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Filed in the Trial Courts
STATE OF ALASKA, FIRST DISTRICT
AT JUNEAU

OCT 22 2026

By J. Gull Clerk

**SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU**

ERIC FORRER and DAVID C.)
EASTMAN,)
Plaintiffs,)

vs.)

1JU-26-01019 Civil

STATE OF ALASKA,)
DEPARTMENT OF)
RESOURCES)
and MICHAEL J.)
DUNLEAVY, Governor of the)
STATE of ALASKA, in his)
capacity as an official of the)
State of Alaska.)
Defendants.)

**COMPLAINT FOR DECLARATORY RELIEF AND POTENTIAL
EQUITABLE RELIEF**

Plaintiffs, Eric Forrer (“Forrer”), and David C. Eastman (“Eastman”), for
their cause of action allege as follows:

INTRODUCTION

1. This lawsuit is brought by Forrer and Eastman seeking to address and
correct a failure by the government of the State of Alaska to adhere to provisions
of the Alaska Constitution requiring that public property owned by the citizens of

Complaint

Forrer & Eastman vs. State of Alaska, *et al*

the State of Alaska be utilized, managed and conveyed according to the Alaska Constitution, including provisions contained in Art. I , Sec, 7, Art. VIII, Sec. 2, Art. VIII, Sec. 9, Art. VIII, Sec. 10, Art. VIII, Sec. 17, and Art. IX, Sec. 6 & 7.

NATURE OF THE CASE

2. This lawsuit is brought by Eastman and Forrer in the interest of the public to uphold the obvious and express provisions of the Alaska Constitution.

PARTIES

3. Eric Forrer, is a citizen and registered voter of Alaska who made his home in the State since 1962, During this period of some 60 years he married, raised a child, and among other tasks served as a Regent of the University of Alaska, and as a member and president of the Post-Secondary Education Commission. Forrer resides in Juneau, Alaska.

4. Eastman is a citizen and registered voter of Alaska who made his home in the State since 2003. Eastman has served as a member of the Alaska House of Representatives and resides in the Matanuska-Susitna Borough.

5. The Department of Natural Resources is an agency within the State of Alaska, a sovereign state within the republic of the United States of America, governed according to the Alaska Constitution.

6. Michael J. Dunleavy (“Governor Dunleavy”) is currently the Governor of the State of Alaska. Governor Dunleavy is sued in his official capacity in order to obtain injunctive relief, as necessary.

JURISDICTION

7. The Superior Court has jurisdiction to hear this dispute according to AS 22.10.020.

SPECIFIC CONSTITUTIONAL PROVISIONS AT ISSUE

8. **Art. 1, § 7. Due Process** – No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

9. **Art. VIII, § 2. General Authority** – The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

10. **Art. VIII, § 9. Sales and Grants** – Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall

not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

11. **Art. VIII, § 10. Public Notice** – No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

12. **Art. VIII, § 17. Uniform Application** – Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

13. **Art. IX, § 6. Public Purpose** – No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.

14. **Art. IX, § 7. Dedicated Funds** – The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

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SCOPE OF THE DISPUTE

15. The substance of this suit is confined to the transfer, at no cost, of public land by the Alaska Department of Natural Resources (“DNR”) to the Alaska Industrial Development and Export Authority (“AIDEA”) in a manner that avoids conforming with the Alaska Constitution. This suit seeks relief to preclude the unilateral executive branch action and the circumvention of mandatory legislative review and approval.

FACTS

16. The State of Alaska (“State”), DNR Division of Mining, Land and Water (“DNR” or “DMLW”) proposes to convey approximately 19,950 acres (subject parcel) of State-owned land in the Matanuska-Susitna Borough to the Alaska Industrial Development and Export Authority (“AIDEA”) through what DNR characterizes as a “noncompetitive public and charitable use conveyance.”

17. The subject parcel of public land that DNR proposes to convey, at no cost, to AIDEA, is located within DNR’s Southcentral Region, in the Matanuska-Susitna Borough, within Township 18 North, and Township 19 North, a geographical designation within the Seward Meridian.

18. The location of the public land DNR proposes to give to AIDEA is located within the Matanuska-Susitna Borough, approximately two miles north of Houston, Alaska.

19. The proposed justification for the conveyance of public land by DNR to AIDEA is vaguely referenced as part of an unspecified multi-use industrial and energy development concept.

20. DNR has advanced the idea that possible uses related to the transfer of public land without compensation to AIDEA might facilitate any number of activities, including data centers, advanced manufacturing, logistics hubs, utility development, and gravel extraction, none of which are discussed in a meaningful factual level or illustrate the premises for transferring public lands without a demonstrable net benefit to the public.

21. The DNR has issued a preliminary decision finding purporting to show that the transfer is “in the best interests of the state.”

22. The preliminary decision by the DNR is devoid of genuine analysis pertaining to actual or potential revenue or other benefits that will be lost by the public if the transfer by DNR to AIDEA without compensation is completed.

