

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

**FINAL FINDING & DECISION  
EV 3-397**

**Petitioners: Brian Wilson  
Section Line Easement Vacation**

This Final Finding & Decision compliments, confirms, and updates the attached Preliminary Decision (PD) approved on October 10, 2025. The need for one correction has been identified. There is one typo identified on page one of the PD in the ‘Petitioned Action’ section.

The PD stated: “The reason for the Easement Vacation (EV) cited by the applicant is: ‘the land is usable within the [section line] easement.’” The correction to the reason for the EV as stated on the EV petition submitted by the petitioning party actually reads: “Lot is unusable with the [section line] easement.”

It is necessary to incorporate the **Scope of Decision** into this PD and FFD decision as follows:

**Scope of 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 the two 33-foot section line easements 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** section. The existence of the section line easements is outlined in the **Discussion** section of the PD, confirming the State’s interest in these section line easements. As in a majority of EV cases, this easement interest is entirely located on private property.

The State’s interest in the section line easements is proposed to be perpetually relinquished if the alternate access is deemed to meet the requirements as defined in 11 AAC 51.065. The two section-line easement vacations will permanently eliminate public access and remove associated section-line easement encumbrances on the property.

AS 38.05.035 (e)(1)(A) and (B) limits the written decision(s) to applicable statutes and regulations as they apply to this action. AS 38.05.945 requires a Public Notice of the written decision.

Additional information is hereby being incorporated into the **Public Use Patterns** for this decision as follows:

**Public Use Patterns:** After two public comments came in regarding this proposed section line easement (SLE) vacation, a second field inspection was conducted. The PD contains a full account of the details from the first field inspection. The subsequent field inspection was conducted on November 24, 2025. The purpose of the subsequent field inspection was to reexamine the condition and general use(s) of the two 33-foot section line easements (SLEs) proposed for vacation by this

action. The 2<sup>nd</sup> field inspection confirmed the conditions identified during the first field inspection on October 8, 2024 remained the same. There was no new evidence reflecting any pedestrian, ATV or vehicular use by the general public. The permanent residence in the center of the lot and other items on the lot were unchanged. At the time of both inspections the current landowner was the only party utilizing this lot and the two 33-foot section line easements proposed to be vacated by this EV action.

With regard to the use of the SLE versus the offered alternate access, if a traveler were to continue north on the section line easement within Section 26 of T18N, R3W, S.M., Alaska, cross approximately nine lots which are privately owned. Then after continuing 0.3 miles north through said lots within Section 26, the SLE converges with N. No Name Hill Drive and continues north. The dedicated 80-foot-wide right-of-way abutting the southeasterly boundary of the subject lot, W. King Arthur Drive (Plat No. 71-50, PRD), offers the public a wider access dedication in comparison to the two 33-foot wide SLE segments (66-foot total width) proposed for vacation. Additionally, both W. King Arthur Drive and N. No Name Hill Drive are paved and maintained versus the two uncleared SLEs running through private property. The **Petitioned Action** and **Scope of Decision** section of the decision clarifies that this easement vacation action only applies to the section line easement segments within Lot 9, Block 15, Enchanted Forest Subdivision, Plat No. 71-50, Palmer Recording District (PRD).

Full details related to the evaluation of the SLEs proposed to be vacated and the alternate access route(s) is discussed in detail within the following sections of the Preliminary Decision: **Petitioned Action**, **Alternate Route**, **Public Use Patterns**, **Practicality of Use**, **Agency Comments** and **Attachment A**.

No other changes have been made to the PD.

