



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

Regional Manager's Decision

ADL 226517

Denali Nordic Ski Club
Public Access Easement

REQUESTED ACTION

On February 18, 2022, 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 Nicole Burcar, on behalf of the Denali Nordic Ski Club (DNSC) for a reissuance of a preexisting non-motorized pedestrian access trail for skiing and hiking on State-owned, DMLW-managed lands near Talkeetna, Alaska. The purpose of the proposed easement is to provide the continued use and maintenance of the public trail. The applicant has requested a reissuance of a public access easement approximately 2,728 feet long, 20 feet wide, and 1.27 acres in size, more or less.

RECOMMENDED ACTION

The request shall be modified, and this easement be authorized as follows:

- Type of easement: Non-Motorized Public Access Easement
- Length: 2,728 feet
- Width: 20 feet
- Acreage: Approximately 1.27
- Term: Change from 25 years to Indefinite
- Grantee: Change from Denali Nordic Ski Club, Inc. to DLMW

BACKGROUND

On January 24, 1995, SCRO received an application for a proposed public access easement for a non-motorized pedestrian access trail. February 17, 1995, an initial public and agency notice was sent which depicted the applicant's original request for a public access easement approximately 2,728 feet in length, 20 feet wide, and 1.27 acres, more or less. On September 21, 1998, the decision was signed and easement authorized for a term of 25 years.

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 2011 Susitna Matanuska Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 226517.

