

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Division of Mining, Land, & Water
Southcentral Regional Land Office

Regional Manager's Decision
ADL 234026
M&M Gravel, LLC
Development within Section Line Easements

REQUESTED ACTION

On January 21, 2026, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW), Southcentral Regional Land Office (SCRO) received a request to develop within existing DMLW-managed Section Line Easements (SLE) on non-State land near Nikiski, Alaska. The asserted SLEs total 66 feet in width: 33 feet situated along the southern boundary of Section 26 and 33 feet situated along the northern boundary of Section 35. The area of development is approximately 2,200 feet in length extending east from W. Robert Walker Avenue, totaling approximately 1.6 acres, more or less. The purpose of the development request is to provide access to the applicant's property, Kenai Peninsula Borough Parcel ID 01516017.

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 Kenai Area Plan, adopted August 2001, other classification references described herein, and the casefile for the application serialized by DNR as ADL 234026.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize development within an SLE in Nikiski, Alaska, near W Robert Walker Avenue. Please see Attachment A for a figure of the proposed development.

Meridian Township Range Section

The applicant has applied to use the 33-foot SLE attached to the northern side of Section 35 of Township 7 North, Range 12 West, Seward Meridian, Alaska. The applicant has also requested use of an SLE asserted to have attached to the southern side of Section 26, Township 7 North,

Range 12 West, Seward Meridian, however, SCRO has determined that there is no valid SLE in the specified location.

Other Land Information

Borough: Kenai Peninsula Borough

Regional Corporation: Cook Inlet Region, Inc. (CIRI)

TITLE

The State of Alaska does not have ownership of management in the area described herein, with the exception of the valid 33-foot SLE attached to the northern side of Section 35 of Township 7 North, Range 12 West, Seward Meridian.

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.

PLANNING & CLASSIFICATION

The lands in question have never been in state ownership and therefore do not have any associated planning or classification per DMLW. DMLW's sole management interest is constrained to valid SLEs.

ACCESS

Functional legal access to the private land discussed herein exists via W Robert Walker Avenue.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public notice of the application was conducted from March 2, 2026, to March 16, 2026. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Kenai Post Office, Soldotna Post Office, and Nikiski Post Office for display on their notice boards. Notice was also sent to the following recipients:

- Knik Tribe
- Kenai River Center
- Cook Inlet Regional, Inc.
- 5 adjacent landowners

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency review of the application was conducted from March 2, 2026, to March 16, 2026. The notice was sent to the following recipients.

Federal Agencies

- U.S. Army Corps of Engineers

State of Alaska Agencies

Department of Transportation & Public Facilities; Statewide ROW

Alaska Department of Fish & Game, Wildlife Conservation (ADF&G), Access Defense Program

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 Spill Prevention and Response; Contaminated Sites Program

DEC, Division of Air Quality; Permitting

DEC, Division of Air Quality; Air Non-Point and Mobile Sources

Local Agencies

The City of Kenai

The Kenai Peninsula Borough

Agency Review Comment & Response

A total of three (3) comments were received during the agency review period and are listed below.

Comment: On March 9, 2026, the Kenai Peninsula Borough Kenai River Center stated:

“The applicant, M&M Gravel LLC, has received a Conditional Land Use Permit for a material site, legally described as T 7N R 12W SEC 35 SEWARD MERIDIAN KN E1/2 NE1/4 NW1/4. The haul route for the permit states that the ingress and egress will be located on the northern property line, with the material haul route traveling west within the Section Line Easement to Robert Walker Lane. From there, the haul route will continue west to the Kenai Spur Highway. The haul route from the northern property line to Robert Walker Lane has not been constructed yet. Robert Walker Lane is maintained by the KPB from the Kenai Spur Highway to the property owned by James Decker, approximately one-half mile.”

Response: SCRO acknowledges the comment.

Comment: On March 13, 2026, the Alaska Department of Transportation & Public Facilities stated:

“[T]hank you for the opportunity to review the proposal. The Alaska Department of Transportation & Public Facilities has no comment at this time.”

Response: SCRO acknowledges the comment.

Comment: On March 16, 2026, the Alaska Department of Fish and Game stated:

“ADF&G has no objection to development of this easement; however, we offer the following comments and recommendations:

1. Reduced Habitat:

Although development of the area would slightly reduce habitat for local species, it is unlikely to have a population level impact on wildlife.

