



**STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
SOUTHCENTRAL REGIONAL LAND OFFICE**

**Regional Manager's Decision**

ADL 234781

Department of Transportation & Public Facilities

Public Access Easement

Sterling Highway Safety Corridor

**REQUESTED ACTION**

On February 2, 2026, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Southcentral Regional Land Office (SCRO), received an application for an easement from the Department of Transportation & Public Facilities (DOT&PF; the applicant) for proposed infrastructure on State-owned, co-managed by DNR Division of Parks and Outdoor Recreation and DMLW uplands near Sterling, Alaska. The purpose of the proposed easement is to widen the footprint outside of the existing right-of-way for the Sterling Highway near Mile Post 85, to create a center-divided road that will separate traffic and move pedestrians onto a separate pathway. The applicant has requested a public access easement approximately 2,593 feet in length, 75 feet in width, occupying approximately 4.46 acres.

**RECOMMENDED ACTION**

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

- Width: Approximately 75 feet
- Length: Approximately 2,593 feet
- Acreage: Approximately 4.46 acres
- Term: Indefinite
- Grantee: DOT&PF

**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 2000 Kenai Area Plan other classification references described herein, and the casefile for the application serialized by DNR as ADL 234781.

**LOCATION INFORMATION**

**Geographic Location**

Sterling Highway in Sterling, Alaska, Mile Post 85

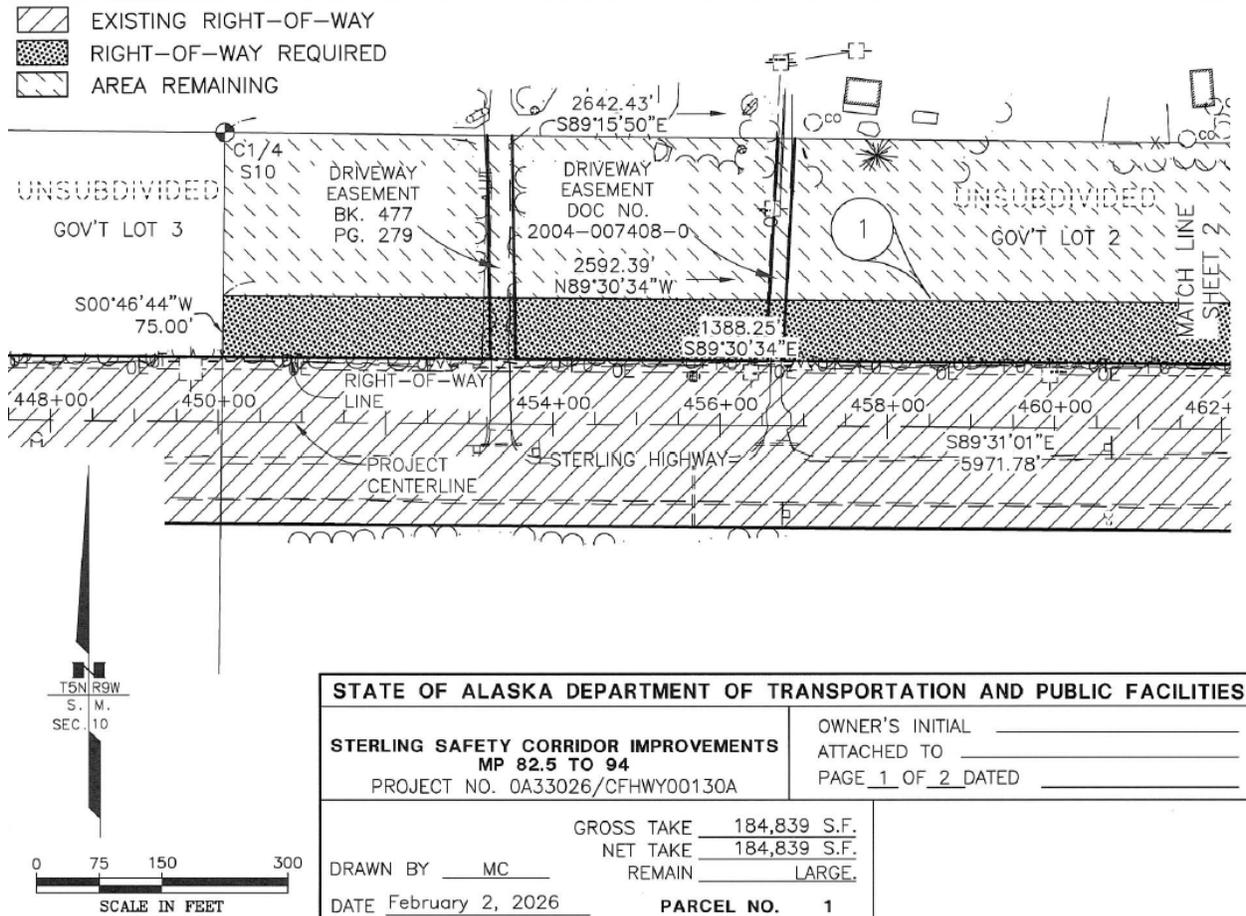
**Meridian Township Range Section**

The applicant has applied to use State-owned, DMLW-managed uplands within Section 10 of Township 5 North, Range 9 West, Seward Meridian, AK

