing requests for authorization, approval of this easement will provide the greatest economic benefit to the State.

DISCUSSION

The Alaska Legislature established the 270-acre Plant Materials Center (PMC) near Palmer in 1972 to promote the state's agriculture industry. The PMC's mission is to produce high-quality seed that is well-suited to Alaska's climate and soils, will produce economic benefits, and is available to commercial growers.

Seed conditioning and handling is a critical step in producing a high-quality seed product that is free of contaminants. In addition to handling the seed grown at the PMC, the facilities also process seed from the Alaskan Seed Growers Association, private companies and other agencies.

MEA has submitted an application for a public utility easement for the extension of power to a new seed cleaning mechanical room within the PMC. The proposed easement supports the mission of the PMC, and thereby provides an economic benefit to the State. Of the third party interests that may apply, none pose an impediment to this easement. The ILMA to the Plant Materials Center does not conflict because the easement itself serves a state purpose. With respect to the nearby private non-exclusive easement to ENSTAR: ENSTAR was provided with individual public notice and did not respond with an objection.

DNR-DMLW proposes to issue the easement for an indefinite term, subject to termination for non-use or violation of easement terms. Following termination, whether by abandonment, revocation, or any other means, the applicant shall rehabilitate the site(s) to a condition that is acceptable to DMLW.

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, appraisal, etc.), restoration (interim and final), and any associated costs after termination or expiration of the easement. Staff recommend that the applicant be required to submit a performance guaranty in the amount of **\$1,000.00** to ensure completion of entry authorization requirements. These funds will also serve as a survey deposit (per AS 38.05.860) and may be reduced one time during the term of the entry authorization by an amount equal to payments made by the applicant to a licensed surveyor under contract for completion of an as-built survey in accordance with survey instructions issued by the DMLW Survey Section, as described herein. This performance guaranty shall remain in place during the term of the entry authorization and will be subject to release upon the acceptance of a DMLW-approved as-built survey and the fulfillment of all conditions and stipulations of this decision and the entry authorization. The guaranty may also be adjusted to reflect updates and changes in the associated project, and the applicant may be required to provide an additional performance guaranty if DMLW determines there is additional risk to the State. The guaranty may be utilized by DMLW to cover actual costs incurred by the State to pay for necessary corrective actions in the event the applicant does not comply with site utilization and restoration requirements and other stipulations contained in the entry authorization. An additional performance guaranty may be required for an extension of the entry authorization beyond the initial term proposed under this decision.

INSURANCE

The applicant will be required to submit proof of insurance in an amount the insurance company determines necessary to protect both the State and the applicant from risks associated with the planned activities under the entry authorization for ADL 234687. The applicant will be responsible for maintaining the necessary insurance during the term of the entry authorization. The insurance may be adjusted to reflect updates and changes in the associated project and the applicant may be required to furnish additional insurance if DMLW determines there is additional risk to the State. A certificate of insurance listing the State of Alaska, Department of Natural Resources as an additional insured on the policy, or other insurance acceptable to the State, must be submitted to DMLW prior to entry on State land and must be maintained throughout the term of the entry authorization.

SURVEY

A DMLW-approved as-built survey is required to determine the proper location and acreage of installed improvements and the associated easement on state-owned, DMLW-managed lands. The applicant will be required to request survey instructions prior to issuance of the entry authorization. The survey must be produced in accordance with survey instructions provided by the DMLW Survey Section and stamped by a Professional Land Surveyor registered in the State of Alaska. A

final easement will not be issued until the as-built survey has been approved by DMLW. The applicant is required to submit a preliminary draft as-built survey a minimum of one year prior to the expiration of the entry authorization to allow adequate time for DMLW's review and approval of a final as-built survey.

FEES

The following fees are applicable to this request. These fees may be adjusted if regulation(s) pertaining to the fee(s) change during the term of the entry authorization and/or easement, and will be subject to non-sufficient fund and late payment penalty fees.

(EA fee)

- The applicant shall pay an annual interim land use fee of \$240 for up to two acres per 11 AAC 05.070 (d)(2)(I) for the term of this EA. This fee is charged concurrently with any other land use fees that may be described herein.
- Upon receipt of a DMLW approved as-built survey and prior to easement issuance, the applicant shall pay a one-time fee of \$0.56 per linear foot per 11 AAC 05.070 (d)(2)(C). This fee will be based on the actual footage of the easement as shown in the survey.

Additionally, the applicant shall pay applicable document recording fees prior to DMLW's execution and recordation of the easement document.

ENTRY AUTHORIZATION

The entry authorization is an interim authorization issued when a survey is necessary prior to easement issuance. It is recommended that an entry authorization be issued for a term ending five years from the date of issuance for the purpose of constructing, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a public utility easement. An extension of the entry authorization may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW, and may be subject to applicable fees. If an extension is required, the applicant must contact DMLW no later than 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan. It is recommended that an entry authorization not be granted until the following deliverables have been provided to DMLW:

- Land use fees, as described above.
- Evidence of having made request for survey instructions to the DMLW Survey Section, as recommended above.
- Insurance, as recommended above.
- A performance guaranty, as recommended above.

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 the recommendation of staff to issue an easement as described above, on the condition that all stipulations are followed as described in the attached authorization.

Austin Michels

AJ Michels, Natural Resource Manager
DMLW Northern Regional Land Office

10/30/2025

Date

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 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 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. If no appeal is filed by the appeal deadline, this decision goes into effect and becomes a final administrative order and decision of the department on the first business day after the twentieth calendar day after signature.

R. Bruce Sackinger

R. Bruce Sackinger
DMLW Northern Regional Land Office

10/30/2025

Date

ATTACHMENTS

- Attachment A: Map
- Entry authorization
- Draft easement document

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 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>.