

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

**Preliminary Decision
Petitioners: Michael and Sylvia Sampson
RS 2477 Section Line Easement Vacation
EV 3-408**

Petitioned Action:

EV 3-408 is located approximately 4.5 miles southeast of Salcha, Alaska, near the east bank of Harding Lake and 2.4 miles east of the Richardson Highway between mileposts 320 and 321. The petitioners are requesting the vacation of the portions of two 33-foot section-line easements (SLEs) lying within Lot 6, U.S. Survey (USS) 3208, as depicted on Record of Survey (ROS) Plat 2025-15, Fairbanks Recording District. According to ROS Plat 2025-15, Lot 6 contains 1.249 acres. The two RS 2477 33-foot SLEs proposed for vacation fall within Sections 5 and 6, T6S, R5E, Fairbanks Meridian, Alaska. Together, the SLEs measure approximately 80 feet in length by 66 feet in width, resulting in a 5,280-square-foot area proposed for vacation lies entirely within the boundary of Lot 6, USS 3208. The proposed alternate access is via Salcha Drive combined with the 50-foot right-of-way dedicated by federal patent, as shown on Plat 2025-15 (see **Discussion** section item “1.b.” of this Preliminary Decision [PD]), as shown on Attachment A.

This proposed action has been reviewed by the Fairbanks North Star Borough (FNSB). The proposed segments of the two 33-foot RS 2477 section line easement vacations have been deemed acceptable by FNSB (see **Agency Review** section of this decision).

The reasons for the easement vacation cited by the applicant:

- “A reasonably comparable, established ROW exists & is utilized for public access & utilities, section line easement is discontinuous as Lot 7 SLE was vacated via DNR paper Plat in 1970. SLE is not used for access to adjacent lots or for utilities.”

Legal Authority

AS 38.05.035, AS 38.05.945, 11 AAC 51.065, 11 AAC 51.025, 11 AAC 51.100, AS 19.10.010 and AS 19.30.410.

Administrative Record:

The Department of Natural Resources Survey Case File EV 3-408 constitutes the administrative record used for the basis of this decision.

Scope of the 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 RS 2477 section line easement (SLE) vacation decision is strictly limited to the portions of the two 33-foot RS 2477 SLEs 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 this PD under the **Land Management Policies**. The existence of the SLEs is outlined in the **Discussion** section of this PD, confirming the State's interest in these RS 2477 SLEs. The segments of RS 2477 SLEs proposed for vacation are entirely located on private property.

The State's interest in the referenced SLE portions is proposed to be perpetually relinquished if the alternate access is deemed to meet the requirements as defined in 11 AAC 51.065. The proposed segments of the two SLE vacations will permanently remove associated RS 2477 SLE encumbrances on the property. The public will then rely on the alternate access route as outlined in the **Alternate Route** section of this decision.

AS 38.05.035 (e)(1)(A) and (B) limits the written decision(s) to applicable statutes and regulations as they apply this easement vacation action.

Borough:

The proposed action is located within the Fairbanks North Star Borough.

State Easement Interest:

Two 33-foot wide RS 2477 section-line easement segments exist within the subject property pursuant to Chapter 19, SLA 1923 (See **Discussion**).

Underlying Interest:

The petitioners own the estate underlying the two 33-foot RS 2477 section-line easements proposed for vacation.

Alternate Route:

The petitioner proposes that the public utilize Salcha Drive as the alternate access in lieu of the two 33-foot RS 2477 section-line easements (SLEs) proposed for vacation. Salcha Drive runs adjacent to the east boundary of Lot 6, U.S. Survey (USS) 3208, as shown on the Record of Survey (ROS) Plat 2025-15, Fairbanks Recording District (FRD). Salcha Drive was first reserved in BLM patents and is a variable width public right-of-way (50' to 100'-wide) as shown on Alaska Department of Transportation (AKDOT) Project No. X-21500. All of the lots on the east side of Harding Lake utilize direct access from Salcha Drive. The vacation of the two 33-foot SLE segments within Lot 6 does not negatively affect travel to neighboring lots nor does it negatively impact access to lands in the surrounding area.

