STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES SOUTH CENTRAL REGIONAL OFFICE

Regional Manager's Decision

ADL 234220
Matanuska-Susitna Borough
Public Access Easement
Surface Drainage Control and Slope Stabilization

REQUESTED ACTION

On June 6, 2023, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Southcentral Regional Land Office (SCRO), received an application from the Matanuska-Susitna Borough (MSB) for a slope and maintenance easement on State-owned, DMLW-managed land near Caswell Lakes, Alaska. The proposed easement is part of a phased construction project to reconstruct E. Hidden Hills Road to collector standards. The applicant has requested a public access easement approximately 100 feet long, 10 feet wide, and 0.02 acres in size.

RECOMMENDED ACTION

Staff recommend that an easement be created with the following parameters:

Width: 10 feetLength: 100 feet

• Acreage: Approximately 0.02 acres in size

• Term: Indefinite

Grantee: Matanuska-Susitna Borough Type of easement: Public Access

Staff's research and recommendations concerning the creation of this easement and any changes from the applicant's request are discussed below.

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 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 referenced herein, the Southeast Susitna Area Plan classified in 2008, other classification references described herein, and the casefile for the application serialized by DNR as ADL 234220.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize an easement near Caswell Lakes,

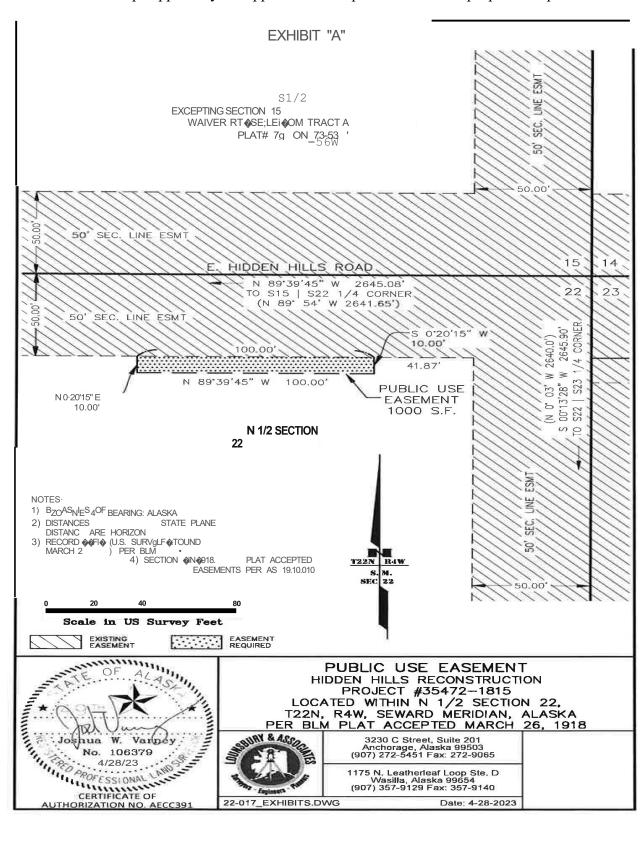
Meridian Township Range Section

The applicant has applied to use State-owned, DMLW-managed uplands lands within Section 22, Township 22 North, Range 4 West, Seward Meridian.

Other Land Information

Municipality: Matanuska-Susitna Borough Regional Corporation: Cook Inlet Region, Inc.

FIGURE 1 – A map supplied by the applicant that depicts the area and proposed improvements.



TITLE

The State of Alaska holds title to applicable portions of lands within Section 22, Township 22 North, Range 4 West, Seward Meridian, Alaska, per US Patent Number 1226043 recorded in the Palmer Recording District as 2009-024555-0. The associated DNR land acquisition casefile is GS 80.

THIRD PARTY INTERESTS

There are no third-party interests within the boundaries of the proposed easement.

PLANNING & CLASSIFICATION

The requested easement is located within the boundaries of the 2008 Southeast Susitna Area Plan (SSAP), Management Unit K-33. According to Map 3-2, the proposed easement is located within the Kashwitna Region and is designated as Settlement (Se) (3-60).

Management Unit K-33 is designated as Settlement which converts to a classification of Settlement Lands (Table 4.2). The Resource Allocation Tables (RAT) for K-33 describes the unit as consisting of a broad open wetland surrounded by forested uplands south of Hidden Hills Road, and notes under the Management Intent that settlement should occur on these forested uplands along the roadway (3-60). The RAT states that a screening strip of native vegetation must be maintained along the roadway. Caswell Creek and the surrounding tributaries in this area are catalogued as anadromous streams. The plan states that a 100-foot protection area should be maintained adjacent to anadromous streams, and that public access and recreation along the river corridor should be provided (3-60).

As the authorization does not conflict with the management guidelines outlined by the SSAP, SCRO has determined that it is consistent with the overall management intent and goals of the relevant planning documents.

ACCESS

Functional legal access to the state land discussed herein exists via E Hidden Hills Road.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public notice of the application was conducted from October 10, 2025, to November 11, 2025. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Willow Public Library and Willow Post Office for display on their notice board. The notice was also sent to the following recipients:

- Cook Inlet Region, Inc.
- Knik Tribal Council
- Buddy Investments, LLC

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency Review of the application was conducted from October 10, 2025, to November 11, 2025. The notice was sent to the following recipients.

