



**STATE OF ALASKA**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Southcentral Regional Land Office**

**Regional Manager's Decision**

ADL 233628

Kachemak Bay Nordic Ski Club  
Public Access Easement

**REQUESTED ACTION**

On April 13, 2020, 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 Kachemak Nordic Ski Club (the applicant) for preexisting Nordic ski trails on State-owned, DMLW-managed land near Homer, Alaska. The purpose of the proposed easement is to allow for continued maintenance and operation of existing Nordic ski trails. The applicant has requested a public access easement 9,198 long, 60 feet wide, and approximately 12.7 acres in size.

**RECOMMENDED ACTION**

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

- Width: 60 feet
- Length: 9,198 feet
- Acreage: Approximately 12.7 acres in size
- Term: Indefinite
- Grantee: DMLW will grant the final public easement to itself on behalf of the public.
- Type of easement: Public Access Easement

**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 233628.

**LOCATION INFORMATION**

**Geographic Location**

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

**Meridian Township Range Section**

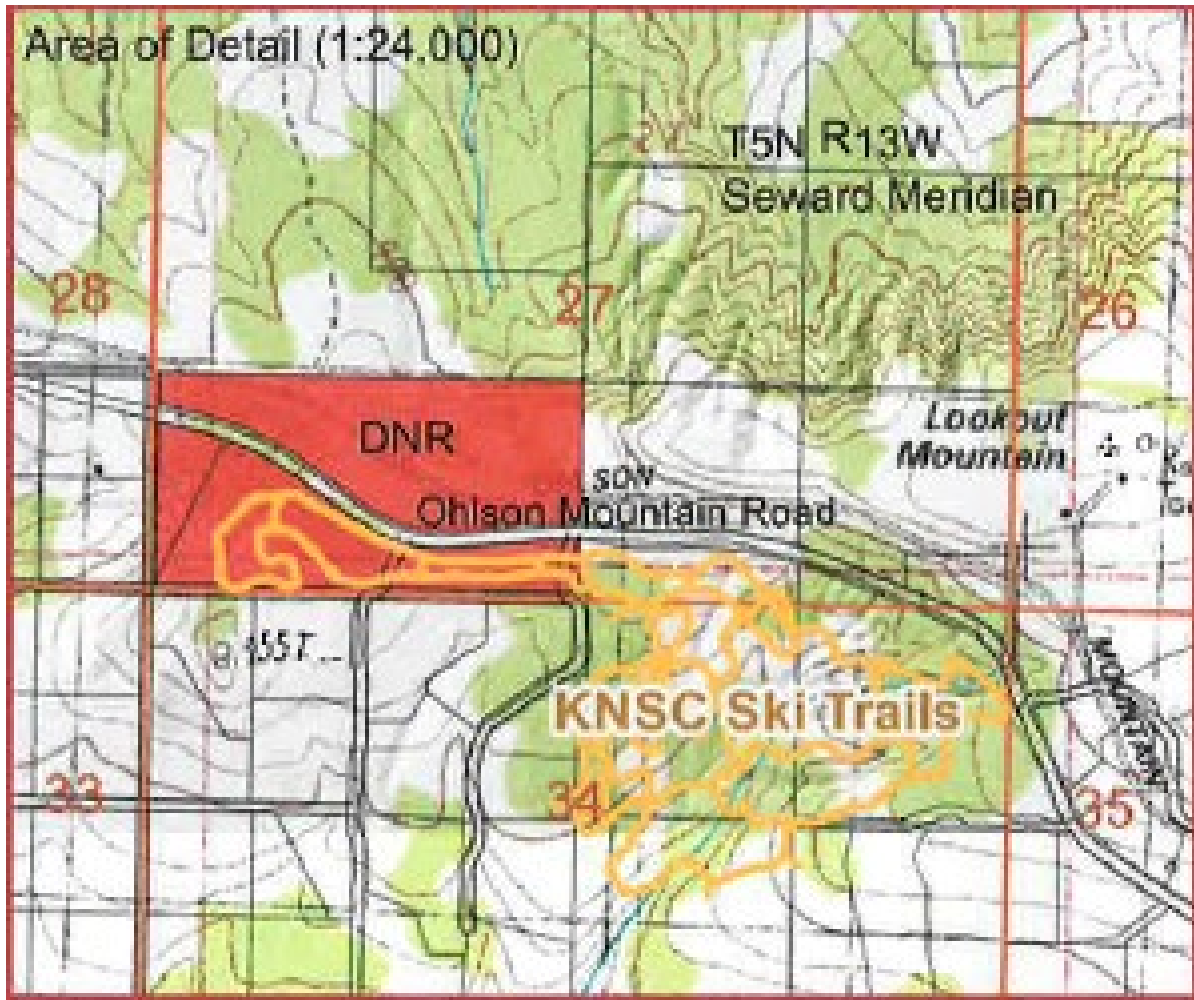
The applicant has applied to use State-owned, DMLW-managed uplands within Section 27, Township 5 South, Range 13 West, Seward Meridian, Alaska.

