

Talkeetna residents sue in dispute over lake access

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A fence blocks access to Benka Lake on South Lakeview Drive near Talkeetna. The fence, constructed in 2022, stretches across what an attorney for landowners Jan and Britta Brunz says is private property. A lawsuit filed by Talkeetna residents through the nonprofit Friends of Benka Lake looks to force removal of the fence. (Photo provided by Chris Hall)

PALMER — A lawsuit filed by a group of Talkeetna residents seeks to restore an established public access to a small lake just off Talkeetna Spur Road, after a pair of property owners there blocked a public boat launch that cuts through their property.

Benka Lake sits about 4 miles north of the George Parks Highway in Talkeetna. The 123-acre lake is bordered by homes, popular among recreationists and regularly stocked with rainbow trout and arctic char by the state Department of Fish and Game. The access point sits off a graded cul-de-sac near the intersection of Lakeview Street and Winterset Drive, and hosts a water fill access pipe used by local firefighters.

But that launch cuts through private property purchased by Anchorage residents Jan and Britta Brunz in May 2021, according to their attorney. In August of last year, the couple installed a gate across the boat ramp, putting a halt to all regular use, including fish stocking, the lawsuit states.

The boat ramp is not the only public access point, but it is the most developed, residents said. Other public access is available via easements that stretch along property lines around the entirety of the lake. The Lakeview Street launch point provides the only graded street and boat access.

The lawsuit, filed Oct. 6 at the Alaska Superior Court in Palmer by the Friends of Benka Lake, a nonprofit representing the residents, asks the court to order the Brunzes to remove the fence and restore public use of the launch point.

“The Brunzes have little or no regard for the public interest of Talkeetna residents or the general public who have enjoyed free public access to Benka Lake, and the recreational opportunities and scenic beauty it has provided to Talkeetna residents and the general public since at least 1966,” the suit states.

Whether the public has a right to cross private property to access public land across the Mat-Su is a quiet yet consistent source of controversy, said Eric Phillips, director of the borough’s community development department. Like with the case of Benka Lake, the issue typically crosses his desk after private property changes hands and the new owners block the illegal access points — however, the complaints rarely end up in court, he said.

Last year in Anchorage a property owner was [ordered to restore public access](#) to the Stewart Trail, which crossed his land via a decades-old homestead path.

The Brunzes put up the gate because the public has no right to access at that spot, and because the cul-de-sac that sits against it is “very dangerous, half-developed and defective,” according to a packet of documents sent to state and local officials Oct. 3 by their attorney Phillip Weidner. The documents do not specify why the cul-de-sac is dangerous.

Weidner, the Brunzes attorney, did not return a request for comment.

The Talkeetna-based Friends of Benka Lake includes about 30 residents who actively oppose the access closure, said Chris Hall, a resident acting as spokesperson for the

group. He said at least one resident on the lake uses the launch site as the primary way to access their property.

The suit contends the Brunzes' lots, which were owned by the state before they were transferred to the University of Alaska in 1984, included instructions in the original deed that a public access easement be recorded with the Mat-Su borough as part of the property record, known as a plat.

But the state never entered that rule, borough officials said, effectively erasing the easement requirement for future landowners.

"It's really unfortunate this happened because I'm very much pro-public access," Phillips said. "On the other hand, the state did not secure an easement there and it's on them to fix it."

Rather than reopen the current access point, the Brunzes have proposed a land swap with the borough or state, according to the documents sent by Weidner.

If state or borough officials will permanently give the Brunzes the about-100-foot section of Lakeview Drive leading to the boat launch, which currently sits on a legal road easement, the Brunzes will give up an equal-sized section of nearby land that sits across from one of the existing public easements lines to the lake, the documents state. Officials can then make improvements to that access point and use the newly-acquired land for parking and bathrooms, it says.

"We suggest that that cul-de-sac and that part of South Lakeview Street should be immediately vacated since there is no need for it, given the fact that it does not provide any legal access ... to the Lake, and never will," it says.

But Hall said that plan doesn't provide what the Friends of Benka Lake want to restore: easy access now.

"Each of (the easement lines) have some access challenge — steepness of the terrain, or extremely muddy," he said. "The other forms of public access that could be built around the lake all present some kind of barrier of engineering that would be difficult."

State officials with the Department of Natural Resources said while they do ultimately plan to create a new access point, they have yet to decide how or when.

"Access at Benka Lake could be achieved a number of ways, and the department is currently discussing all options internally," Charles Pinckney, a natural resource specialist, said in an email.