State of Alaska:

- DNR Division of Parks & Outdoor Recreation (DPOR); Permitting and the Office of History and Archeology (OHA)
- DNR Division of Forestry
- DNR Division of Oil & Gas (DOG); State Pipeline Coordinators Section
- DNR Mental Health Land Trust Office
- Department of Environmental Conservation (DEC) Division of Water; Wastewater, Alaska Pollutant Discharge Elimination System Program
- DEC Division of Environmental Health; Drinking Water Program, Solid Waste Program, and Tsunami and Marine Debris Program
- DEC Division of Spill Prevention; Contaminated Sites
- DEC Division of Air Quality; Air Non-Point and Mobile Sources Program
- ADF&G; Habitat Section, Wildlife Conservation, Access Defense Program
- Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs
- Alaska Department of Transportation and Public Facilities; Statewide Right-of-Way

Federal:

• United States Army Corps of Engineers

Local:

• Matanuska-Susitna Borough; Planning Department

Agency Review Comment & Response

A total of two comments were received during the agency review and are summarized below:

Comment: On October 09, 2025, the DEC, Contaminated Sites Program, stated that they "found no sites within 1,500 feet of the proposed project and does not have any comments related to this information request. If the scope of the project changes, update your research and contact CSP as needed. Please note that residual contamination may remain at cleanup completed sites, and those sites should also be evaluated".

Response: SCRO acknowledges the response.

Comment: On November 10, 2025, ADF&G Access Defense Program provided a statement of non-objection in regard to the proposed easement. However, ADF&G made the following comments: "Fuel Storage and Spill Prevention: While the Department of Environmental Conservation (DEC) does not have a requirement for secondary containment for petroleum storage for the volume that will be onsite, it is strongly recommended that a secondary containment system be used as a best practice. Please remind the applicant that any spill into the water, regardless of volume, must be reported

to the DEC immediately. For more information, visit https://spills.alaska.gov or contact the DEC Response Team office at 1-800-478-9300."

Response: SCRO acknowledges the comment.

No other comments were received.

ENVIRONMENTAL CONSIDERATIONS

Staff evaluate environmental factors directly related to the authorization of 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. Staff recommend that fuel, lubricants, and other hazardous materials be restricted to those necessary and be contained within tools and vehicles when equipment is necessary for construction and maintenance activities. Staff further recommend that no fuel or other hazardous materials are authorized to be stored on site. 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, staff assess 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. Additionally, the proposed easement facilitates the expansion of the public highway system which will promote conditions for economic development, thus providing an indirect benefit to the state. In consideration of these factors, and because there are no competing requests for authorization, staff advise that approval of this easement will provide the greatest economic benefit to the State.

DISCUSSION

The proposed slope and maintenance easement is part of a future construction phase that will reduce the grade of Hidden Hills Road, resulting in safer travel. Phase 1 involves reconstructing Hidden Hills Road to collector standards and replacing two culverts for a tributary of Caswell Creek. DNR issued the applicant a Temporary Water Use Authorization (TWUA A2023-38) on 05/02/2023 and a Temporary Land Use Permit (LAS 34564) on 06/01/2023 for the diversion and subsequent installation of the culvert. The culvert replacement project has since been completed.

PERFORMANCE GUARANTY

A performance guaranty is intended to incentivize compliance with the terms and conditions of the entry authorization and easement. It also provides 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, staff recommend that a

performance guaranty not be required at this time. DMLW reserves the right to require a performance guaranty during the terms of the easement.

INSURANCE

Staff recommend that insurance not be required as the applicant is self-insured. Staff recommend that the applicant be required to provide proof of its contractor's insurance upon DMLW's request.

SURVEY

Staff recommend that 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.

FEES

Per 11 AAC 05.020(b), staff recommend that interim and one-time issuance fee(s) for this authorization are waived as the request is in the public interest. However, the applicant will be required to pay the appropriate recording fees to have the easement recorded by DMLW.

ENTRY AUTHORIZATION

The entry authorization is an interim authorization issued when a survey is necessary prior to easement issuance. Staff recommend that an entry authorization be issued for a term ending 5 years from the effective date of this decision for the purpose of surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a public easement. The entry authorization may be revoked if the applicant has not supplied DMLW with a draft as-built survey within 3 years of receiving survey instructions. 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. Staff recommend that entry authorization not be granted until the following deliverables have been provided to DMLW, as described or recommended above:

• Evidence of having made request for survey instructions to the DMLW Survey Section.

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.

Annalee Cunningham
Annalee Cunningham
Natural Resource Specialist 2
DMLW Southcentral Regional Land Office

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. 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.

Brent Reynolds
Brent Reynolds, Natural Resource Manager 2
DMLW Southcentral Regional Land Office

12/10/2025
Date

ATTACHMENTS

• Entry authorization, unsigned

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 \$200.00 under the provisions of 11 AAC 05.160 (a)-(b). A department's copy of 11 AAC 02 is available on the website https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf.