



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southcentral Regional Land Office

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August 3, 2026

David Bredin
6600 Kincaid Road
Anchorage, AK 99502
Email: akch4man@yahoo.com

RE: ADL 234425 - Letter of Authorization to Develop Improvements within Platted Easement

Mr. Bredin,

On June 27, 2024, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Office (SCRO) received your request to develop within an existing DMLW-managed platted utility and walkway easement near Talkeetna, AK. The existing easement is 20-feet wide as depicted on Plat 85-14, Talkeetna Recording District. The purpose of this development is to improve overland pedestrian access to the applicant's parcel, Lot 6, Block 1, of the Benka Lake Alaska Subdivision.

The proposed development will be approximately 10 feet wide, extending from Winterset Drive to an intersection point between Lot 4, Block 1 and Lot 7, Block 1, of the Benka Lake Alaska Subdivision. Development will consist of excavation to cut and grade a steep slope located within the easement, removal of trees to create a walkable gravel path, and installation of a 4-foot by 80-foot floating walkway at a low point within the easement which is seasonally flooded. Following excavation and placement of gravel the side slopes of the pedestrian walkway will be seeded.

Property Description

20-foot-wide utility & walkway easement common to Lots 2, 3, 4, 7, & 8, Block 1, of the Benka Lake Alaska Subdivision.

DNR-DMLW has reviewed your proposal and the Benka Lake Subdivision plat depicting the utility & walkway easement. We find the proposal to be consistent with the purpose of the platted easement and therefore authorize construction of access-related improvements as described by your request. Use of the gravel path and floating walkway will be non-motorized and limited to pedestrian use following construction, and motorized access along the easement is not allowable per this letter of authorization. During periods of dry weather when surface water is not present, the floating walkway may rest on the ground.

Before you proceed, you must adhere to the stipulations listed below.

This letter of authorization is effective immediately and valid for 3 years from the date of signature below. The administrative record for this letter of authorization is the case file for ADL 234425. Questions concerning this letter may be directed to Evan Dodd via email at evan.dodd@alaska.gov or via phone at (907) 334-2542.

ENTRYPERSON: _____ Date _____

Printed Name and Title: _____

GRANTOR: _____ Date _____

Joni Sweetman, Natural Resource Manager 3

Appeal Process

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 \$200.00 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>.

Attachment A: Comments and Responses Received

Attachment B: Project Design Submitted by Applicant

Stipulations

1. **Authorized Officer:** The Authorized Officer (AO) for the State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), is the Regional Manager or designee.
2. **Change of Contact Information:** The Grantee shall maintain current contact information with the AO. Any change of contact information must be submitted in writing to the AO.
3. **Proper Location:** The Grantee is required to accurately locate the boundaries of the easement with a surveyor prior to beginning construction. This letter of authorization is for activities on state lands or interests managed by DMLW. It does not authorize any activities on private, federal, native, and municipal lands, or lands which are owned or solely managed by other offices and agencies of the State. The Grantee is responsible for proper location within the authorized area.
4. **Development Plan:** Development shall be limited to the authorized area and improvements specified in the approved development plan or subsequent modifications approved by the AO. The Grantee is responsible for accurately siting development and operations within the authorized area. Any proposed revisions to the development plan must be approved in writing by the AO before the change in use or development occurs.
5. **Violations:** This letter of authorization is revocable immediately upon violation of any of its terms, conditions, stipulations, nonpayment of fees, or upon failure to comply with any other applicable laws, statutes and regulations (federal and state). Should any unlawful discharge, leakage, spillage, emission, or pollution of any type occur due to Grantee's, or its employees', agents', contractors', subcontractors', licensees', or invitees' act or omission, Grantee, at its expense shall be obligated to clean the area to the reasonable satisfaction of the State of Alaska.
6. **Public Access:** The construction, operation, use, and maintenance of the authorized area shall not interfere with public use of roads, trails, waters, landing areas, and public access easements. The ability to use or access state land or public waters may not be restricted in any manner. However, if a specific activity poses a safety concern, the AO may allow the restriction of public access for a specific period of time. The Grantee is required to contact the AO in advance for approval. No restriction is allowed unless specifically authorized in writing by the AO.
7. **Public Trust Doctrine:** The Public Trust Doctrine guarantees public access to, and the public right to use, navigable and public waters and the land beneath them for navigation, commerce, fishing, and other purposes. This letter of authorization is subject to the principles of the Public Trust Doctrine regarding navigable or public waters. The AO reserves the right to grant other interests consistent with the Public Trust Doctrine.
8. **Valid Existing Rights:** This letter of authorization is subject to all valid existing rights and reservations in and to the authorized area. The State makes no representations or warranties, whatsoever, either expressed or implied, as to the existence, number, or nature of such valid existing rights.
9. **Site Maintenance:** The authorized area shall be maintained in a neat, clean, and safe condition, free of any solid waste, debris, or litter, except as specifically authorized herein. Nothing may be stored that would be an attractive nuisance to wildlife or create a potentially hazardous situation.