**PETITIONED ACTION:**

EV 3-397 is located in Houston, Alaska. It is approximately 1.5 miles east of the Parks Highway near milepost 56 and 500 feet northeasterly of Bear Paw Lake at the intersection of W. King Arthur Drive and W. Twiddle Dee Circle. The petitioned action consists of vacating those portions of the two 33-foot wide (66-foot total) section line easements (SLEs) lying on each side of the north-south section line common to Sections 25 & 26, within Lot 9, Block 15, Enchanted Forest Subdivision, Plat No. 71-50, Palmer Recording District (PRD). The proposed alternate access is W. King Arthur Drive which adjoins the western boundary of the subject parcel. This action falls within the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 25 and the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 26, T18N, R3W, S.M., Alaska as depicted on Attachment A.

**LEGAL AUTHORITY:**

AS 38.05.035, 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.

The Alaska Department of Transportation and Public Facilities (DOT&PF) and the Department of Natural Resources (DNR) have concurrent authority for approving the vacation of SLEs.

**PUBLIC NOTICE AND COMMENT:**

Public Notice of approval of the PD, pursuant to AS 38.05.945, was posted from October 10, 2025 through November 10, 2025, on the State of Alaska Online Public Notice web site. Copies of the PD

were sent to the Petitioner, to the petitioner's surveyor, Matanuska-Susitna Borough (MSB), and Alaska Department of Fish & Game.

Two public comments on the proposed action were received during this comment period. The comments state:

Comment: DMLW received a comment dated October 14, 2025, from Camden Yehle stating: "I'd like to submit a comment opposing the vacation of this section line easement near King Arthur Drive. I live in Meadow Lakes where we have situations similar to this. The section line easements are important to us as legal public access trails. I oppose the vacation because it would permanently preclude having a trail connecting Bear Paw Lake to No Name Hill Drive toward the Little Su River.

This parcel never should have been approved in this configuration because there is not enough usable space with the existing easements. The building never should have been built in this location. Presumably the well and septic system may be in illegal locations as well.

Near where we live, access to the section line easements helps keep people off of the trespass trails like utility lines. Without the section line easements there are usually no public trails for four-wheelers or walking and personally I'd rather walk with my little kids on a trail than on the side of a road as much as possible.

Maybe the City of Houston would be interested in purchasing the parcel as they are the adjacent property owner (of Bear Paw Park) or subdivide it and sell to the owners of the parcels on either side?"

Response: DMLW acknowledges the comment. Should the City of Houston wish to acquire this property, the City of Houston would need to open a conversation and negotiate directly with the property owner. This property is in private ownership, as such the DNR, DMLW is not involved in the possible sale of this lot. Please see the **Scope of Decision** portion of this FFD. A sale of this lot is outside the scope of this decision. Regarding trails in the vicinity, please see the **Public Use Patterns** portion of the PD and FFD. It should be noted that the two 33-foot section line easements proposed to be vacated do not provide direct access to water. If this action is approved, Bear Paw Lake can still be accessed via remaining section line easements off W. King Arthur Drive. Additionally, the MSB and City of Houston are responsible for pedestrian recreational trail development within their respective boundaries. Lastly, each of the commenting State Agencies had no objections to this section line easement vacation as proposed. There is no practical reason for the State to retain these SLEs given none of the commenting State Agencies objected and the alternate access qualifies as equal or better under 11 AAC 51.065.

Comment: DMLW received an email comment dated October 14, 2025, from Stephen Edwards stating: "Please add the following comments to the file for this preliminary decision. I'm requesting the decision be reconsidered to avoid permanent harm to the public. Allowing this vacation sends a clear message to the public that section line easements are available to the underlying land owner to use for any purpose whatsoever including construction of a primary residence. The message is that when the situation becomes problematic a vacation of the easement will be granted on request. If approved, this will set a precedent and encourage more of the same.

Additionally, the easement could be important in the future. Even if not immediately needed for road access to the parcels, there remains a potential for the following future uses.

1. Future road to serve as a different route to access properties to the north.
2. Future drainage easement, snow storage, road side parking or other needs to support King Arthur road infrastructure.
3. Future trail or park access
4. Future utility route

Additionally I take exception to the stated reason for the vacation. "The land is useable within the easement" applies to countless parcels in the borough and elsewhere. It seems obvious that some land underlying easements could be used for other purposes, yet countless landowners refrain from doing so because it's in an easement.

