

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

Regional Manager's Decision

ADL 234686
Troy Church
Public Access and Utility Easement

REQUESTED ACTION

On June 2, 2025, 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 Troy L. Church (the applicant) for a proposed road and utility easement on State-owned, DMLW-managed uplands near Trapper Creek, Alaska. The purpose of the proposed easement is to authorize construction, operation and maintenance of a road and to reserve space for future utility service to the applicant's private parcel. The applicant has requested a public access and utility easement approximately 2,640 feet long, 75 feet wide, and 4.55 acres in size, more or less.

RECOMMENDED ACTION

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

- Length: 2,640 feet
- Width: 60 feet for road construction, 15 feet for future utilities, totaling 75 feet
- Acreage: 3.64 acres for the public access easement, and 0.91 acres for the public utility easement, totaling approximately 4.55 acres
- Term: Indefinite
- Grantee: DMLW will grant the final public easement to itself on behalf of the public.
- Type of easement: Public Access and Utility 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 2011 Susitna Matanuska Area Plan, other classification references described herein, and the casefile for the application serialized by DNR as ADL 234686.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize an easement near Scotty Lake in Trapper Creek, Alaska.

Meridian Township Range Section

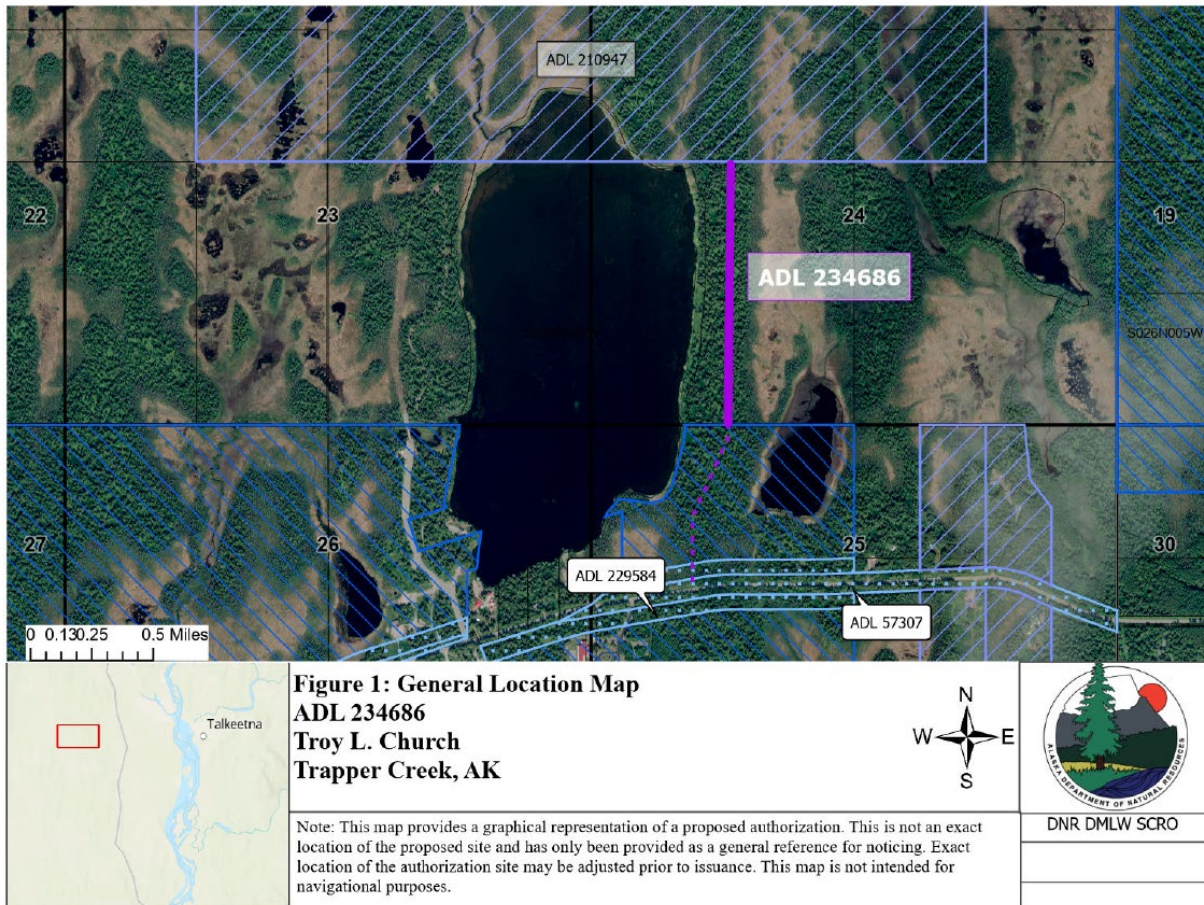
The applicant has applied to use State-owned, DMLW-managed uplands lands within Section 24, Township 26 North, Range 6 West, Seward Meridian.

Other Land Information

Municipality: Matanuska-Susitna Borough (MSB)

Regional Corporation: Cook Inlet Region, Inc.

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 24 of Township 26 North, Range 6 West, Seward Meridian, Alaska, per US Patent Number 50-67-0429 recorded in

the Talkeetna Recording District as 2009-001060-0. The associated DNR land acquisition case file is GS 96.

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 26580, Municipal Entitlement, Matanuska Susitna Borough
- ADL 229584, Management Agreement, DNR DMLW SCRO Easements
- ADL 57307, Management Agreement, Department of Transportation & Public Facilities (DOT&PF) Design and Construction

PLANNING & CLASSIFICATION

The requested easement is located within state-owned uplands within the boundaries of the 2011 Susitna Matanuska Area Plan (SMAP), Map 3-9, Unit P-11, Petersville Road Region. Unit P-11 is designated as Water Resources (Wr) and Public Recreation – Dispersed Use (Rd), which converts to classifications of Water Resources Land and Public Recreation Land by the Land Designation – Conversion to Classification Table (Table 4.2, pg. 4-5).

Per 11 AAC 55.222, the classification of Water Resources (Wr) is applied to land encompassing watersheds or portions of watersheds and is suitable for such uses as water supply, watershed protection, or hydropower sites

Per 11 AAC 55.160, the classification of Public Recreation Land (Rd) is applied to land that 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 management intent for Unit P-11, listed within the Resource Allocation Table (RAT) on page 3-45 is to support recreation values, preserve hydrologic values and to retain the land in state ownership (SMAP 3-45). Additionally, it notes to preserve a scenic buffer on Petersville Road. A scenic buffer currently exists along Petersville Road and is serialized as ADL 229584. The RAT states that anadromous streams and riparian buffers should be protected, however, there is no indication that any anadromous streams and buffers coincide with the proposed development area.

In Chapter 2, Areawide Land Management Policies section of the area plan provides guidelines that state reasonable access will be provided across state lands to other public and private lands (pg. 2-52). This section also requires DNR, in its review of authorizations, to review the MSB Recreational Trails Plan to assist in determining if local or regional routes exist within or near the area of the proposed authorization or disposal (SMAP 2-52). After review, no existing trails lie within or near the development area.

The guidelines continue to state that proposed trails, easements, and RS 2477 routes shall be reviewed by SCRO prior to authorization to determine if the routes or trails are required, consistent with applicable sections of statute and administrative code (SMAP 2-53). The guidelines also assert that temporary and permanent roads or causeways will, to the extent feasible and prudent, be routed to avoid vegetative tide flats, avoid streams and minimize alteration of natural drainage patterns, and avoid long-term adverse effects on fish and wildlife, water quantity or water quality (SMAP 2-53).

As the proposed authorization does not conflict with the management guidelines outlined by the SMAP, SCRO has determined that it is consistent with the overall management intent and goals of the relevant planning documents.

ACCESS

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

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public notice of the application was conducted from February 2, 2026, to March 3, 2026. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Trapper Creek and Talkeetna post offices for display on their notice boards. The notice was also sent to the following recipients:

- Cook Inlet Region, Inc.
- North Country Bed and Breakfast
- Native Allotment – Mama’s House LLC

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency review of the application was conducted from February 2, 2026, to March 3, 2026. The notice was sent to the following recipients.

State of Alaska 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 Division of Forestry; Mat-Su/Southwest Office
- DNR Division of Geological & Geophysical Surveys; Division Operations (DGGS)
- DNR AK Mental Health Trust Land Office
- DOT&PF; Statewide ROW
- Alaska Department of Fish & Game, Wildlife Conservation (ADF&G), Access Defense Program
- ADF&G, Habitat Program - Southcentral
- 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 Environmental Health; Tsunami and Marine Debris Program
- DEC, Division of Environmental Health; Drinking Water Program
- DEC, Division of Spill Prevention and Response; Contaminated Sites Program
- DEC, Division of Air Quality; Permitting
- DEC, Division of Air Quality; Air Non-Point and Mobile Sources
- Alaska Department of Commerce, Community and Economic Development; Division of Community and Regional Affairs

Federal Agencies:

- US Army Corps of Engineers (USACE)

Local:

- Matanuska-Susitna Borough
- Alaska Soil and Water Conservation Districts; General Inbox

Agency Review Comment & Response

A total of 8 comments were received during the Agency Review and are summarized below:

Comment: On February 2, 2026, USACE stated that no permits are required for the intended route shown in the application.

Response: SCRO acknowledges the comment.

Comment: On February 3, 2026, SCRO received the following comment from ADF&G Habitat Section:

The Palmer Habitat Section has reviewed the application from Troy Church develop a road and install utilities in Trapper Creek, ADL 234686. On satellite imagery, the proposed location for the road and utilities does not appear to cross any waterbodies and is set back from the banks of both Scotty Lake and an unnamed lake. This work would not require habitat permit at this time but may be required a permit if the property owner intends to withdrawal water, modify banks, has in water work, or work at or below the ordinary high water line on either of the surrounding waterbodies, including Ninemile creek, Scotty Lake, or the unnamed lake and stream. If the applicant did come across a waterbody during his work, he should reach out to the Habitat Section see if a permit is required.

Response: SCRO acknowledges the comment. The applicant has not applied to develop within or draw water from any of the surrounding waterbodies.

Comment: On February 2, 2026, the DEC Contaminated Sites Program stated that they have no comment but did provide the following information: any potentially remaining contamination from the one cleanup complete site within 1,500 feet of the proposed project appears unlikely to impact the current project. They assert that best management practices

must be part of the project, and DEC must be notified if contamination is encountered. They note that residual contamination may remain at cleanup completed sites at the time of closure, so those sites should also be evaluated when project scoping. They provided a resource for information about spills as well.

Response: SCRO acknowledges the comment and will forward it to the applicant.

Comment: On February 3, 2026, DOT&PF Statewide ROW advised that the applicant would need a Driveway/Approach Permit from DOT&PF, stated that utility coordination may be required if utilities are present within the access location, and shared contact information. On February 24, 2026, DOT&PF stated that they have no additional comments and attached courtesy information to be passed along to the applicant.

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

Comment: On February 24, 2026, DEC Drinking Water Program commented the following:

Thank you for the opportunity to comment with respect to public water system (PWS) sources. Given the location 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.

To access our interactive web map, which displays PWS source locations and Drinking Water Protection Areas, please visit:

<https://www.arcgis.com/home/item.html?id=13ed2116e4094f9994775af9a62a1e85>.

Response: SCRO acknowledges the comment and will forward it to the applicant.