ALLEGATIONS

23. The public purpose for the transfer of public resources from DNR to AIDEA without compensation or any return or remuneration to the public is not clearly defined or articulated in any meaningful manner.

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24. DNR has not identified a legitimate public or charitable use for the conveyance of public land to AIDEA consistent with an identified and sufficient public purpose.

25. The lack of specificity about the intended use for the public lands, including the complete lack of analysis related to power and energy utilization required for development, makes analysis by DNR of whether the public interest is served by transferring public lands to AIDEA, at no cost, impossible and denies fundamental constitutional due process.

26. The lack of specificity about the intended use for the public lands makes it impossible for members of the public to effectively respond by the deadline set by the department to receive responses to the public notice.

27. The proposal, as written, provides no information on reservations to the State, is deficient in constitutionally required safeguards of the public interest as required by Art. XIII, Sections 9 and 10.

28. The failure by DNR to identify how the proposed transfer of public lands located near Houston to AIDEA without compensation or legitimate justification is not in the public interest violates Art. VIII, Sections 2, 9, 10, and 17, and Art. IX, Sec. 6.

29. The proposal by DNR to transfer approximately 19,950 acres of state-owned land near the Mat-Su community of Houston to AIDEA via a

non-competitive, no-cost arrangement violates Sec. I, Art. 7, and Articles VIII, Sections 2, 9, 10, and 17, as well as Art. IX, Sec. 6, of the Alaska Constitution.

30. The proposal by DNR to transfer the public lands located near Houston to AIDEA without compensation represents an impermissible dedication of state assets in violation of Art. IX, Sec. 7.

31. The Mat-Su Borough Assembly, the Houston City Council and the Meadow Lakes Community Council have voted to oppose the transfer of these public lands from DNR to AIDEA.

32. Residents of the Mat-Su Borough , including long-time users of the land for mushing, snowmachining, berry picking, hunting, fishing, and other lawful uses, have expressed concern about the transfer of these public lands from DNR to AIDEA for various reasons, including potential undesirable industrial development, harm to the environment, and loss of existing public access.

33. The transfer of these public lands to AIDEA without legislative authorization violates the separation of powers inherent in the Alaska Constitution and is against the public interest.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs requests the following relief:

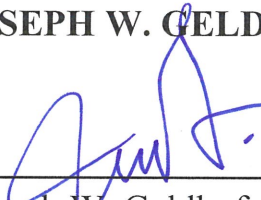
- A. Declaratory relief holding that the proposed transfer of these public lands by DNR to AIDEA has been improperly presented and represents an

unconstitutional act by the executive branch of Alaska's state government;
and,

- B. Injunctive relief, if necessary, precluding DNR from transferring public land to AIDEA without a finding of legitimate public purpose and adherence to constitutional standards and legislative authorization; and,
- C. An award of costs and reasonable fees associated with maintaining this public interest lawsuit; and,
- D. Any other relief necessary to protect the rights of the Plaintiffs and the citizens of Alaska under the Alaska Constitution.

DATED this 22st day of October 2026 at Juneau, Alaska.

**LAW OFFICE OF
JOSEPH W. GELDHOF**



Joseph W. Geldhof
Alaska Bar # 8111097

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1JU-26-01019 Civil

SUMMONS

TO: Defendant, State of Alaska, Department of Natural Resources

YOU ARE HEREBY SUMMONED and required to file with the Court a written Answer to the attached Complaint. Your Answer must be filed with the Court at the Court Clerk's Office in the Dimond Court House in Juneau, Alaska, 123 4th Street, Juneau, Alaska 99801 within 40 days after the day you receive this summons. In addition, a copy of your Answer must be sent to: Law Office of Joseph W. Geldhof at 2 Marine Way, Suite 207 Juneau, Alaska 99801.

If you fail to file your Answer within forty days, an entry of judgment by default may be rendered against you for the relief demanded in the Complaint.

If you are not represented by an attorney, you must inform the Court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form Notice of Change of Address/Telephone Number (TF-955), available at the Court Clerk's office or on the State of Alaska Court System's website at: www.state.ak.us/courts/forms.htm, to inform the Court.

-OR-

If you have an attorney, the attorney must comply with Alaska Civil Procedure Rule 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

To: Plaintiff and Defendant

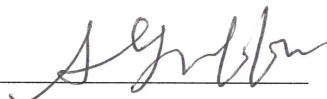
You are hereby given notice that this case has been assigned
to Judge:

Amanda Browning

DATED this 22nd day of October, 2026.



CLERK OF COURT


Deputy Clerk of Court

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SUMMONS

TO: Defendant, Michael J. Dunleavy, Governor of the State of Alaska

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NOTICE OF JUDICIAL ASSIGNMENT

To: Plaintiff and Defendant

You are hereby given notice that this case has been assigned
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DATED this 22nd day of October, 2026.



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NOTICE OF JUDICIAL ASSIGNMENT

To: Plaintiff and Defendant

You are hereby given notice that this case has been assigned
to Judge:

Amanda Browning

DATED this 27th day of October, 2026.



CLERK OF COURT

[Signature]
Deputy Clerk of Court