

604

ARRC

MISCELLANEOUS

00012

details that could tighten any single rural or urban program's administration. It would appear that at least some minor paperwork sloppiness as well as the lack of free access were proper criticisms for whatever reasons.

- C. Suggestions for future program proposal advertising and proposal guidelines proper and helpful.

The mere questioning of how the contract was advertised in May was appropriate and suggestions for future advertisement were proper. It is possible that the Borough did not think any other local agency would be interested in the day care program's administration as the local government had initially approached Dr. Gold and asked him to administer the program in July of 1976. If the State were made aware of other potential candidates for the administration, it is their duty to inform the local government of such concern. Also, the guidelines for future subcontractors as recommended and mutually-worked out by the Borough and the agency were appropriate. The role of the State in carrying out its statutory authority in this program is primarily to assist the local governments--which it did in both questioning the form and extent of the advertising and working with the Borough on guidelines for future subcontractors.

- D. However heavy-handed the C&RA action to discredit, the Borough chose not to challenge the State's authority and chose to accept its critical comments as basis for not renewing the day care contract with Dr. Gold.

If no fair comment had been afforded the subcontractor, we might have pointed out how unfair it was for a State agency--with all its implied power as a government authority--to barrel over a subcontractor. Obviously, given the advocacy talents of our complainant and the time he has been afforded before the Assembly to counter the C&RA comments, he was not precluded by the State from giving his side of the story.

The Borough may have based its action to nullify plans for renewing Dr. Gold's 1977 contract on the State's expressed authority mandating written approval of the exact subcontract. Or, the Borough may have based its action to readvertise the contract based on new guidelines worked out with the agency staff. Most likely, the Borough chose to accept the total accumulation of critical data from your agency along with your assertion that a subcontract with Dr. Gold would not be approved by them. The July 25 letter with the critical comments about advertising and the offer to work out better guideline proposals for subcontractors became the basis for

Dr. Gold's not getting a second year contract based on the old subcontract provisions.

In the same light, we feel it was the Borough's determination not to renew the contract, but that action was heavily based on your letter. Whether the Borough chooses to accept your authority is a matter of Borough or court jurisdiction. Whether the Assembly chooses to accept our analysis of the entire situation as a basis for reexamining their past action or future action is up to them. It is because we do not want to become overly involved in a related matter of municipal and State concern that we have offered these comments regarding action we think the State took that was justified and appropriate.

D. RECOMMENDATIONS

We hope that the review, as we have painstakingly presented it, will provide you with a careful enough review of the facts surrounding this complaint to weigh the following recommendations. It is my understanding that each recommendation has already been broached with you by my assistant. We hope these suggestions will provide you with meaningful alternatives that will tighten up the program's Statewide administration.

1. To straighten any confusion that might have been evidenced in this Fairbanks day care assistance program administration, we would suggest you begin the tedious but needed process of promulgating regulations, at least in the following areas:

A. What is the State's intent and interpretation of "permission to subcontract"? With that permission, is it then the responsibility of the Borough to determine the exact subcontractor? Other State agency examples provide for mixed interpretations as do court rulings on the authority of the State in subcontracting matters. Some rulings and agency examples reflect the contract law's strict interpretation of a due process of authority from the State to the contractor and the subsequent authority from the contractor to the subcontractor, with only minor connections from the State to the subcontractor.

B. In the application manual, it outlines how a day care assistance grant is made to a local government. However, the procedure of how one should obtain permission for subcontracting is not clear. For example, it calls for "written permission from the Department" for a

municipality to be able to subcontract. Yet, when should the permission, if so desired, be obtained? The application manual does not say, but alludes to subcontractor Articles of Incorporation as being necessary for the local government's complete grant application and possible approval. The manual also calls for subcontractor forms to be filled out after the grant is approved. Yet, with this complaint, the Borough was chastised for not seeking and/or obtaining prior written approval before it sent in the grant application for this upcoming year. One way or another, the procedure should be clarified.

C. Since the initial intent of the subcontractor option was to assist the particularly small communities, what kind of consideration should in-house vs. outside municipal subcontract administration be given? Should a municipal government have to substantiate why it prefers to operate the program through subcontracts as you once intended? This clarification might be opportune now with other clarifications sought and, perhaps with the promulgation of regulations.

D. What does the Department infer by the local administering agency's responsibility to serve eligibles in the designated grant area? The confusion that exists through not addressing this point in the statute but addressing it rather contradictorily in the manual and the contract appendix should be clarified. It might make more overall management and planning sense to prioritize eligibles from the start of the fiscal year and apportion monthly subsidies to a determined ceiling, as now appears to be left up to the local government's or local agency's mandate to determine. If you believe the program better run (Statewide) by stricter management guidelines, then those should be clarified and made part of regulations.