**Other Land Information**

Municipality: Homer, Alaska

Regional Corporation: Cook Inlet Region, Incorporated.

**FIGURE 1** – A map supplied by the applicant that depicts the area.



## **TITLE**

The State of Alaska holds title to applicable portions of lands within Sections 27 of Township 5 South, Range 13 West, Seward Meridian, Alaska, per US Patent 1233273 recorded at Homer Recording District as 2009-002609-0. The associated DNR land acquisition casefile is GS 107.

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. Third party interest notification has been sent to all interest holders noted below.

- ADL 223236, Public Access Easement, Department of Natural Resources
- ADL 234197, Proposed Lease, Emily Garrity

## **PLANNING & CLASSIFICATION**

The proposed easement is located within the boundaries of DNR's 2001 Kenai Area Plan (KAP), Region 7C: Homer, Unit 209B.

The Resource Allocation Table (RAT) on page 3-206 designates Unit 209B as Public Recreation and Tourism-public use site (Rp). Table 4-1: Conversion of Upland Designation to Classifications on page 4-4, shows this designation converts to a classification of Public Recreation Land.

Per 11 AAC 55.160. Public Recreation Land is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways.

The RAT states the resource values of the unit include cross-country skiing and racing for all levels on groomed trails and attributes the excellent skiing to the higher altitude of the unit and mowed fields which provide flat sections for beginners. Chapter 2 of the KAP, under the Management Guidelines heading for Public Use Sites, states that uses that enhance the ability of the public to use the units may be allowed if they follow the management intent for the site and if there is a demonstrated public need. Finally, the proposed easement falls within a unit that is crossed by the proposed Homer Connecting trail. The plan states that authorizations issued in these units should protect or provide for trail easements (KAP 3-194).

As the proposed development does not conflict with the management guidelines as outlined by the KAP, SCRO has determined that the proposed authorization is consistent with the overall management intent of the plan.

## **ACCESS**

Functional legal access to the state land discussed herein exists via Ohlson Mountain Road.

## **PUBLIC NOTICE & AGENCY REVIEW**

### **Public Notice Summary**

Public notice of the application was conducted from March 25, 2026, to April 24, 2026. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Homer and Fitz Creek Post Offices and the Homer Public Library for display on their notice boards. Notice of the application was distributed to 5 local property owners as detailed in the casefile for ADL 233628. The notice was also sent to the following recipients:

- Cook Inlet Region, Incorporated

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

A total of 1 comment was received during the public review.

**Comment:** On April 24, 2026, SCRO received a comment from a surrounding landowner expressing their desire for these trails to remain ski and maintenance only and that they would not be developed into summer hiking or biking trails.

**Response:** SCRO acknowledges the comment.

No other comments were received.

### **Agency Review Summary**

Agency Review of the application was conducted from March 25, 2026, to April 24, 2026. The notice was sent to the following recipients.

#### **State of Alaska:**

- Department of Natural Resources (DNR) Division of Forestry
- DNR Division of Oil & Gas (DOG); State Pipeline Coordinators Section
- DNR Division of Parks & Outdoor Recreation (DPOR); Permitting and the Office of History and Archeology (OHA)
- DNR Mental Health Land Trust Office
- DNR Statewide Abatement of Impaired Lands
- Department of Environmental Conservation (DEC) Division of Water; Wastewater, Alaska Pollutant Discharge Elimination System Program
- DEC Division of Air Quality; Air Non-Point and Mobile Sources 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
- Department of Transportation and Public Facilities (DOT&PF); Statewide Right-of-Way
- Department of Fish & Game (ADF&G); Habitat Section, Wildlife Conservation, Access Defense Program
- Department of Commerce, Community and Economic Development, Division of Community and Regional Affairs

#### **Federal:**

- United States Army Corps of Engineers

**Local:**

- City of Homer; Planning Section
- Homer Soil & Water Conservation District

**Agency Review Comment & Response**

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

**Comment:** On March 25, 2026, 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 April 14, 2026, Homer Soil & Water Conservation District (HSWCD) stated their concern regarding the current application from Twitter Creek Garden to lease state land in the same vicinity as the proposed easement. HSWCD hopes that DNR-DMLW does not create wording in this decision that would inhibit agricultural overlap since the current proposal is for grooming in the winter and mowing in the summer.

