

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

**Preliminary Decision  
Petitioners: Mike Post and Marianne Post  
Section Line Easement Vacation  
EV 3-405**

**Petitioned Action:**

EV 3-405 is located in Wasilla, AK. The petitioner of EV 3-405 is requesting the vacation of a portion of the 50-foot section line easement (SLE) along the east-west running section line common to Sections 10 & 15, within the NE¼NW¼ of Section 15, T18N, R1W, S.M., Alaska. The area proposed to be vacated is along the northern property boundary, and measures 50 ft. wide by approximately 1,324 ft. long, resulting in an approximate 66,200 square foot SLE vacation, as depicted on Attachment A.

The reason for the easement vacation cited by the applicant is:

“The majority of this parcel...lies in the 100-year flood zone of the Little Susitna River. Most of the usable area that is outside the flood zone is in the northwest corner of the property. The 50' section line easement ...encumbers the usable area to an extent that it will be difficult to place improvements such as a residence, well, and septic, and still meet the setback requirements from slopes and rights-of-way. I am requesting the vacation of the 50' section line easement along the south side of the north boundary of the property described above to allow for the better construction of improvements in a usable area that is already constrained by steep slopes and a flood zone.”

**Legal Authority**

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

**Administrative Record:**

The DNR Survey Case File EV 3-405 constitutes the administrative record used for the basis of this decision.

**Scope of the Decision:** Landowners in the State of Alaska have the right to petition the State of Alaska to vacate State managed easements that fall within the boundaries of their property. The scope of this section line easement vacation decision is strictly limited to portion of the 50-foot section line easement designated to be potentially vacated in relation to the proposed alternate access listed by the petitioner. 11 AAC 51.065 defines the minimum requirements to meet the State's standards to qualify as alternate access. The criteria to meet acceptable alternate access is stated in the PD under the **Land Management Policies**. The existence of the section line easements is outlined in the **Discussion** section of the PD, confirming the State's interest in this

section line easement. As in a majority of the easement vacation cases, this easement interest is entirely located on private property.

The State's interest in the referenced section line easement is proposed to be perpetually relinquished if the alternate access is deemed to meet the requirements as defined in 11 AAC 51.065. The section-line easement vacation will permanently eliminate public access across this lot and remove associated section-line easement encumbrances on the property. The public will then rely on the alternate access route as outlined in the Alternate Route portion of this decision.

AS 38.05.035 (e)(1)(A) and (B) limits the written decision(s) to applicable statutes and regulations as they apply this action.

**Borough:**

The proposed action is located within the Matanuska-Susitna Borough (MSB).

**State Easement Interest:**

A 50-foot wide section line easement exists within the subject property pursuant to AS 19.10.010 (See Discussion).

**Underlying Interest:**

The petitioners own the estate underlying the 50-foot section line easement proposed for vacation.

**Alternate Route:**

The petitioners reference E. Twana Circle, E. Schwald Road, N. Moose Meadows Road, East Jeff Road as well as the remaining section line easements. Public access to the adjoining and adjacent parcels is not negatively affected by this action.

There are two possible alternate routes proposed by the petitioners. One alternate route would use the remaining 50-foot section line easement in Section 10, north of and adjacent to the SLE proposed to be vacated. The other alternate route proposed by the petitioners is approximately 1.6 miles long. It will route travelers from the northwest property boundary west along E. Twana Circle the intersection with E. Schwald Road. The public can continue east along E. Schwald Road, dedicated by Document No. 1994-014227-0, Palmer Recording District, which is located approximately 655 feet north of and parallel to the SLE area proposed to be vacated. E. Schwald Road intersects with Moose Meadows Road, a 50-foot ROW dedicated by Document No. 199-017302-0. The public can then travel south on N. Moose Meadows Road to intersect the East-West running SLEs between Sections 10 & 15. At this intersection, members of the public can go west on E. Jeff Road approximately 409 feet. E. Jeff Road terminates approximately 1,400 feet east of the SLE proposed to be vacated. The remainder of the alternate route would proceed along remaining undeveloped section line easements that cross the Little Susitna River.

**Land Management Policies:**

1) Pursuant to AS 19.30.410 the Department of Natural Resources, the Department of Transportation and Public Facilities, or another agency of the State may not vacate a right-of-way acquired by the State under former 43 U.S.C. 932 unless:

- a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses.

2) 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.
- The Department and State Agencies will determine if the vacation is in the State's best interest.

**Public Use Patterns:**

A field inspection was conducted on November 24, 2025. The 50-foot SLE proposed for vacation has not been cleared of any vegetation or trees. It is densely populated with both living and dead spruce, with a significant number of downed trees scattered within the SLE area. The Little Susitna River flows westerly through portions of the east and west boundaries of the subject property, with river channels and branches dividing the 40-acre parcel. No portion of the Little Susitna River intersects with the portion of the SLE proposed to be vacated. However, the Little Susitna River floodplain does intersect the proposed SLE vacation. It was noted on the field inspection that there is a significantly steep slope that descends southeasterly towards a channel of the Little Susitna River, within the northwest portion of the subject property. There is no evidence of the SLE being utilized by the public in any capacity. Neither pedestrian use, vehicular use or ATV access routes were identified or discovered during the field inspection.