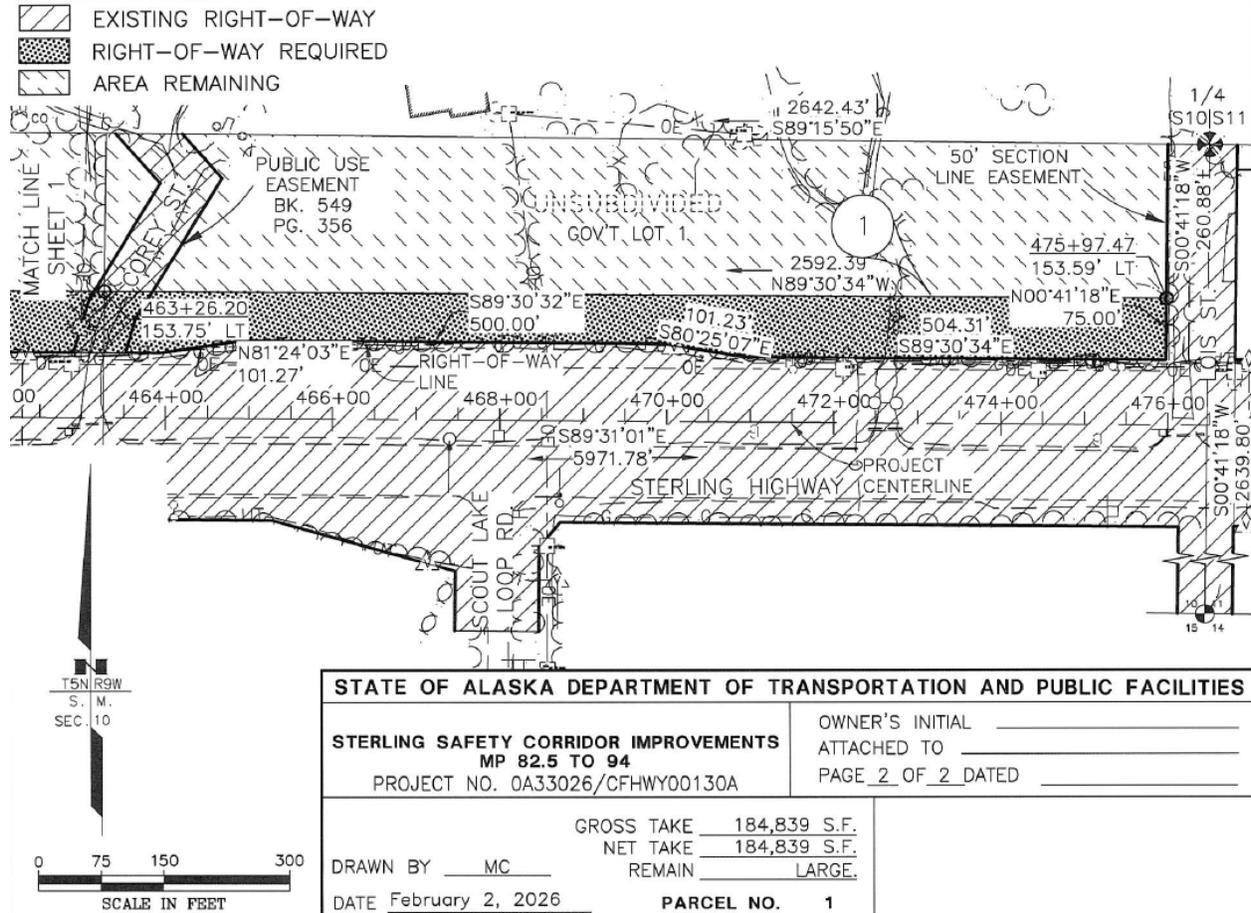
**Other Land Information**

Municipality: Kenai Peninsula Borough  
Regional Corporation: Cook Inlet Region, Inc.

**FIGURE 1** – A map supplied by the applicant that depicts the area for current improvements to the safety corridor.



**FIGURE 2** – A map supplied by the applicant that depicts the area for current improvements to the safety corridor.



**TITLE**

The State of Alaska holds title to applicable portions of lands within Section 10 of Township 5 North, Range 9 West, Seward Meridian, Alaska, per Warranty Deed # 1982-003960-0, recorded at Kenai Recording District. The associated DNR land acquisition casefile is OSL 767.

**THIRD PARTY INTERESTS**

The applicant has requested an easement that may impact the following interests. Third party interest notification has been sent to all interest holders noted below.

- ADL 215450 – Interagency Land Management Agreement (ILMA), Division of Parks and Outdoor Recreation (DPOR).
- ADL 215430 – Management Right, DPOR
- ADL 55705 – Municipal Entitlement, Kenai Peninsula Borough
- ADL 231720 – Public Utility Easement, Homer Electric Association
- ADL 218691– Public Access Easement, ‘Self Street’, DNR
- ADL 229214 – Public Access Easement, no name, DNR
- ADL 229215 – Public Access Easement, 'Corey Street', DNR

