

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
SOUTHCENTRAL REGIONAL LAND OFFICE**

Regional Manager's Decision

ADL 234792

Matanuska Electric Association, Inc.
Public Utility Easement

REQUESTED ACTION

On February 24, 2026, 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 Matanuska Electric Association, Inc. (MEA; the applicant) for a proposed utility line on State-owned, DMLW-managed uplands near the City of Houston, in the Matanuska-Susitna Borough, Alaska. The applicant has applied to use State-owned, DMLW-managed lands consisting of an alignment that is partially situated in a previously designated section line easement within Section 17, Township 17 North, Range 3 West, Seward Meridian. See Attachment A.

- The portion of proposed authorization that falls within the section line easement is approximately 180 feet long, 30 feet wide, and 0.12 acres, more or less.
- The portion of proposed authorization that lies on State-owned, DMLW-managed lands outside of the section line easement is 190 feet long, 30 feet wide, and 0.13 acres, more or less.

The purpose of the proposed authorization is to provide electric service to a private parcel.

RECOMMENDED ACTION

An easement will be established with the following parameters:

- Width: 30 feet
- Length: 370 feet total, both within and without the section line easement.
- Acreage: 0.25 acres total, both within and outside of the section line easement.
- Term: Indefinite
- Grantee: Matanuska Electric Association, Inc.
- Type of easement: Public Utility

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 2008 Southeast Susitna Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 234792.

LOCATION INFORMATION

Geographic Location

The applicant has requested that DMLW authorize an easement near Big Lake, Alaska.

Meridian Township Range Section

The applicant has applied to use State-owned, DMLW-managed lands within Section 17, Township 17 North, Range 3 West, Seward Meridian.

Other Land Information

Borough: Matanuska-Susitna Borough

Regional Corporation: Cook Inlet Region, Inc.

TITLE

The State of Alaska holds title to applicable portions of lands within Section 17, Township 17 North, Range 3 West, Seward Meridian, Alaska, pursuant to Patent No. 50-86-0331, recorded at the Palmer Recording Office as Document Number 86-018146. The associated DNR land acquisition casefile is GS 1387. A portion of the proposed development is located within a valid 50-foot Section Line Easement per AS 19.10.010.

THIRD PARTY INTERESTS

The applicant has requested an easement that may impact the following interests. Notice has been sent to all interest holders noted below.

- ADL 234810 – Disposal, Department of Revenue Alaska Housing Corporation

Third Party Notice Comment & Response

No third party interests responded to a thirty-day notification regarding the proposed action.

PLANNING & CLASSIFICATION

The project area affected by this proposed project is within DNR's 2008 Southeast Susitna Area Plan (SSAP), Big Lake-Houston Region, Unit H-17.

Unit H-17 is designated as Settlement (Se) which converts to a classification of Settlement Land. Per Chapter 2 of the SSAP, lands classified as Settlement Land are identified as suitable for and intended for transfer into private ownership for seasonal residences for recreation, year-round residences for community expansion, and/or industrial or commercial development.

Unit H-17 is suitable for land disposal, provided that the development plan protects the lake, inlet stream, and wetlands in accordance with the Resource Allocation Table in Chapter 3. A 100' protection area applies to the AWC stream # 247-50-10330-2050-3019-4011-5011 (running east

to west through the northern portion of Unit H-17), however the project as proposed is not within the 100' protection area nor does it cross the stream.

As the proposed authorization does not conflict with the management guidelines outlined by the SSAP, 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 West Godin Dr.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public notice of the application was conducted from May 14, 2026, to June 12, 2026. The notice was posted to the State of Alaska Online Public Notice System. The notice was also sent to the following recipients:

- Cook Inlet Region, Inc.
- Landowner of Lot A11, Section 17, Township 17 North, Range 3 West, Seward Meridian
- Landowner of Lot A12, Section 17, Township 17 North, Range 3 West, Seward Meridian
- ADL 200663 – Municipal Entitlement, Matanuska - Susitna Borough
- ADL 233752 – Disposal, DMLW, DNR, Land Sales

No comments were received during the public notice period.

Agency Review Summary

Agency review of the application was conducted from May 14, 2026, to June 12, 2026. The notice was sent to the following recipients.