- 10. Maintenance of Improvements:** The Grantor is not responsible for maintenance of authorized improvements or liable for injuries or damages related to those improvements. No action or inaction of the Grantor is to be construed as assumption of responsibility.
- 11. Amendment or Modification:** The Grantee may request an amendment or modification of this letter of authorization; the Grantee's request must be in writing. Any amendment or modification must be approved by the AO in advance and may require additional fees and changes to the terms of this letter of authorization.
- 12. Concurrent Use:** The DMLW reserves the right to grant additional authorizations to third parties for compatible uses on or adjacent to the land under this letter of authorization. Authorized concurrent users of State land, their agents, employees, contractors, subcontractors, and licensees shall not interfere with the operation or maintenance activities of each user.
- The DMLW may require authorized concurrent users of State land to enter into an equitable agreement regarding concurrent use.
- 13. Assignment:** This letter of authorization may not be transferred or assigned without the prior written consent of the AO. The grantor reserves the right to modify and/or add stipulations for the letter of authorization prior to approving the assignment.
- 14. Request for Information:** The AO, at any time, may require the Grantee to provide any information directly or indirectly related to this letter of authorization, in a manner prescribed by the AO.
- 15. Inspections:** The AO shall have reasonable access to the authorized area for inspection, which may be conducted without prior notice. If the Grantee is found to be in noncompliance the authorized area may be subject to reinspection. The Grantee may be charged for actual expenses of any inspection.
- 16. Site Disturbance:**
- a. Any ground disturbances which may have occurred shall be contoured to blend with the natural topography to protect human and wildlife health and safety. Site disturbance shall be kept to a minimum to protect local habitats. All activities at the site shall be conducted in a manner that will minimize the disturbance of soil and vegetation and changes in the character of natural drainage systems.
 - b. Timber and obstructions within the easement may be removed, at a minimum but to the extent necessary for reconstructing and maintaining improvements. Timber so cut shall, unless otherwise agreed to, be decked alongside the improvement for disposal by the owner of such timber.
 - c. Brush clearing is allowed but shall be kept to the minimum necessary to conduct or complete the authorized activity. Removal or destruction of the vegetative mat outside of the authorized area is not allowed.
 - d. The Grantee shall conduct all operations in a manner which will prevent unwarranted pollution, erosion, and siltation.
- 17. Destruction of Markers:** The Grantee shall protect all survey monuments, witness corners, reference monuments, mining claim posts, bearing trees, and unsurveyed corner posts against damage, destruction, or obliteration. The Grantee shall notify the AO of any damaged,

destroyed, or obliterated markers and shall reestablish the markers at the Grantee's expense in accordance with accepted survey practices of the DMLW.