## **PLANNING & CLASSIFICATION**

The project area affected by this proposed project is within DNR's 2000 Kenai Area Plan (KAP), Region 5: Coastal Plain from Point Possession to the Kenai River Region (Map 5D: Middle Kenai River), Unit 140: Scout Lake Unit of Kenai River Special Management Area (KRSMA) (pg. 3-134). Unit 140 is designated as Public Recreation and Tourism (Rp) – public use site and converts to classification Public recreation land, by the Conversation of Upland Designations to Classifications Table (Table 4.1, pg. 4-4).

The management intent of Unit 140, listed within Table 3.5: Resource Allocation Summary Table (pg. 3-134), states that the portion south of the Sterling Highway has day and overnight use area with twelve small campsites and a picnic shelter. A chained-off road leads across the parcel to the lakeshore and an unimproved boat launch and there is a trail around Scout Lake, and the unit is heavily used as a swimming hole. This unit was purchased from the Boy Scouts and when they purchased this land, it was issued to them with the restriction that the land must be used for a campsite and other public purposes. This site is managed as a unit of the Kenai River Special Management Area. Table 3.5 also calls out duck and geese nesting during the spring season and having a fall concentration, moose have rutting and winter concentrations, trumpeter swan general distribution, and a general distribution of rainbow trout and Dolly Varden/Arctic char.

In consideration of the above, the approval of an easement as proposed does not conflict with the management intent and goals of the KAP.

## **ACCESS**

Functional legal access to the state land discussed herein exists via the Sterling Highway.