LOCATION INFORMATION

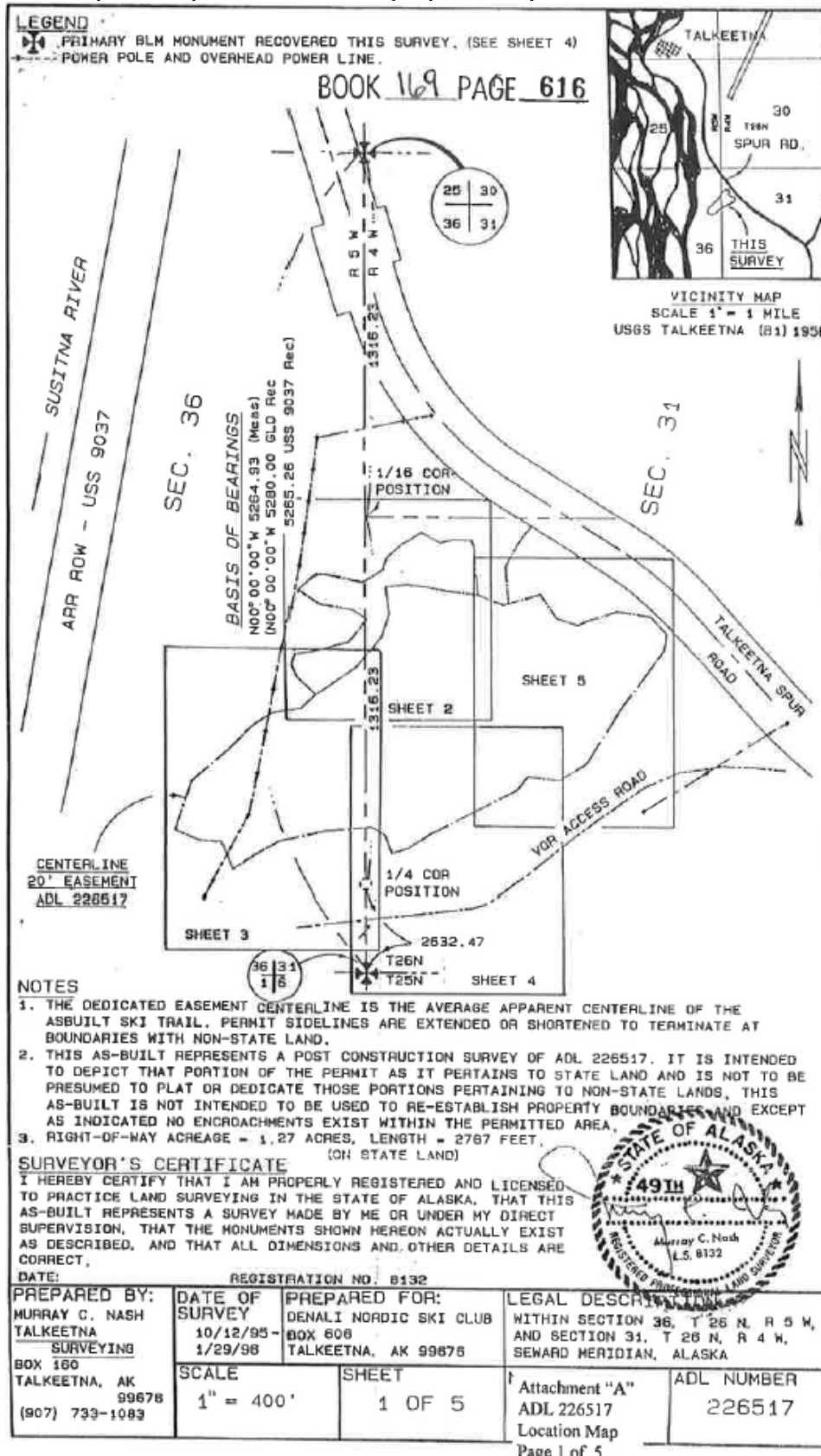
Geographic Location

The applicant has requested that DMLW authorize an easement near Talkeetna, Alaska.

Meridian Township Range Section

The applicant has applied to use State-owned, DMLW-managed lands within Section 36, Township 26 North, Range 5 West, Seward Meridian.

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



TITLE

The State of Alaska holds title to applicable portions of lands within Section 36 of Township 26 North, Range 5 West, Seward Meridian, per Patent Number 1220721 recorded at Talkeetna Recorders Office. The associated DNR land acquisition casefile is SCH 56.

Any State-owned, DMLW-managed lands, or State-selected lands that may be managed by DMLW in the future that are crossed by the authorization considered herein at the time of this decision, which are omitted from this list, and are subsequently identified, are included in this decision. Navigable and public water determinations are subject to change pursuant to future findings.

THIRD PARTY INTERESTS

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

- ADL 187, expired lease, Federal Aviation Administration (FAA)
- ADL 225938, expired air aviation easement, FAA
- ADL 17275, ANILCA 906(K) Concurrence, FAA

PLANNING & CLASSIFICATION

The area affected by this trail is within DNR's 2011 Susitna Matanuska Area Plan (SMAP), Map 3-10, Unit S-21. Unit S-21 is designated as Public Recreation – Dispersed Use (Rd), which converts to Classification Public Recreation Land by the Land Designation – Conversion to Classification Table (Table 4-2, pg. 4-5).

The management intent of Unit S-21, listed within the Resource Allocation Table – South Parks Highway Region (pg. 3-33), notes to manage this unit for its recreation and scenic values. There is an aviation easement (ADL 225938) for the protection of the FAA VORTAC (Very High Frequency Omnidirectional Range/Tactical Air Navigation) site at the Talkeetna Airport that overlaps with the Denali Nordic Ski Trail; FAA was notified of this reissuance during the public notice.

In consideration of the above, the approval of a public utility easement does not conflict with the management intent and goals of the SMAP.

ACCESS

Functional legal access to the state land discussed herein exists via South Talkeetna Spur Road.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public notice of the application was conducted from September 9, 2024, to October 9, 2024. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Talkeetna, Willow, and Trapper Creek post offices and the Talkeetna Public Library for display on their notice boards. The notice was also sent to the following recipients:

A total of 25 comments were received during the public review all in support of the reissuance.

No other comments were received.

Agency Review Summary

Agency review of the application was conducted from September 9, 2024, to October 9, 2024. The notice was sent to the following recipients:

State Agencies

- DNR Division of Parks and Outdoor Recreation (DPOR); Permitting
- DNR DPOR Office of History and Archaeology (OHA)
- DNR Statewide Abatement of Impaired Lands
- DNR Division of Oil and Gas, State Pipeline Coordinator Section
- DNR AK Mental Health Trust Land Office
- DNR Division of Geological & Geophysical Surveys (DGGS)
- 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 (CSP)
- ADF&G Wildlife Conservation, Access Defense Program
- Department of Transportation & Public Facilities (DOT&PF); Statewide ROW

Federal Agencies

- US Army Corps of Engineers (USACE)
- Bureau of Land Management (BLM)
- Federal Aviation Administration (FAA)

A total of 7 comments were received during the agency review and are summarized below:

Agency Review Comment & Response

Comment: On September 10th, 2024, SCRO received a comment from DEC Contaminated Sites Program stating they have no comment related to this request. Though they note that if the scope of the project changes, update research and contact CSP as needed.