- 18. Fuel and Hazardous Substances:** No fuel or hazardous substances may be stored on state land.
- 19. Performance Guaranty:** The AO, at this time, is not requiring the Grantee to provide a performance guaranty. The right to require such performance guaranty is being reserved in the event the Grantee's compliance is less than satisfactory. If required, such performance guaranty shall remain in effect for the remainder of this letter of authorization and shall secure performance of Grantee's obligations hereunder. The amount of the performance guaranty may be adjusted by the AO in the event of approved amendments to this letter of authorization, changes in the development plan, or any change in the activities or operations conducted on the premises.
- 20. Insurance:** Insurance is not required. The AO reserves the right to require insurance during the term of this letter of authorization. If required, insurance of a type and in an amount acceptable to the AO, must be provided and remain in place during the term of this letter of authorization. The type and amount of insurance may be adjusted to reflect updates and changes in the associated project.
- 21. Incurred Expenses:** The Grantor shall in no way be held liable for expenses incurred by the Grantee connected with the activities directly or indirectly related to this letter of authorization.
- 22. Indemnification:** Grantee assumes all responsibility, risk and liability for its activities and those of its employees, agents, contractors, subcontractors, licensees, or invitees, directly or indirectly related to this letter of authorization, including environmental and hazardous substance risk and liability, whether accruing during or after the term of this letter of authorization. Grantee shall defend, indemnify, and hold harmless the State, its agents and employees, from and against any and all suits, claims, actions, losses, costs, penalties, and damages of whatever kind or nature, including all attorney's fees and litigation costs, arising out of, in connection with, or incident to any act or omission by the Grantee, its employees, agents, contractors, subcontractors, licensees, or invitees, unless the proximate cause of the injury or damage is the sole negligence or willful misconduct of the State or a person acting on the State's behalf. Within 15 days, the Grantee shall accept any such cause, action or proceeding upon tender by the State. This indemnification shall survive the termination of the letter of authorization.
- 23. Preference Right:** No preference right for subsequent authorizations are granted or implied by this letter of authorization.
- 24. Alaska Historic Preservation Act:** The Alaska Historic Preservation Act, AS 41.35.200, prohibits the appropriation, excavation, removal, injury, or destruction of any state owned historic, prehistoric, archaeological or paleontological site without written approval from the DNR Commissioner. Should any sites be discovered, the Grantee shall cease any activities that may cause damage and immediately contact the AO and the Office of History and Archaeology in the Division of Parks and Recreation.
- 25. Compliance with Government Requirements:** The Grantee shall, at its expense, comply with all federal, state, and local laws, regulations, and ordinances directly or indirectly related

to this letter of authorization. The Grantee shall ensure compliance by its employees, agents, contractors, subcontractors, licensees, or invitees.

- 26. Waiver of Forbearance:** Any failure on the part of the AO to enforce the terms of this letter of authorization, or the waiver of any right under this letter of authorization by the Grantee, unless in writing, shall not discharge or invalidate the letter of authorization of such terms. No forbearance or written waiver affects the right of the AO to enforce any terms in the event of any subsequent violations of terms of this letter of authorization.
- 27. Severability Clause:** If any clause or provision of this letter of authorization is, in a final judicial proceeding, determined illegal, invalid, or unenforceable under present or future laws, then the Grantor and the Grantee agree that the remainder of this letter of authorization will not be affected, and in lieu of each clause or provision of this letter of authorization that is illegal, invalid, or unenforceable, there will be added as a part of this letter of authorization a clause or provision as similar in terms to the illegal, invalid, or unenforceable clause or provision as may be possible, legal, valid, and enforceable.
- 28. Fire Prevention, Protection and Liability:** The Grantee shall take all reasonable precautions to prevent and suppress forest, structure, brush and grass fires, and shall assume full liability for any damage to state land and structures resulting from the negligent use of fire. The State is not liable for damage to the Grantee's personal property and is not responsible for forest fire protection of the Grantee's activity. To report a wildfire, call 911 or 1-800-237-3633.
- 29. Notification of Discharge:** The Grantee shall immediately notify the Department of Environmental Conservation (DEC) and AO of any unauthorized discharge of oil to water, any discharge of hazardous substances (other than oil), and any discharge of oil greater than 55 gallons on land. All fires and explosions must also be reported immediately.
- If a discharge, including a cumulative discharge, of oil is greater than 10 gallons but less than 55 gallons, or a discharge of oil greater than 55 gallons is made to an impermeable secondary containment area, the Grantee shall report the discharge within 48 hours. Any discharge of oil greater than one gallon up to 10 gallons, including a cumulative discharge, solely to land, must be reported in writing on a monthly basis.
- Notification of discharge during normal business hours must be made to the nearest DEC Area Response Team: Anchorage (907) 269-7500, fax (907) 269-7687; Fairbanks (907) 451-2121, fax (907) 451-2362; Juneau (907) 465-5340, fax (907) 465-5245. For discharges in state off shore waters call (907) 269-0667. The DEC oil spill report number outside normal business hours is (800) 478-9300.
- Notification of discharge must be made to the appropriate DNR Office, preferably by e-mail: Anchorage email dnr.scro.spill@alaska.gov, (907) 269-8503; Fairbanks email dnr.nro.spill@alaska.gov, (907) 451-2739; Juneau email dnr.sero@alaska.gov, (907) 465-3400. The Grantee shall supply the AO with all incident reports submitted to DEC.
- 30. Storage of Equipment:** Storing any vehicles, materials, or supplies after the annual dates of authorized use without written authorization from the AO is specifically prohibited.
- 31. Termination:** The letter of authorization remains in effect for the term issued, unless revoked sooner. The department will give 30 days' notice before revoking a letter of authorization at will. A revocation for cause is effective immediately.