## **PUBLIC NOTICE & AGENCY REVIEW**

### **Public Notice Summary**

Public notice of the application was conducted from February 6, 2026, to March 10, 2026. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Soldotna and Sterling post offices and the Sterling Community Center for display on their notice board. The notice was also sent to the following recipients:

- Cook Inlet Region, Inc.
- Directly adjacent landowners

### **Public Notice Comment & Response**

A total of 1 comment was received during the public notice and is summarized below:

**Comment:** On February 18, 2026, a nearby landowner stated their concern to any visual or sound barriers that will be affected due to this proposed project and would like to see more detailed imagery of how far it will expand towards their property.

**Response:** SCRO acknowledges the comment. As depicted in Figure 1, the proposed project widens the existing DOT right-of-way by 75 feet. Any vegetation potentially providing a visual and/or sound barrier within the 75-foot expansion towards the property line may be impacted.

### **Agency Review Summary**

Agency review of the application was conducted from February 6, 2026, to March 10, 2026. The notice was sent to the following recipients:

#### **State Agencies:**

- DNR Division of Oil and Gas, State Pipeline Coordinator Section
- DNR Division of Parks and Outdoor Recreation (DPOR); Permitting
- DNR DPOR Office of History and Archaeology
- DNR AK Mental Health Trust Land Office
- DNR Division of Geological & Geophysical Surveys (DGGS)
- Department of Fire & Forest Protection
- Department of Transportation & Public Facilities; Statewide ROW
- Alaska Department of Fish & Game, Wildlife Conservation (ADF&G), Access Defense Program, Habitat Program
- Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs
- Department of Environment Conservation (DEC), Division of Environmental Health, Drinking Water Program
- DEC, Division of Water - Alaska Pollutant Discharge Elimination System Program
- DEC, Division of Environmental Health, Solid Waste Program
- DEC, Division of Spill Prevention and Response; Contaminated Sites Program
- DEC, Division of Air Quality; Permitting Program, Air Non-Point and Mobile Sources Program

#### **Federal Agencies:**

- U.S. Army Corps of Engineers

#### **Local:**

- Kenai Peninsula Borough
- Kenai Soil and Water Conservation District

A total of 5 comments were received during the agency review and are summarized below:

#### **Agency Review Comment & Response**

**Comment:** On February 9, 2026, DEC, Division of Spill Prevention and Response; Contaminated Sites Program stated the following:

“Based on the information provided, the Alaska Department of Environmental Conservation (DEC), Contaminated Sites Program (CSP) has 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.”

“DEC must be notified if contamination is encountered. For more information about spill responses contact the appropriate regional response team office <https://dec.alaska.gov/spar/ppr/spill-information/reporting/>.”

“Spills or releases to soil and water are also managed by the DEC Prevention Preparedness and Response Program (PPRP) and are not captured in the CSP database or map. Information about spills can be found in the PPRP SPILLS database at <https://dec.alaska.gov/Applications/SPAR/PublicMVC/PERP/SpillSearch/>.”

**Response:** SCRO has acknowledged the comment.

**Comment:** On March 3, 2026, DEC, Division of Environmental Health, Drinking Water Program stated the following:

“Given the location(s) provided, this project is near an active registered PWS source (see attached “DEC\_PWS\_Map.jpg” and summary table below). For this reason, we ask that the applicant please adhere to the attached Recommendations for General Project Activities near a PWS source, where applicable.”

**Response:** SCRO acknowledges the comment and has forwarded it to the applicant.

**Comment:** On March 9, 2026, ADF&G Access Defense Program stated no-objection to the authorization of this easement.

**Response:** SCRO acknowledges the comment.

**Comment:** On March 9, 2026, DNR DPOR Office of History and Archaeology stated that a finding of No Historic Properties Affected will be appropriate for the project. They also stated that “our office may need to re-evaluate our decision if there are changes to project scope. Should inadvertent discoveries of cultural resources occur during project activities, work must halt, and our office must be notified so we can evaluate whether the resource(s) should be preserved in the public interest (*AS 41.35.070[d]*).”