Land Management Policies:

1) Pursuant to 11 AAC 51.065, before any vacation, modification, or relocation of a public easement, the petitioner must demonstrate to the satisfaction of the department that equal or better access is available. Equal or better access must be access that is:

- protected by an easement of record that is adequately wide for the purpose; if the easement of record is new, the petitioner must arrange for a note in the vacation document to be recorded that identifies the new easement as a replacement for the vacated easement; and,

- at least equally usable, considering length, type of terrain, and level of improvement, as the easement to be vacated; if development or improvement is needed to make the replacement easement at least equally usable, the petitioner must arrange for the development or improvement to be completed before the vacation takes effect.
- access between the same destinations as the RS 2477 right-of-way, for an RS 2477 right-of-way other than a section-line easement;
- The Department will determine if the vacation is in the State's best interest.

Public Use Patterns:

Neither of the two 33-foot RS 2477 section line easement (SLE) segments proposed for vacation are constructed. The area proposed for vacation measures approximately 80 feet by 66 feet totaling 5,280 square feet. Portions of both SLEs have been cleared for a driveway serving the residence on Lot 6, USS 3208. The driveway runs east-west, intersecting the north-south running SLEs perpendicularly within the subject lot. Outside of the driveway area, there are trees present within both SLEs on the subject lot. Salcha Drive is a gravel road which the public is currently utilizing to traverse properties in the vicinity. Aerial imagery indicates the public regularly uses Salcha Drive rather than the two RS 2477 SLEs.

Practicality of Use:

Salcha Drive is a gravel road that receives regular vehicular use by the landowners in the vicinity and serves as the dedicated right-of-way providing access to the area. Aerial imagery indicates this ROW is regularly utilized by the public as the primary travel corridor. Vacation of the proposed RS 2477 section line easement segments will not adversely affect land in other ownership or access to other lands.

The alternate access measures approximately 8,600 square feet, offering greater square footage area for the public to utilize in comparison to the 5,280 square feet of the SLEs proposed for vacation. Aerial imagery shows that the terrain of the alternate access is similar in nature, making it equal to the SLE area, making the two comparable in that respect. The level of improvement of Salcha Drive is entirely cleared, while the SLE area proposed for vacation is only partially cleared.

It should be noted that RS 2477 SLEs in this vicinity have been previously vacated by case files EV 1-023 (Plat 72-2272, FRD) and EV 3-320 (Plat 2022-5, FRD). Therefore, access in the area via the SLEs is not practical because it is discontinuous. The proposed alternate access route offers continuous, dedicated access that the public at large is already utilizing. For these reasons, Salcha Drive is better overall access option compared to the partially cleared SLEs proposed for vacation by EV 3-408.

Agency Review:

Initial Agency review of the proposed action began on September 1, 2025, and concluded on November 24, 2025. Agencies notified included the Fairbanks North Star Borough (FNSB), Department of Transportation & Public Facilities (DOT&PF) Northern Region, Alaska Department of Fish and Game (ADFG), DNR Division of Mining, Land and Water – Northern Regional Land Office (NRO), Alaska Mental Health Trust Land Office (MHTLO) and DNR Division of Parks and Outdoor Recreation (DPOR).

Agency Comments:

1. All of the agencies replied with non-objection comments. The following agencies submitted non-objections: DPOR, MHTLO, DOT&PF (Northern Region), ADF&G, FNSB and the NRO.
2. There were no other comments or objections for the section line easements proposed to be vacated during the Agency Comment period.

Discussion:

1. Determination of the existence of the RS 2477 section line easements (SLEs):
 - a. The Rectangular Survey Plat for Township 6 South, Range 5 East, Fairbanks Meridian was accepted by the United States Department of the Interior General Land Office on July 12, 1938.
 - b. Lot 6, U.S. Survey No. 3208, containing the SLE segments within sections 5 & 6 proposed for vacation, was conveyed into private ownership by Bureau of Land Management (BLM) Serial Patent Number 1165761 on October 23, 1956. The date of entry ("application filed" date) according to the case file abstract for BLM case serial no. AKF 011305, was June 16, 1954.
 - c. BLM Historical Index research verified that the subject property was unreserved & unappropriated on April 6, 1923.
 - d. Federal documents research confirmed there were no other reservations (Executive Orders, Public Land Orders, Acts of Congress) impacting the subject area prior to April 6, 1923, and the passage of Ch. 19 SLA 1923.
 - e. For surveyed federal land that was unappropriated and unreserved at any time on or after April 6, 1923, through January 17, 1949, the width identified in Ch. 19, SLA 1923 for any section-line easement is 33-feet (11 AAC 51.025, Editor's Note #2).
2. The proposed alternate access is reasonably comparable and meets the requirements for vacation of the two subject portions of the section line easement discussed in this decision pursuant to AS 19.30.410 and 11 AAC 51.065. The proposed alternate route is wider than the current SLEs. The proposed alternate access is equally useable, considering length and type of terrain. The proposed alternate access is preferred for accessing local properties because it is continuous and provides a superior level of improvement when compared to the SLEs segments proposed to be vacated.
3. Pursuant to 11 AAC 51.065(e)(1), the Department has given consideration to the recommendations of the FNSB Platting Board regarding this action.
4. The best interest of the State would be served by moving forward with the easement vacation proposal serialized as EV 3-408. Moving forward with EV 3-408 would consolidate and clarify access rights in the area for the public. This results in bringing access in line with actual current public use as supported by the FNSB non-objection comment to this EV action. Furthermore, this EV action would reduce future state liability associated with the SLE areas.

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

1. Pursuant to AS 38.05.945, a Public Notice must be completed. The Department of Natural Resources may modify the decision after analyzing public comments.
2. Comply with Fairbanks North Star Borough's conditions of approval unless waived by the Director, DMLW.
3. Retain the 50-foot federal reservation for 'roadway and public utility purposes' on the interior easterly boundary as per Federal Patent 1165761 and Plat 2025-15, FRD.
4. 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.
5. Submittal of a Certificate to Plat, current within 90-days, with the final plat.

Recommendation:

DMLW has completed a review of the information provided by the petitioning party, researched the section line easement interest, reviewed land ownership, taken agency comments into consideration, and examined the alternate access. Based on our findings, the applicant meets DNR's requirements to vacate the subject section line easements. The proposed vacation may be in the state's best interest. Therefore, the Division of Mining, Land and Water, Survey Section recommends approval of this action and may proceed with adjudication and public notice in accordance with AS 38.05.945.

Prepared by:



Victoria Braun, Adjudicator
Natural Resource Specialist 2

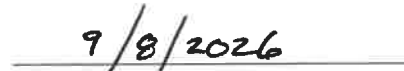


Date

Approved by:



Gwen M. Gervelis, PLS
Chief, Survey Section



Date

Enclosures: Attachment A

PUBLIC NOTICE:

**Notice of Preliminary Decision
Section Line Easement Vacation
EV 3-408**

Per 11 AAC 51.065, the Department of Natural Resources, Division of Mining, Land and Water has made a Preliminary Decision (PD) giving contingent approval to a petition to vacate portions of the two 33-foot section-line easements (SLE) in Lot 6 of USS 3208. Lot 6 of USS 3208 was recently re-surveyed as Plat 2025-15, Fairbanks Recording District. According to Plat 2025-15, Lot 6 contains 1.249 acres. This proposed section line easement vacation action falls in Sections 5 and 6, T6S, R5E, Fairbanks Meridian, Alaska, as depicted on Attachment A.

The public is invited to comment on the PD. Copies are available from DMLW, 550 W. 7th Avenue, Suite 650, Anchorage, AK 99501-3576 or <https://aws.state.ak.us/OnlinePublicNotices/>. Persons wanting to provide comments on this proposed easement vacation can **submit their comments in writing or by e-mail. To be eligible to appeal under AS 38.05.035(i)(j), one must respond in writing during the comment period. All comments must be received in writing at DMLW on or before October 8, 2026.** Correspondence or questions should be addressed to DNR, DMLW, Survey Section, Attn: Victoria Braun, 550 W. 7th Ave., Suite 650, Anchorage, Alaska 99501. Comments may also be submitted via e-mail at victoria.braun@alaska.gov. Please reference EV 3-408 in your correspondence, include the date, your name, telephone number, mailing and e-mail address to ensure you receive copies of all subsequent decisions.

If public comment in response to this notice indicate the need for significant changes to the Preliminary Decision, additional public notice will be given. If no significant change is required, the PD, including any minor changes, will be issued as a Final Finding & Decision.

DMLW reserves the right to waive technical defects in this publication.

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