32. Other Authorizations: The issuance of this letter of authorization does not alleviate the necessity of the Grantee to obtain authorizations required by other agencies for this activity.

Special Stipulations

1. Utility Locate: Pursuant to AS 42.30.400 the Grantee shall give notice of the proposed excavation to Matanuska Electric Association as the operator of the underground electric distribution line, provide information regarding the depth of proposed excavation, and request that the electric distribution line be field marked prior to any development.

Attachment A – Agency & Public Comments and Response

Agency Review

The application for ADL 234425 was distributed from May 28, 2026, to June 11, 2026, to the following agencies:

- Alaska Department of Environmental Conservation, Drinking Water Program
- Alaska Department of Transportation & Public Facilities (DOT&PF), Statewide Right-of-Way
- Alaska Department of Fish & Game (ADF&G), Access Defense Program
- Matanuska-Susitna Borough, Land Use & Planning Department
- U.S. Army Corps of Engineers

DNR-DMLW-SCRO received two agency comments during the notice period.

Comment:

On June 9, 2026, DOT&PF, Statewide Right-of-Way noted that they had no comments related to the proposed development.

Response:

SCRO appreciates the response.

Comment:

On June 11, 2026, the ADF&G Access Defense Program stated their non-objection to the proposal, noting that they had conducted a previous site inspection in 2024 and worked with the landowner on the proposed floating walkway to ensure that there would be no barrier for fish passage. ADF&G further noted that due to the proposed design, no fish habitat permit would be required.

Response:

SCRO appreciates the response.

Public Notice

The application for ADL 234425 was also distributed to all underlying landowners subject to the platted easement from May 28, 2026, to June 11, 2026. Two public comments in opposition were received raising a variety of topics, summarized below:

Requests for SCRO Site Inspection:

Issue: Commenters asserted that the proposed development was unnecessary and requested that SCRO conduct a site inspection with a state-employed surveyor to evaluate the current status of the easement to determine whether approval of the application was appropriate.

Response: SCRO visited the site on July 1, 2026, and walked the portion of the easement proposed for construction. A steep, uneven, incline was noted and it was evident that grading the slope would improve pedestrian access to Lot 6. The low areas which are seasonally submerged were noted, though water was not currently present due to recent dry weather. However, dead vegetation in the low-lying areas showed clear evidence of frequent water within the easement,

demonstrating the need for an elevated floating walkway to accommodate pedestrian access and fish passage during periods of high water. The easement had previously been flagged by a registered land surveyor and flags denoting the boundaries were present during the inspection.

Proposed Development Does Not Benefit Underlying Landowners:

Issue: Commenters state that the developments proposed by Mr. Bredin would not benefit the owners of the land crossed by the walkway easement.