2. Nesting:

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 helpful when considering the timing of vegetation clearing.

3. USFWS Endangered Species & Sensitive Resources:

Project activities may affect species listed under the Endangered Species Act (ESA) and other sensitive resources, such as migratory birds, which are managed by the U.S. Fish and Wildlife Service (USFWS). We recommend using the Information for Planning and Consultation (IPaC) tool (<https://ipac.ecosphere.fws.gov/>) to identify USFWS trust resources that may be present within the project boundary, including determining the probability of presence during project activities. For further details, contact the Southern Alaska Fish & Wildlife Field Office at 907 271 2888 (phone) or 907 271 2786 (fax).

4. Public Use:

Easement development should not obstruct public access to state land.”

Response: SCRO acknowledges the comment.

DISCUSSION

To authorize a development within an SLE, SCRO requires the applicant provide evidence that the easement is legally valid, often via a Section Line Easement Determination (SLED) produced by a licensed surveyor. The validity of the SLEs described for the proposed development was determined by McLane Consulting, Inc. Upon review of the SLED provided by the applicant, the DMLW Survey Unit concurred with the validity of the SLE along the northern border of Section 35. However, on February 11, 2026, the DMLW Survey Section provided a written analysis refuting the validity of the determination provided by McLane Consulting regarding the asserted SLE along the south section line of Section 26.

The applicant proposes traveling from W. Robert Walker Avenue, a 30-foot right-of-way north of the section line, to the 33-foot SLE along the northern boundary of Section 35, south of said section line. Because the DMLW Survey Section has determined that no section line exists along the southern boundary of Section 26, no legal connectivity exists between the two alignments. For this reason, SCRO cannot approve the access development request as proposed.

SCRO recommends that M&M Gravel, LLC consult with the Kenai Peninsula Borough (KPB) regarding the feasibility of accessing their parcel from the east along Robert Walker Ave, a platted right-of-way managed by the KPB, which extends from Miller Loop Road directly to the applicant’s parcel. As SCRO has no management of Robert Walker Avenue, no determination of feasibility can be made by this office.

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 deny the development, as described above, due to the apparent lack of a SLE within Section 26 of Township 7 North, Range 12 West, Seward Meridian, Alaska.



Channing Buckmaster,
Natural Resource Specialist 2
DMLW Southcentral Regional Land Office

09/01/2026

Date

REGIONAL MANAGER'S DECISION

When adjudicating a development request 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 the public interest. In consideration of all events and criteria listed above, I hereby determine that DMLW does not hold a management interest in the project area specified within Section 26 and therefore cannot approve a development request. This decision goes into effect and becomes a final administrative order and decision of the department on the first business day after the 21st calendar day after signature.



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

9-11-2026

Date

ATTACHMENT A: Graphic of Proposed Project Site

APPEAL

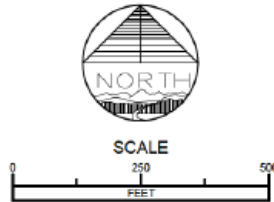
An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before 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 \$200.00 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>.