**Practicality of Use:**

The 50-foot section line easement located at the northern boundary of the parcel line within the NE¼NW¼ of Section 15 within T18N, R1W, S.M., Alaska is proposed to be vacated by this action. The field inspection determined the public is not utilizing this SLE for any type of access. The developed alternate access routes petitioners have suggested are being utilized by local residents and have already been dedicated.

As previously stated in the Alternate Access portion of this decision, the alternate route proposed by the petitioners will route travelers from the northwest property boundary west along E. Twana Circle to the point where it intersects with E. Schwald Road. The public can travel east on E. Schwald Road which is approximately 655 feet north of and parallel to the SLE area proposed to be vacated. E. Schwald Road intersects with N. Moose Meadows Road. Taking a right at this intersection of E. Schwald Road and N. Moose Meadows Road allows the public to travel south on M. Moose Meadows Road back to the remaining East-West running SLEs between Sections 10 & 15. The alternate access route is approximately 1.6 miles long, in its entirety.

The steep slope in the northwest corner of this parcel intersects with a portion of the SLE proposed to be vacated. The field inspection determined it would be dangerous for an ATV or vehicle to attempt to traverse this portion of the SLE in its current state. Thus, it is more practical for the public to utilize the existing roads than to attempt to travel easterly/westerly on the uncleared section line easement. The proposed SLE vacation will not adversely affect land in other ownership, nor will it negatively impact public access in this area given that the roads in the vicinity have been dedicated, are constructed and are being maintained.

**Agency Review:**

Initial Agency review of the proposed action began on July 11, 2025, and concluded August 27, 2025. Agencies notified included 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), Alaska Mental Health Trust Land Office (MHTLO), DNR Division of Parks and Outdoor Recreation (DPOR) and the Matanuska-Susitna Borough (MSB).

It should be noted that each Agency reviews this proposed easement vacation action as it directly relates to their specific mission. DOT&PF's public access on state managed roads. ADF&G protect the public's access to public and navigable water bodies. The local platting authority, MSB, also manages roads and public trails within their borough boundaries. This comment structure results in the noted Agencies sharing responsibility for determining if this proposed easement vacation action is in the best interest of the State.

**Agency Comments:**

1. The following Agencies submitted comments of non-objection: DPOR, ADF&G, DOT&PF, and SCRO.
2. No other comments or objections on the proposed easement vacation action were received.

**Discussion:**

1. Determination of the existence of section-line easements:
  - a. The Rectangular Survey Plat for Township 18 North, Range 1 West, Seward Meridian, Alaska was approved by the U.S. Surveyor General's Office on May 3, 1915. This township plat first surveyed the subject section line.
  - b. The lands underlying the SLE proposed to be vacated were conveyed into State ownership by BLM Serial Patent Number 1217599. These lands were conveyed pursuant to the Act of January 21, 1929, and they were to be held in trust for the University of Alaska. The patent granted the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 15, Township 18 North, Range 1 West, Seward Meridian, Alaska, to the State of Alaska on March 6, 1961. The date of entry (application filed) according to the BLM case file abstract for AKA 045305 was August 25, 1958.
  - c. On August 2, 1984, the subject lands were transferred to the Board of Regents of the University of Alaska in quitclaim deed recorded in Book 391, Page 238 of the Palmer Recording District. This quitclaim deed included the N $\frac{1}{2}$ NW $\frac{1}{4}$  Section 15 and reserved a 50 foot section line easement each side of the section lines.

2. For surveyed or unsurveyed land owned by the state on or after July 1, 1960, the width, as identified in AS 19.10.010, is 50 feet. (11 AAC 51.025 Editor's Note #7)
3. Pursuant to 11 AAC 51.065(e)(1), the Department will give consideration to the recommendations of the MSB 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 Matanuska-Susitna 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:**

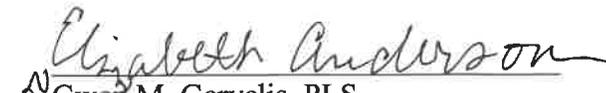
Based on our findings, the applicant meets DNR's requirements to vacate the subject section line easements. The proposed vacation may be in the State's best interest. Therefore, the Division of Mining, Land and Water, Survey Section recommends approval of this action and may proceed with adjudication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

Prepared by:

  
Victoria Braun, Adjudicator  
Natural Resource Specialist 2

  
Date

Approved by:

  
Gwen M. Gervelis, PLS  
Chief, Survey Section

  
Date

Enclosures: Attachment A

**PUBLIC NOTICE:**

**Notice of Preliminary Decision  
Section Line Easement Vacation  
EV 3-405**

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 requesting the vacation of the 50-foot section line easement on the north boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 15 within T18N, R1W, S.M., Alaska, as depicted on Attachment A. It will measure 50 ft. wide x 1,324 ft. long, resulting in a 66,200 square foot SLE vacation, 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 April 6, 2026.** 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 3-405 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 comments in response to this notice indicate 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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