Response: SCRO acknowledges the comment.

Comment: On September 10, 2024, USACE stated that if work on the ski trail would expand beyond the project footprint, work is required in streams/wetlands, or required culvert installation, a DA permit may need to be applied for through the Corps.

Response: SCRO acknowledges the comment and passed the information along to the applicant. The applicant states their intent not to expand their trail in their application.

Comment: On October 1, 2024, SCRO received a comment from DOT&PF stating the following:

“DOT&PF requests that DNR DMLW adjudicate public trail application ADL 226517 concurrently with a review of the co-located FAA lease (ADL 187) and A&H easement (ADL 225938). DOT&PF understands that the continued, indefinite operation of the FAA facility associated with these expired property interests is critical for the safe operation of Talkeetna Airport and that term or indefinite authorization of ADL 226517 without concurrent reauthorization of the FAA interests may impact the vortac site’s functionality. DOT&PF Central Region Right-of-Way (ROW) Project Coordination is available to facilitate a multi-party conversation that would include DMLW SCRO and appropriate FAA contacts. However, DOT&PF expects that both the trail system and FAA facility can be co-located, similar to the land use pattern at Kincaid Park in Anchorage, with the caveat that the airport infrastructure needs to be granted appropriate property interests either prior to or concurrent with the trail system to avoid any first-in-time, first-in-right property issues. DNR’s multiple use mandate can apply here because the underlying land has ceased to be school trust in character and trail systems are generally co-locatable with FAA infrastructure and we need to gather the interested parties to discuss the best way forward.”

Response: SCRO acknowledges the comment and has reached out to the FAA for a comment in response to the public notice. Joint adjudication of ADL 187 and ADL 226517 is currently underway.

Comment: On October 2, 2024, BLM stated they have no comments or objections to this project.

Response: SCRO acknowledges the comment.

Comment: On October 8, 2024, ADF&G Access Defense stated no objection to the issuance of this easement.

Response: SCRO acknowledges the comment.

Comment: On October 9, 2025, DGGS provided technical information related to hydrology & surficial geology 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 226517 and is available upon request.

Comment: On March 24, 2026, SCRO noticed the FAA did not comment on the original public notice and therefore reached out to them to confirm. On March 31, 2026, the FAA stated they have no objection to the existing trail provided no development outside of the trail occurs, and no vehicles are within the 1,300-foot clear zone.

Response: SCRO acknowledges the comment.

No other comments were received.

ENVIRONMENTAL CONSIDERATIONS

Environmental contamination risk associated with this proposed easement is minimal. It is recommended 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. Additionally, no fuel or other hazardous materials should be authorized to be stored on site.

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 a direct economic benefit to the state in the form of land use fees. Additionally, the proposed easement facilitates the expansion of public recreational resources which will promote conditions for economic development, thus providing an indirect benefit to the state. 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 and is consistent with the legislative intent expressed in AS 38.05.850.

DISCUSSION

SCRO recommends that the easement herein be changed and granted from 25 years to an indefinite term from the effective date of this decision. This is due to the need for this easement to exist to provide long term legal protection of a public recreational resource.

This easement will be issued to DMLW to be held in trust for the public, a change from the original decision stating Denali Nordic Ski Club as the Grantee.

This easement authorizes a recreational trail which overlaps with a reissuance of an FAA aviation easement, intended to preclude development which impacts the airspace surrounding a navigational aid. While recreational use of the trail is compatible with the protection of the FAA VORTAC site, issuance of this easement does not authorize development of infrastructure within the footprint of ADL 225938 and storage of vehicles within the 1,300 clear zone is not to be permitted.

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, a performance guaranty will not be required at this time. DMLW reserves the right to require a performance guaranty during the terms of either the entry authorization or the easement.

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

In consideration of the low risk associated with the proposed authorization and the applicant's known history of compliance, insurance will not be required at this time. DMLW reserves the right to require insurance during the term of the easement.

SURVEY

The DMLW Survey Section approved as-built survey, Book Number 169 of Page Number 616 – 620, Talkeetna Recording District, of the proposed easement in January 1999.

FEES

Fees have already been paid.

ENTRY AUTHORIZATION

An entry authorization is not required because the construction of the trail has already been completed and survey completed.

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 my recommendation that an easement is issued 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

4/27/2026
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

4/27/2026

Date

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>.