Comment: On February 26, 2026, SCRO received the following comment from DPOR:

We recommend that an archaeological cultural survey be conducted in the area prior to granting the easement and/or prior to the road construction that is proposed. The proposed easement area is in an area with a higher likelihood for archaeological resources due to its proximity to water resources and travel corridor.

Please note that only a very small portion of the State has been surveyed for cultural resources and therefore, the possibility remains that previously unidentified resources may be located within the project area identified. Should previously unidentified archaeological resources be discovered, work must be interrupted until the resources have been evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR 60.4) or Alaska Landmarks status in consultation with our office.

Response: SCRO acknowledges the comment and will forward it to the applicant.

Comment: On March 3, 2026, ADF&G Access Defense stated that they have no objection to authorization of this easement and offered the following comments:

1.Public Access: Activities should not impede public access to or use of state land. We appreciate that the applicant noted the public benefit in the application materials.

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

3.Reduced Habitat: While development will slightly reduce habitat for local species, it is unlikely to have a population-level impact on wildlife.

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

Comment: On March 3, 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. They state that the project area may flood in the spring.

Response: SCRO acknowledges the comment. Specific technical information provided by DGGS is contained within the casefile serialized as ADL 234686 and is available upon request.

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 the public highway system and the public utility system, which will promote conditions for economic development, thus providing an indirect benefit to the state. The easement will also provide access to state resources. 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

The easement will be granted for an indefinite term from the effective date, as the need for this easement will exist as long as access to the private parcel is needed.

The easement will allow access to the applicant's private parcel, purchased in an Agricultural Land Sale serialized as ADL 210947. The applicant gained the parcel through a Deed of Trust recorded as Document 2024-000169-0 in the Talkeetna Recording District.

The proposed road will cross two adjacent authorizations (ADL 229584 and ADL 57307) and Matanuska-Susitna Borough land before continuing over state land to access the applicant's private parcel. Construction of the improvements described herein is contingent on the placement of related infrastructure on adjacent land owned and managed by the Matanuska-Susitna Borough. This adjacent landowner has provided DMLW with record of their support for the DMLW easement considered herein.

ADL 229584 serializes a Cooperative Resource Management Agreement (CRMA) between DNR and the Matanuska-Susitna Borough for a scenic buffer. The purpose of this buffer is to protect the scenic and natural aspects of the state highways. This scenic buffer is subject to reasonable rights of physical access from state highways to public or private lands on either side of said highways. Access shall be located not closer than 500-foot intervals. Utility lines may directly cross the scenic buffer to serve adjacent properties. The described access and utilities are allowable within ADL 229584, as there are no existing buffer crossings within 500 feet of the proposed authorization.

The easement connects to Petersville Road, which lies within an Interagency Land Management Transfer (ILMT) held by DOT&PF serialized as ADL 57307. The development of the proposed access and utilities are compatible with the purpose of this ILMT.

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 \$7,000.00 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 easement for ADL 234686. The applicant will be responsible for maintaining the necessary insurance during the term of the easement. 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 easement.

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 \$600, 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 56 cents per linear foot, totaling \$1,478.40, per 11 AAC (d)(2)(B).
- The applicant shall pay a one-time fee of \$120 per acre rounded up to the nearest whole acre, totaling \$480, per 11 AAC 05.070 (d)(2)(B).

The Grantee shall pay a fee for any late payment. The amount is the greater of either \$50.00 or interest accrued daily at the rate of 10.5% per annum and will be assessed on each past-due payment until paid in full.

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 3 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 and utility 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:

- Land use fees.
- Evidence of having made request for survey instructions to the DMLW Survey Section.
- Insurance.
- A performance guaranty.
- Evidence of the Matanuska-Susitna Borough issuing an easement through the adjoining uplands.

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.

Mary Campbell

Mary Campbell, Natural Resource Specialist 2
DMLW Southcentral Regional Land Office

5/22/26

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

5/22/2026

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. 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>.