Response: Lots 2, 3, 4, 5, 7 & 8 have been subject to the easement since the Benka Lake Subdivision plat was approved on August 13, 1965. It is not required that the owners of the lots subject to the easement have a perceived benefit from the proposed developments. SCRO's scope of review is limited to whether the proposed developments are within the scope for which the easement was established, which is for placement of utilities and pedestrian access.

Necessity of Easement Development:

Issue: Commenters question whether the development is necessary, given recent litigation involving access to the waters of Benka Lake, noting that Mr. Bredin can access his property from the lake itself.

Comment: Access via boat or on surface ice in the winter from the nearby boat launch is not comparable to overland access between Mr. Bredin's two parcels via the established easement. Access along the route was clearly envisioned when the easement was dedicated by plat, and therefore the request to develop is within the scope of the existing property interest.

Historic Motorized Use:

Issue: Commenters assert that Mr. Bredin has previously used motorized vehicles within the easement, which violates the nature of pedestrian access.

Response: SCRO's site inspection on July 1, 2026, did not note any evidence of previous off road vehicle use of the easement. No tracks or ground disturbance was noted, rutting and erosion were not present, and the vegetative mat appeared intact. While motorized use of the easement is not authorized per ADL 234425, SCRO noted that motorized vehicle use on Mr. Bredin's private parcels is allowable and not within the scope of SCRO's review. On May 21, 2026, Mr. Bredin clarified that no motorized use of the easement was proposed post construction.

Nature of the Structure on Lot 2:

Issue: Commenters note that Mr. Bredin describes a garage on Lot 2 but assert that it appears to have living quarters.

Response: SCRO's review is limited to whether the proposed development is within the scope for which the easement was established. Structures on private parcels is outside the scope of SCRO's review.

Quality of the Diagrams Attached to the Application:

Issue: Commenters note that the handwritten diagrams attached to the application are not sufficient to determine the scope of the work proposed.

Response: SCRO has deemed the application to be sufficient to adjudicate. The diagrams (attached) clearly shows the portions of the easement which are proposed to be cut and graded, the low-lying wet areas where the floating boardwalk is proposed, areas where trees are proposed to be cut, and the portion of the easement where no work is proposed. Prior to submitting the

application, Mr. Bredin has the area marked by a licensed surveyor, which is clearly denoted on the attached diagrams.

Existing Utilities within the Easement:

Issue: Commenters note that Mr. Bredin's application incorrectly states that there are no utilities located within the easement and note that there is a Matanuska Electric Association (MEA) electric distribution line buried on site.

Response: SCRO concurs. Evidence of a buried electric line was present during SCRO's site inspection on July 1, 2026. Mr. Bredin is required to contact MEA to request that the electric distribution line be clearly field marked prior to any excavation of material. Additionally, Mr. Bredin will need to provide details regarding the depth of excavation to MEA to ensure that his proposed developments do not conflict with operation of the line, and to identify any mitigation measures viewed as necessary by MEA.

Condition of Existing Terrain:

Issue: Commenters disagree that the existing terrain is difficult to navigate and assert that the hill identified by Mr. Bredin's application is not difficult to walk.

Response: SCRO's site inspection on July 1, 2026, noted that the hill, while passable, was an impediment to easy access along the easement, and that access would be improved by grading the slope. SCRO staff also noted that the low area proposed for development had clear signs of prior flooding. It therefore is reasonable that Mr. Bredin may wish to improve the condition of the walkway easement as proposed.

Drainage and Pond Concerns:

Issue: A commenter asserts that ponding within the easement began after a new drive was installed to serve Lot 7, Block 1.

Response: The scope of SCRO's review is limited to verifying whether an access easement exists and whether the proposed development is within the scope of the easement. While changes to the topography of adjacent uplands may have contributed to pooling water within the easement, this fact pattern would not negate the necessity of Mr. Bredin's request to improve access along the route within the scope of use for which the easement was established.

Authorization of a Floating Walkway:

Issue: Commenters assert that it is not appropriate for the State of Alaska to allow a private individual to build a floating walkway within an easement on another party's property.