E. Other specific areas brought to light by this inquiry stemming from the 1977 Fairbanks program experience should also be clarified in this review process. These areas include exact breakdown of State, contractor (or local government) and subcontractor (or local administering agency) responsibility. Appropriate termination procedures for recipients whose money begins to dwindle faster than anticipated; methods of accurately informing recipients in a properly-designated time frame to insure adequate time for easier adjustment; guidelines important for subcontractors' proposals Statewide, as well as advertising for new proposals; and a spelled-out monitoring effort regarding how problem areas are to be discussed, corrected, challenged and made a basis for disciplinary action should be readied.

Eric Lee
October 20, 1977
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Under litigation and court rulings regarding the applicability of the Administrative Procedures Act to agencies which have the permission to promulgate regulations (which you have in C&RA Day Care Assistance Program statutory authority--AS 44.47.250(b)(1), the courts have held that when you may promulgate regulations, you must.

Regulations for this program have already been discussed. Where we recognize a responsibility of your agency to establish some regulations to clarify the above-cited confusions, we would only suggest you begin work on these matters. However, if the line of agencies now awaiting regulations is too long to accommodate clarifications this year, we would suggest that the applications' manual include the needed clarifications. These additions and changes, as well as specific delineation of responsibilities might also--or might instead--be made a part of the applicable contracts and subcontracts. We are striving for equal enforcement of rules and regulations--no matter what form they should take.

An argument you have presented for not including all those points and matters within the policy manual as perspective regulations is the entire program's "armslength" attitude in its dealing with the general public. (Actually, we would like to see all manual procedures covered by regulation as the actual subsidy scale provides for the real flexibility you seem to desire in the program's administration.) Since a recipient's appeal is to Pitts' office, and since there have been recipients who have been penalized because the subsidy scale was not mandatorily followed by the administrator locally, we believe you have more of a direct link with the general public than your initial establishment of the program first indicated.

We would suggest, if you are considering these recommendations to tighten up on the mutual accountability of all agencies involved, that you expand your direct involvement with the public at large. More carefully outlining procedures and manual interpretations brings you into closer scrutiny by the public. We would suggest you further this involvement (not necessarily dramatically) and include selective recipient interviews in the field trips by your staffers. It is in this monitoring effort that you will get a more direct evaluation of a contractor or subcontractor's work effort.

As another step to involve the public, we would suggest public hearings or some public response mechanism where you might get the general response from State residents on the

matters outlined above. The public may have its own ideas about local versus State control and the guidelines for a contractor's involvement.

2. To clarify the record, which we hope we have detailed adequately to show problems with the grounds you cited for not wanting Dr. Gold involved in a subcontract for the day care program, we would recommend a clarifying letter be sent to Fairbanks Borough Mayor John Carlson and Fairbanks Borough Assembly Chairman Phil Younkens. We would hope the letter might explain the improper grounds we believe might have unfairly weighted Borough opinion against Dr. Gold. The same letter, we would suggest, also include a clarification of your apprehension of Dr. Gold as a future administrator. In talks with my assistant, you have indicated you would not protest Dr. Gold's acquiring of the contract (through criticisms or assertion of C&RA authority) if he were to abide by the guidelines worked out by you and the Borough staff. This explanation would be helpful in the recommended letter to the Borough Assembly and Mayor. Where we would appreciate a clarification of what we think are improper grounds, we would also offer that other proper grounds about Dr. Gold's administration of the program would appropriately be forwarded in this same letter. Assistance in the form of comments about other proposed administrators would also be pertinent and proper here, we feel. Suggested monitoring efforts that might correct future problems while still insuring the Borough and local administering agency the right to due process could be included in this same proposed letter.

3. We would suggest a letter to Dr. Gold, although a copy of the above letter to the Fairbanks Borough would be appreciated as an alternative. Acceptable guidelines that would allow him to obtain the contract without any State controversy should the Borough opt to contract with him again, should be specified in this second letter. A forward, clear assessment of his past performance as an administrator; day care program spokesman before the legislature; and outspoken public critic of the Department would appropriately be outlined in this letter. And, by means of this complaint resolution, perhaps a future meeting between you, Pitts, Dr. Gold, the Commissioner and appropriate Borough contracts could take place to iron out personality conflicts that might remain.

SPECIAL FINDINGS

In the perusal of the file, we took special note of the letter Pitts forwarded to Commissioner McAnerny regarding Dr. Gold's early spring proposal for drug abuse funding. Through the A-95 grant approval process (those being specific funds administered through the State), grant proposals are routinely circulated throughout sister agencies in the hopes that others having dealt with proposed contractors will comment about the contractor in question. The process, although still somewhat rudimentary and selective in the circulation of proposals, is a good one.

The State should have a central information system which would allow cross-referencing and more complete examination of contractors. In this case, comments forwarded by Pitts, however, lead us to examine this process more closely. We find no problem with the concept of cross review of contractors' past performances within the evaluating agency. But, Pitts' assessment of Dr. Gold's proposal is inappropriate. The two-page evaluation (for reasons we have not been able to justify) recommends that another contractor/administrator be found for the Fairbanks drug treatment program. In the six lengthy paragraphs critical of Dr. Gold's drug program proposal, only one paragraph deals with Pitts' direct dealing with Dr. Gold through the day care program he actually oversees. The memo to C&RA Commissioner McAnerny was written on April 27 by Pitts--a day after the Commissioner was hand-delivered an inflammatory letter by Dr. Gold about Pitts' actions in regard to Brewer's controversial field trip to Fairbanks in April.