Last, there seems to be no equivalent benefit to the public. Most borough vacations and Army Corp wetland permits have some form of "equivalent value" exchange to compensate the public. I see nothing proposed here.

I'm requesting reconsideration of the preliminary decision. I fail to see how this is in the "states best interest" as mentioned in the recommendation."

Response: DMLW acknowledges the comment. Please note the correction at the beginning of this FFD stating the petitioner noted the property is 'unusable'. 11 AAC 51.065 specifies the requirements for equal or better alternate access in order to vacate any State managed easement. The proposed alternate access qualifies as equal or better as laid out in the PD and FFD. The items specified in 1-4 of this comment are outside of the scope of this decision (see response to comment above). Numbers 1-4 of this comment are matters that are the responsibility of the MSB, City of Houston, DOT&PF and local utility companies.

Regarding compensation to the State, the US Army Corps of Engineers operate under federal regulations. AS 19.30.410 specifies that section line easement vacations go through the State of Alaska Department of Natural Resources as well as DOT&PF. Regulation 11 AAC 51.065 (b) also requires state managed easement vacations to go through the local borough's platting board, in this case the Matanuska Susitna Borough. 11 AAC 51.065 also calls for an easement vacation fee which has bene remitted by the petitioning party. All commenting State Agencies as well as the MSB submitted non-objection comments for this proposed section line easement vacation. There is no practical reason for the State to retain these SLEs given none of the commenting State Agencies objected nor were any conditional approvals remitted by any of the commenting agencies. The beneficial use of the SLE land by the landowner is one item of consideration for agencies to evaluate among many factors to determine the State's best interest when the easement is not currently being utilized and other reasonable foreseeable uses in the future are minimal. Lastly, the alternate access qualifies as equal or better under 11 AAC 51.065. Please see the **Scope of Decision** portion of this FFD as well as the **Public Use Patterns** portion of the PD and FFD.

**AGENCY REVIEW AND COMMENT:**

1. 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 Matanuska-Susitna Borough (MSB).

2. The following Agencies submitted non-objection comments: DPOR, ADF&G, DOT&PF and SCRO.
3. DOT&PF submitted a non-objection stating: "Typically, DOT&PF would recommend a keyhole vacation around the existing house. However, in this case the section line easement covers a substantial amount of the lot in question. For this reason, along with the existing adjacent platted subdivision roads, DOT&PF DOES NOT object to this vacation."
4. No other agency comments or agency objections on the proposed EV action were received.

**FINDING:**

1. The proposed alternate access meets the requirements for vacation of the subject section-line easement pursuant to AS 19.30.410 and 11 AAC 51.065. The proposed alternate route is equally useable, protected by easements of record, and is adequately wide to satisfy all present and reasonably foreseeable uses.
2. Pursuant to 11 AAC 51.065(e)(1), the Department has given consideration to the recommendations of the MSB. The MSB reviewed and deemed this proposed section line easement vacation action acceptable on May 7, 2026.

**Approval of the proposed action is contingent upon the following conditions:**

1. Comply with Matanuska-Susitna Borough's conditions of approval unless waived by the Director, DMLW.
2. 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.
3. Submittal of a Certificate to Plat, current within 90-days, with the final plat.

Prepared By:

Victoria Braun  
Victoria Braun,  
Natural Resource Specialist

6/11/2026  
Date

**FINAL DECISION:**

The finding presented above has been reviewed and considered. The requirements of all applicable statutes and regulations have been satisfied. It is the finding of the Director, Division of Mining, Land and Water, that it is in the best interest of the State of Alaska and the public, and that I hereby approve the proposed action.

Approved By:



Gwen Gervelis, PLS  
Chief, Survey Section

6/1/2026

Date

**APPEAL PROVISION:**

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision 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>.