

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

**FINAL FINDING & DECISION
EV 3-404**

**Petitioners: State of Alaska Mental Health Trust Lands Office
Section Line Easement Vacation**

This Final Finding & Decision compliments, confirms, and updates the attached Preliminary Decision (PD) approved on October 20, 2025. No changes have been made to the PD.

PETITIONED ACTION:

The petitioner is requesting the vacation of portions of 50-foot section line easements (SLEs) in an area being subdivided as West Cohoe Subdivision, located along the west bank of Lower Cohoe Lake and approximately 3,000 feet westerly of Upper Cohoe Lake. This action falls within the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22, the NW $\frac{1}{4}$ of Section 27, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T3N, R12W, S.M., Alaska, as depicted on Attachment A.

LEGAL AUTHORITY:

AS 38.05.035(e), AS 38.05.945, 11 AAC 51.065, AS 19.10.010, AS 38.05.127, 11 AAC 51.025, 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 SLEs.

PUBLIC NOTICE AND COMMENT:

Public Notice of approval of the PD, pursuant to AS 38.05.945, was posted from October 21, 2025, through November 20, 2025, on the State of Alaska Online Public Notice website. Copies of the PD were sent to the petitioner, to the petitioner's surveyor, Kenai Peninsula Borough (KPB), and the State of Alaska Department of Fish & Game (ADF&G).

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

AGENCY REVIEW AND COMMENT:

1. Non-objection comments were received from the following Agencies: Department of Transportation & Public Facilities (DOT&PF) Central Region, Alaska Department of Fish and Game (ADF&G), DNR Division of Mining, Land and Water – Southcentral Regional Land Office (SCRO) and DNR Division of Parks and Outdoor Recreation (DPOR).
2. KPB indicated they would fully review this action when the surveyor formally presents the easement vacation plat to KPB's Planning Commission. The Borough's review is incorporated into DNR, DMLW'S conditions for approval (see that portion of this decision).
3. No other comments or objections on the proposed action were received.

FINDING:

1. The proposed alternate access dedications meet the requirements for vacation of the subject section-line easement pursuant to AS 19.30.410 and 11 AAC 51.065. The proposed alternate access routes will be protected by easements of record, will be adequately wide to satisfy all present and reasonably foreseeable uses and will thus be equal or better than the SLE areas proposed to be vacated.
2. Pursuant to 11 AAC 51.065(e)(1), the Department has given consideration to the recommendations of the KPB. The KPB reviewed this proposed section line easement vacation on October 14, 2025.

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

1. Comply with Kenai Peninsula Borough's conditions of approval unless waived by the Director, DMLW.
2. Dedicate multiple alternate access routes of varying width as depicted on Attachment A described as follows:
 - Shaw Airstrip Avenue will be a 100-foot wide ROW dedication running along the west boundary of the proposed West Cohoe Subdivision. This 100-foot wide ROW will contain the current footprint of 50-foot section line easements being vacated along the north-south running section lines common to Sections 27 & 28, and Sections 21 & 22, as depicted on Attachment A.
 - An unnamed 100-foot wide ROW dedication running along the north boundary of the proposed West Cohoe Subdivision, as depicted on Attachment A. ROW name to be determined.
 - A 70-foot wide ROW dedication running along the east boundary of the proposed West Cohoe Subdivision in the S½ SW¼ Section 22 and extending 50 feet into Section 27, as depicted on Attachment A. This ROW dedication will be adjacent to the existing 30-foot dedication of Goofy Street within Cohoe Lakes Subd. Shaw's Landing Addition #2 (Plat No. 2004-3, Kenai Recording District [KRD]), bringing the total ROW width to 100-feet.
 - An unnamed 50-foot wide ROW dedication in the NW¼NE¼ of Section 27, running along the section line common to Sections 22 and 27, intersecting the proposed dedication adjacent to Goofy Street and terminating at Lower Cohoe Lake, as depicted on Attachment A. This 50-foot wide ROW will be coincident with the current footprint a 50-foot section line easement being vacated at this location. Note that the existing 33-foot wide SLE north of the section line at this location will remain and is not included in the petitioned action.
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.

Prepared By:

Victoria Braun

Victoria Braun,
Natural Resource Specialist

1/12/2026

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, PLS
Chief, Survey Section

1/12/2026

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>.