Response: The Division of Mining, Land & Water (DMLW) created the easement in question by platting action when the Benka Lake Alaska Subdivision was approved on August 13, 1965. A note depicted on the plat states "*utility easements depicted on this plat are hereby dedicated as walkway easements also*". As such, DMLW holds a management interest in the easement and is the appropriate party to authorize development. SCRO's review is limited to whether the proposed development is within the scope for which the easement was established, in this case for utility placement and pedestrian access. Just as a highway easement may allow for placement of bridges, culverts, or guardrails to accommodate access across challenging terrain, SCRO finds it to be within the scope of a walkway easement to authorize placement of a floating walkway to accommodate access across areas which are seasonally submerged.

Removal of Trees:

Issue: Commenters oppose clearing of trees as described by the applicant and question why this may be necessary.

Response: Clearing trees and vegetation from an easement is often necessary to develop the easement within the scope for which it was established. Mr. Bredin's intent to cut and grade the easement to create a ten-foot-wide gravel path necessitates that trees within that path be removed. Timber and obstructions within the easement may be removed, at a minimum but to the extent necessary for constructing and maintaining improvements. Timber so cut shall, unless otherwise agreed to, be decked alongside the improvement for disposal by the owner of such timber. Mr. Bredin has noted in the development plan that timber will be cut into 4 four-foot lengths and stacked on the property of the underlying landowner. The development plan also states that removal of mature trees will be minimized as much as possible.

Long-term Liability:

Issue: Commenters ask which party would be liable for any potential accident or injuries caused by placement of the floating walkway, and who would be responsible for maintenance.

Response: Per this letter of authorization, Mr. Bredin would assume all responsibility, risk and liability for its activities and those of its employees, agents, contractors, subcontractors, licensees, or invitees, directly or indirectly related to this letter of authorization, including environmental and hazardous substance risk and liability, whether accruing during or after the term of this letter of authorization. Mr. Bredin will also be responsible for long term maintenance of the improvements within the route, to include the floating walkway.

Existing Concrete Bollard:

Issue: Commenters note that a concrete bollard currently exists within the easement and assert that it was installed by Mr. Bredin and a neighboring landowner without providing notice to all landowners.

Response: SCRO interprets that the walkway easement in question is for pedestrian use, which would not be impeded by a bollard intended to prevent motorized use.

Technical Errors in Application:

Issue: Commenters note errors in Mr. Bredin's application. These errors include misidentification of the owner of Lot 7, Block 1, discrepancy between which survey company flagged the easement, confusion as to whether the developments will extend on Lot 7, Block 1, and a signature date from 2024.

Response: The errors noted do not have a material impact on the decision to authorize development of the existing easement. The graphic included in Mr. Bredin's application (attached) clearly denotes the area within the easement he intends to develop in relation to the surrounding parcels, despite referencing the wrong owner associated with Lot 7, Block 1. The design submitted by Mr. Bredin notes that the improvements within the easement will extend over Lot 7, Block 1, but will end before Lot 5, Block 1. RLS refers to a Registered Land Surveyor, which is later noted as Acutek Geomatics. The application date of June 27, 2024, is correct, as this is when the application was submitted.

Concerns regarding development on private property:

Issue: A commenter alleges that Mr. Bredin constructed a trail through their property and has installed an outhouse and generator that encroaches on 1.6 feet over their property line.

Response: SCRO has no jurisdiction over private property outside of DMLW-managed easements and has not been provided with any evidence to support these claims. Disputes between private parties are a civil matter outside the scope of this authorization.

Relation to Benka Lake access litigation:

Issue: A commenter alleges that Mr. Bredin advocated to close the Benka Lake public access easement.

Response: Mr. Bredin's opinion regarding access along the Benka Lake boat launch has not been verified but is nevertheless outside the scope of this decision.

Cost Sharing:

Issue: A commenter notes that Mr. Bredin's application notes that assistance with project costs from nearby landowners would be appreciated, and states that they are not interested in contributing to the project.

Response: SCRO acknowledges the comment.