**Response:** SCRO acknowledges the comment and provides further guidance in the discussion section below.

**Comment:** On April 17, 2026, DPOR, OHA, stated that “it is unlikely that significant cultural resource sites would be affected by the proposed undertaking pursuant to AS 41.35.070 and that a finding of No Historic Properties Affected is appropriate for this project”.

**Response:** SCRO acknowledges the comment.

**Comment:** On April 21, 2026, DOT&PF, stated that they have “no issues with continued ski trail grooming, all access shall be from approved locations only. KNSC shall not construct new access to Ohlson Mtn Rd unless approved by the Department through an application process”.

**Response:** SCRO acknowledges the comment.

**Comment:** On April 23, 2026, ADF&G Access Defense Program provided a statement of non-objection regarding the proposed easement; however, they provided the following comment:

1. ***Nesting:** Conserving habitat features such as trees, shrubs, and ground cover can help support breeding bird populations while still meeting project objectives. Information on typical nesting seasons in Alaska is available at <https://www.fws.gov/alaska-bird-nesting-season> and may be useful when planning the timing of vegetation clearing.*

**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 public recreational resources, 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**

Staff recommend that a public access easement 60 feet in width, approximately 9,198 feet in length, with an approximate total area of 12.7 acres be granted to DMLW on behalf of the public for an indefinite period.

This easement is intended to authorize the existing use of DMLW-managed lands as Nordic ski trails, to include motorized grooming in the winter, but otherwise pedestrian in nature. Maintenance of the trails via summertime mowing is allowable and will not present a conflict with the Twitter Creek Garden (ADL 234197), though Kachemak Nordic Ski Club is encouraged to work with the grantee associated with ADL 234197 to ensure close coordination.

## **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, appraisal, etc.), restoration (interim and final), and any associated costs after termination or expiration of the easement. Staff recommend that the applicant be required to submit a performance guaranty in the amount of \$6,700.00 to ensure completion of entry authorization requirements. These funds will also serve as a survey deposit (per AS 38.05.860) and may be reduced one time during the term of the entry authorization by an amount equal to payments made by the applicant to a licensed surveyor under contract for completion of an as-built survey in

accordance with survey instructions issued by the DMLW Survey Section, as described herein. This performance guaranty shall remain in place during the term of the entry authorization and will be subject to release upon the acceptance of a DMLW-approved as-built survey and the fulfillment of all terms, conditions and stipulations of this decision and the entry authorization. The performance guaranty may also be adjusted to reflect updates and changes in the associated project, and the applicant may be required to provide an additional performance guaranty if DMLW determines there is additional risk to the State. The performance guaranty may be utilized by DMLW to cover actual costs incurred by the State to pay for necessary corrective actions in the event the applicant does not comply with site utilization and restoration requirements and other stipulations contained in the entry authorization. An additional performance guaranty may be required for an extension of the entry authorization beyond the initial term proposed under this decision.

## **INSURANCE**

Staff recommend that the applicant be required to submit proof of insurance in an amount the insurance company determines necessary to protect both the State and the applicant from risks associated with the planned activities under the Entry Authorization for ADL 233628. The applicant will be responsible for maintaining the necessary insurance during the term of the Entry Authorization. The insurance may be adjusted to reflect updates and changes in the associated project, and the applicant may be required to furnish additional insurance if DMLW determines there is additional risk to the State. A certificate of insurance listing the State of Alaska, Department of Natural Resources as an additional insured on the policy, or other insurance acceptable to the State, must be submitted to DMLW prior to entry on state land and must be maintained throughout the term of the Entry Authorization.

## **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**

Staff find that the following fees are applicable to this request. These fees may be adjusted if regulation(s) or department fee schedule pertaining to the fee(s) change during the term of the entry authorization and/or easement and will be subject to non-sufficient fund and late payment penalty fees. All fees shall accrue from the effective date of the decision.

- The applicant shall pay an annual interim land use fee of \$120 per acre rounded up to the nearest acre, with a \$240 minimum, totaling \$1,560.00, per 11 AAC 05.070 (d)(2)(I) for the term of this EA. This fee is charged concurrently with any other land use fees that may be described herein
- The applicant shall pay a one-time fee of \$120 per acre rounded up to the nearest whole acre per 11 AAC 05.070 (d)(2)(B). The total charge for this fee will be determined following DMLW's approval of an as-built survey document.

- Additionally, the applicant shall pay applicable document recording fees prior to DMLW's execution and recordation of the easement document.

### **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 access 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:

- Annual land use fees.
- Evidence of having made request for survey instructions to the DMLW Survey Section.
- Insurance
- Performance Guarantee

### **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 Sims*

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Annalee Sims, Natural Resource Specialist 2  
DMLW Southcentral Regional Land Office

05/13/2026

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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*

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

5/13/2026

\_\_\_\_\_  
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](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>.