State of Alaska Agencies:

- DNR Division of Forestry; Mat-Su Office
- DNR Division of Oil and Gas, State Pipeline Coordinator Section (SPCS)
- Alaska Department of Fish & Game, Wildlife Conservation (ADF&G); Access Defense Program
- ADF&G, Habitat Program; Southcentral
- Department of Transportation & Public Facilities (DOT&PF); Statewide ROW
- DNR Division of Geological & Geophysical Surveys; Division Operations (DGGS)
- Department of Commerce, Community, and Economic Development, Division of
- Community and Regional Affairs; Local Government Assistance
- DNR Division of Parks and Outdoor Recreation (DPOR); Permitting
- DNR DPOR; Office of History and Archaeology
- DNR AK Mental Health Trust Land Office
- Department of Environment Conservation (DEC), Division of Environmental Health; Drinking Water Program
- DEC, Division of Environmental Health; Solid Waste Program

- DEC, Division of Environmental Health; Tsunami and Marine Debris Program
- DEC, Division of Spill Prevention and Response; Contaminated Sites Program
- DEC, Division of Water; Alaska Pollutant Discharge Elimination System Program
- DEC, Division of Air Quality; Permitting
- DEC, Division of Air Quality; Air Non-Point and Mobile Sources

Federal Agencies:

- US Army Corps of Engineers (USACE)

Local:

- Matanuska-Susitna Borough
- Alaska Soil and Water Conservation District

Agency Review Comment & Response

A total of 5 comments were received during the Agency Review and are summarized below:

Comment: On May 14, 2026, DEC Contaminated Sites Program stated that they had no comment.

Response: SCRO acknowledged the comment.

Comment: On May 14, 2026, USACE requested additional information. On July 20, 2026, USACE stated that they had no comment.

Response: SCRO acknowledged the comment.

Comment: On June 9, 2026, DOT&PF Statewide ROW stated that they had no comment.

Response: SCRO acknowledged the comment.

Comment: On June 11, 2026, SCRO received the following comment from ADF&G Access Defense:

ADF&G has no objection to the issuance of this easement. We provide the following comments and recommendations for your consideration:

1. Nesting:

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

2. 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).

Response: SCRO acknowledged the comment. Applicant will be so advised.

Comment: On June 12, 2026, DNR DGGs stated they have no concerns regarding this proposed easement but did provide technical information related to ground stability, suitability for construction, and geologic hazards that are present within the project area.

Response: SCRO acknowledges the comment. Applicant will be so advised.

No other comments were received.

ENVIRONMENTAL CONSIDERATIONS

Fuel, lubricants, and other hazardous materials will be restricted to those necessary and be contained within tools and vehicles when equipment is necessary for construction and maintenance activities. Additionally, no fuel or other hazardous materials are authorized to be stored on site.

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.

This authorization 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 utility system, which will promote conditions for economic development, thus providing an indirect benefit to the State. 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.

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. The applicant is required to submit a performance guaranty in the amount of **\$3,726.00** to ensure completion of entry authorization requirements. These funds will also serve as a survey deposit (per AS 38.05.860). 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

The applicant is 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 Entry Authorization for ADL 234792. The applicant will be responsible for maintaining the necessary insurance during the term of the Entry Authorization. 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 Entry Authorization.

SURVEY

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.

Development of an Existing Easement

- The applicant shall pay a one-time Easement Development Application fee of \$200.00 for use of the partial section line easement described herein.

Entry Authorization

- The applicant shall pay an annual interim land use fee of \$0.70 per linear foot, not exceeding \$20,000, totaling \$133.00, for use of lands situated outside of the section line described herein during the term of the EA for ADL 234792 per 11 AAC 05.070 (d)(2)(I)(ii) for the term of this EA.

Final Easement

- Prior to issuance of the Public Utility Easement discussed herein, the applicant shall pay a one-time fee of \$0.56 per linear foot for a public easement for a utility, pursuant to amended 11 AAC 05.070(d)(2)(C) and Director's Fee Order No. 3. The total charge for this fee for a final easement and continued use of lands described in ADL 234792 will be determined by the length of centerline of easement situated outside the section line easement, as identified in the as-built survey document provided by the applicant, once approved by DMLW.

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. An entry authorization will be issued for a term ending 5 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 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. Entry authorization will not be granted until the following deliverables have been provided to DMLW, as described above:

An entry authorization shall be issued for a term ending five 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 Utility Easement. The entry authorization may be revoked if the applicant has not submitted DMLW with a draft as-built survey one year prior to the expiration of the entry authorization.

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 should contact DMLW at least 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan.

No authorization shall be granted until the following deliverables have been provided to DMLW:

- Easement Development Application fee for use of the partial section line described herein.
- EA fees as described herein.
- Evidence of having made request for survey instructions to the DMLW Survey Section.
- Certificate of Insurance.
- A Performance Guaranty.

RECOMMENDATION

Based upon the information provided by the applicant, as well as review of relevant planning documents, statutes, and regulations related to this application, I recommend the easement described above be issued, 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

10/22/26

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 Resources Manager 2
DMLW Southcentral Regional Land Office

10/22/2026

Date

ATTACHMENTS

- Attachment A: Map of Proposed Improvements
- Draft Entry Authorization
- 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>.

Attachment A: A map supplied by MTA that depicts the area and proposed improvements.