Storage Fees:

Issue: Commenters ask if they could charge Mr. Bredin fees for utilizing their property to store the floating walkway.

Response: No. Mr. Bredin's installation of the floating walkway is intended to develop the walkway easement into a more usable condition, not simply for storage of material on a private lot. The underlying property is subject to the walkway easement, and SCRO has determined the proposed development to be consistent with the scope of the easement.

Vegetation Under the Floating Walkway:

Issue: Commenters ask if the floating walkway would be removed in periods of low water to allow the area to revegetate.

Response: No. The development plan states that in periods of low water that the walkway easement may rest on the ground.

Placement of Slash:

Issue: Commenters ask where Mr. Bredin intends to bury the slash from clearing the easement.

Response: Slash may either be used in the construction of the walkway, stored on Mr. Bredin's parcel, or hauled off for disposal.

Ownership and Maintenance of the Floating Walkway:

Issue: Commenters ask who would own and maintain the floating walkway.

Response: Mr. Bredin will be the owner of the materials used for the floating walkway. The floating walkway will be usable by any pedestrian seeking access along the easement. Likewise, Mr. Bredin will be responsible for maintenance of the floating walkway, once constructed.

Construction Standards and Applicant Qualifications:

Issue: Commentors ask what qualifications Mr. Bredin possesses to design and build a floating walkway that would be used by members of the public, whether the walkway will be built to State of Alaska safety standards, and which party will monitor quality of construction.

Response: The Division of Mining, Land, and Water has no statutes, regulations, or policies pertaining to design and construction standards for floating walkways. Likewise, there is no requirement for an applicant to hold specific professional qualifications to construct a segmented boardwalk situated on foam polyethylene dock floats which may rise or fall with natural water level conditions. Mr. Bredin is responsible for ensuring that the proposed floating walkway is constructed in a safe manner and maintained as such.

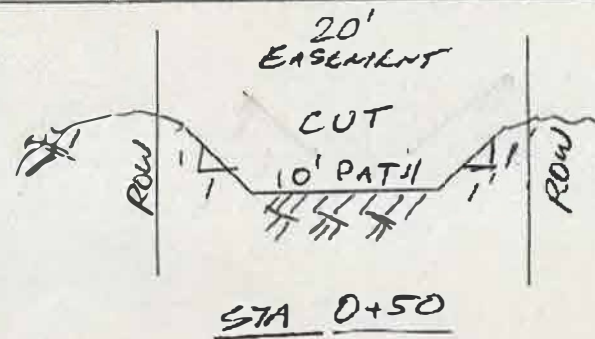
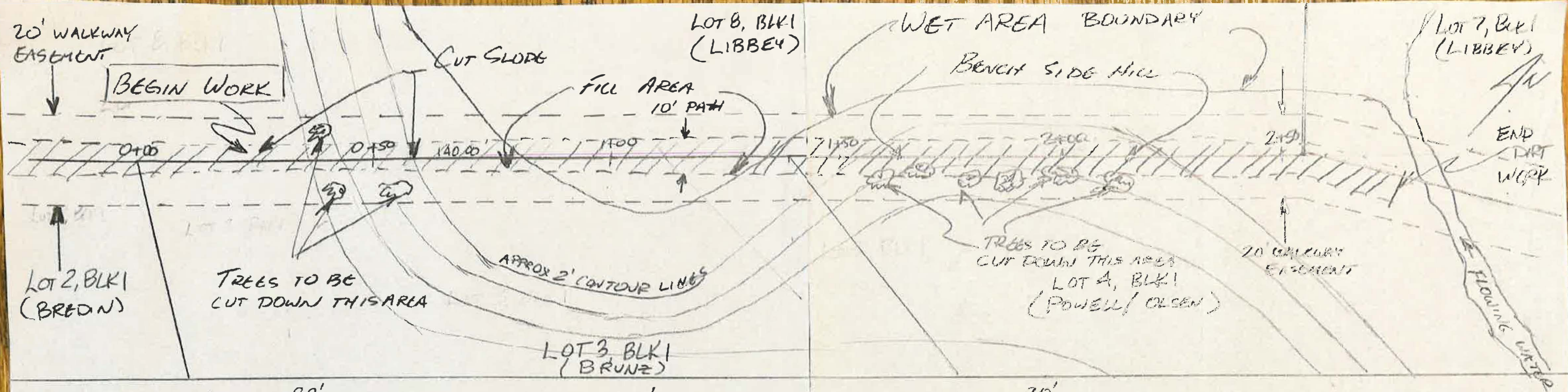
Nature of the Walkway Easement:

Issue: Commenter assert that the proposed development will create a private driveway for Mr. Bredin, and that automobile use is not prohibited or disallowed along the easement.

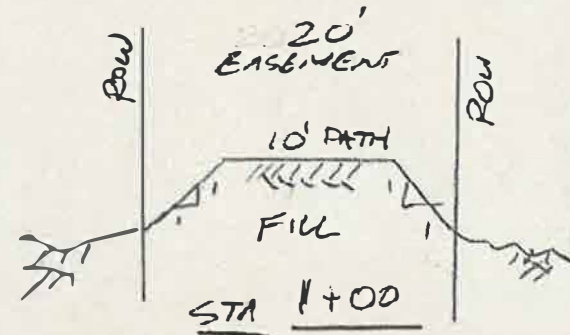
Response: The rights associated with the easement are established by the language depicted on Plat 85-14, Talkeetna Recording District, which created the easement. The language in the ownership certificate on the plat states that, *“I, the undersigned, hereby certify that I am the Director, Alaska Division of Lands, and that the State of Alaska is the owner of an irregular portion of Section 9, Township 24 North, Range 4 West, Seward Meridian, and shown hereon. I hereby approve this plat showing such easements for public utilities and roadways dedicated by the State of Alaska for public use”*. Likewise, a plat note states that, *“utility easements indicated on this plat are hereby dedicated as walkway easements also”*.

The language of the plat is clear that all easements depicted are dedicated to the public, therefore the proposed development is not inherently private and may be used by the public at large. Because the plat specifically uses the phrase “walkway easement”, SCRO interprets this to denote pedestrian access only. This letter of authorization does not allow for post construction motorized use along the easement.

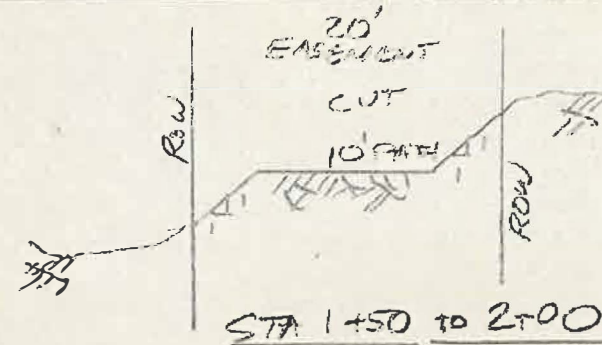
No other topics were raised during the public notice period.



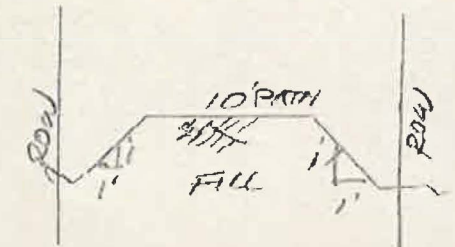
CROSS SECTION
1" = 10'
CUT $\approx$ 3-5'



CROSS SECTION
1" = 10'
FILL $\approx$ 3-5'



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1" = 10'
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CROSS SECTION
1" = 10'
FILL $\approx$ 3-5'

LOTS 2, 3, 4, 7, 8 BLK 1 BENKA LAKE SUBDIVISION
17471 WINTERSET DR, TALKEETNA, AK

BREDIN WALKWAY IMPROVEMENTS
BENKA LAKE WATERWAY (NEARBY)
FILL WALKWAY (10' PATH)
SEC 9, T 24N R 4W S.M.
LAT 62.18359° N LONG 150.01208° W
SHEET 1/2 6/27/2A