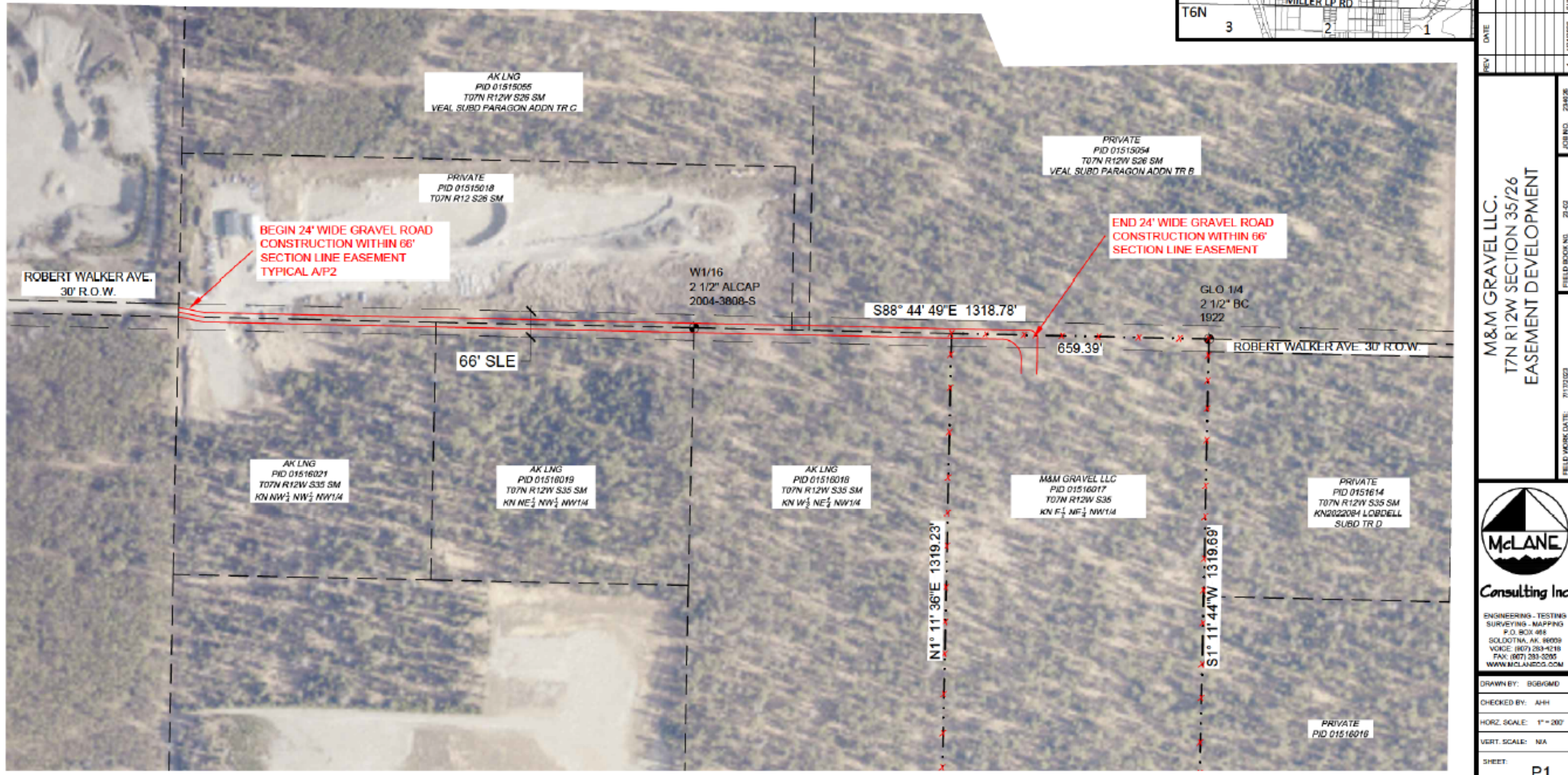
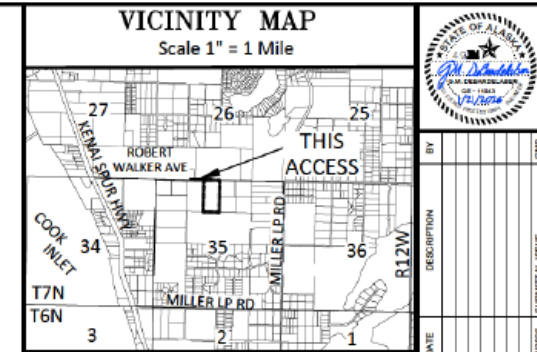
ATTACHMENT A – A map supplied by the applicant that depicts the area and proposed developments.

SECTION LINE EASEMENT ACCESS DEVELOPMENT T7N R12W SECTION 35 /SECTION 26

APPLICANT / PROPERTY OWNER:
M&M GRAVEL LLC
420 NORTH WILLOW ST.
KENAI, AK 99611



LEGEND	
---	SECTION LINE
---	PROPERTY LINE
●	FOUND PRIMARY MONUMENT (AS DESCRIBED)
X	INTERVISIBLE FLAGGING



BY	DATE	DESCRIPTION	SUBMITTAL ISSUE

M&M GRAVEL LLC.	JOB NO.	254636
T7N R12W SECTION 35/26	FIELD BOOK NO.	21-02
EASEMENT DEVELOPMENT	FIELD WORK DATE	7/17/2024



DRAWN BY: BGG/GMD
CHECKED BY: AHH
HORIZ. SCALE: 1" = 200'
VERT. SCALE: N/A
SHEET: P1