**Response:** SCRO acknowledges the comment.

**Comment:** On March 11, 2026, DNR DGGS stated they have no concerns regarding this proposed easement but did provide technical information related to ground stability and suitability for construction and geologic hazards that are present within the project area.

**Response:** SCRO acknowledges the comment. Specific technical information provided by DGGS is contained within the casefile serialized as ADL 234781 and is available upon request.

## ENVIRONMENTAL CONSIDERATIONS

DOT&PF will assume the majority of DMLW’s land administration responsibilities within the boundaries of any easement granted under this application, including management of environmental contamination. Therefore, staff recommend that the proposed easement not include any restrictions that may impair DOT&PF’s ability to administer the highway right-of-way.

## **ECONOMIC BENEFIT & DEVELOPMENT OF STATE RESOURCES**

DMLW assesses the economic benefits of the proposed authorization and whether it encourages the development of the State's resources. This authorization will provide an indirect economic benefit to the state as the proposed easement increases the safety of and facilitates the expansion of the public highway system which will promote conditions for economic development.

There are no known competing projects for use of these lands, therefore issuance of this easement provides for the greatest economic benefit to the State.

## **DISCUSSION**

Currently, there is an Interagency Land Management Agreement (ILMA) of the Scout Lake State Recreation Site (SRS) which is co-owned and managed by Alaska DNR DPOR and DMLW. DPOR has provided DMLW with non-objection to the proposed authorization.

Though the KAP notes that Unit 140 was originally conveyed to the Boy Scouts of America (BSA) subject to a reversionary clause, SCRO is in receipt of an Attorney General's Opinion dated January 27, 1982, which states this to be in error. The parcel was not conveyed to the BSA per the Recreation and Public Purposes Act, but by Private Law 152, approved August 8, 1953 (67 Stat. A54). Per the Attorney General's Opinion, "*the provisions of this Act merely specify the purposes for which the conveyance of the lands was to be made. There is no language in the Act which indicates that Congress intended to restrict future uses of the lands, or to reserve any rights to the United States to control such uses, to approve future conveyances or to recover title to the land.*". Therefore, there are no deed restrictions which may present a conflict in DMLW issuing a public access easement to DOT&PF in this location.

The purpose of the proposed easement is to widen the footprint outside of the existing right-of-way for the Sterling Highway along the northern edge, near DOT mile post 85. This will aid in creation of a center-divided road that will separate traffic and move pedestrians onto a separate pathway.

SCRO recommends that the easement considered herein be granted for an indefinite term from the effective date of this decision as DOT&PF intends for long-term management of the project area. The need for the easement can be expected to last for as long as the highway is in use.

## **PERFORMANCE GUARANTY**

A performance guaranty will not be required at this time as the applicant is a State agency.

### **History of Compliance**

DNR Land Administration System records indicate that the applicant is in a state of compliance with the terms of other DMLW-issued authorizations.

## **INSURANCE**

Insurance will not be required because the applicant is self-insured.

**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 is 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), interim and one-time issuance fee(s) for this authorization are waived as the request is in the public interest. Additionally, the easement document will be sent to the Recorder "State Business - No Charge" as the applicant is a state agency.

**ENTRY AUTHORIZATION**

An entry authorization shall be issued for a term ending 5 years from the effective date of this decision for the purpose of constructing, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW's issuance of a public access easement. The entry authorization may be revoked if the applicant has not submitted DMLW with a draft as-built survey one year prior to the expiration of the entry authorization. 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 should contact DMLW at least 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan.

No authorization shall be granted until the following deliverables have been provided to DMLW:

- 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.

*Savannah Lilyhorn*  
 Savannah Lilyhorn Natural Resource Specialist 3  
 DMLW Southcentral Regional Land Office

3/19/2026  
 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. 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

3/19/2026

Date

## ATTACHMENTS

- Entry authorization, unsigned
- 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](mailto: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>.