As there are no regulations, laws, procedures, or even standard practices exercised in the review of A-95 grant application proposals, we cannot find direct fault in Pitts' action except to say it was inappropriate.

Since the comments apparently did not get to the Drug Abuse Review Board in time for their full consideration and since they chose to award the contract to Dr. Gold for this upcoming year, we suggest no future action in this matter. We do feel that the process of cross referencing evaluations be reviewed toward insuring objectivity, accountability and due process so that a valuable tool does not become a "blacklist".

We would recommend that future evaluation by C&RA staff of A-95 proposals be restricted to specific past

Eric Lee
October 20, 1977
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involvement with the contractor and that it be as precise as possible. Hopefully, through central agency, the Division of Policy Development and Planning personnel, there will be adequate response mechanisms afforded the contractor in question so that a fair evaluation is afforded by the State.

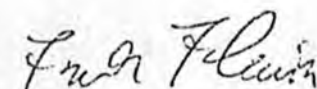
In summary, we hope this exhaustive look at the record has been helpful in your own review of the inquiry to our office by Dr. Gold. We have given much thought to the recommendations and options presented for your consideration in the hopes of bettering the program while setting the past record straight. In constantly weighing the findings and recommendations, we have attempted to set reasonable goals, which we believe are not arbitrary, given your initial discussions with our office last month. Please let us know if you have any questions or comments. We would like some response, even if it is an oral response within a week.

We are forwarding the exact copy of these findings, except for the section which details the staff situation and the details of any specific day care recipients as those names are confidential, to Dr. Gold, the complainant.

As everything but the names and files of day care assistance subsidy recipients are already part of the public record, in light of our prior consultation with you in regard to this matter, and the Borough's involvement as the prime contractor, we will make this report available to the Borough pursuant to their request as is outlined in the letter attached from Mayor Carlson. We will do this unless you have a reasonable objection to this procedure. If so, please give me a call this weekend (October 22 or 23; we plan to be in the office for a good part of the weekend) or call us on Monday or Tuesday, October 24 or 25.

We appreciate your cooperativeness in this matter and thank you for your consideration.

Sincerely,



Frank Flavin
Ombudsman

CA:FF:

cc: Jan Brewer, C&RA Anchorage staff
Harvey Pitts, Day Care Coordinator, C&RA Anchorage staff
Commissioner Lee McAnerny, C&RA
Dr. Frank Gold, former Fairbanks Day Care Assistance
Program Administrator



Ombudsman

Frank Flavin

State of Alaska
360 "K" Street, Room 246
Anchorage, Alaska 99501

(907) 276-4011

Oct. 21, 1977

Dr. Frank Gold
1221 Coppet Street
Fairbanks, Alaska 99701

Ombudsman Inquiry 77-1421
(Findings)

Dear Dr. Gold,

Thank you for your continued patience in awaiting our conclusion regarding Ombudsman Inquiry 77-1421. Enclosed you will find a copy of our review of the file; findings regarding agency action we believe to be faulty; findings where we feel the agency acted properly (areas that you have questioned as possibly inappropriate or in error by the Department of Community and Regional Affairs); recommendations on how the problem areas might be rectified or improved for the future handling of the program; and special findings which detail a matter we found to be appropriate for additional Ombudsman review and comment.

The whited out portion of the opinion deals with day care assistance recipients whose names and files, by state statute, are to be kept confidential. We have informed the department of this omission from your copy. In addition, we have opted to send members of the Borough Assembly copies of the report/opinion, unless we receive reasonable objections from Division Director Eric Lee by Tuesday.

In the meantime, we hope that you will refrain from public dissemination of the report and findings until he has been afforded time to read the entire letter.

To summarize the letter, we investigated your charge that the state had improperly and unfairly prevented you from obtaining a second year subcontract from the Fairbanks North Star Borough, which had applied for a second year's contract grant for the administration of the Day Care Assistance Program from the department. We have found the allegation and complaint to be partially justified. Although we have found that the state was arbitrary in the enforcement of rules made part of the contract within the applications manual; that its letters which heavily influenced the borough's decision not to renew your contract, were based in part on improper grounds; that the agency acted unfairly with regards to proper procedural notice; and that C & RA was unreasonable in the scope of information collected in regards to you--that all the above did not prevent you from getting the contract.

The above was certainly influential in the borough's decision, but the actual move to obtain new proposals from others (based upon new guidelines recommended by C & RA) as well as the action to not renew or accept your proposal for another subcontract was the action of the Borough Assembly. The fact the assembly chose to accept the state's authority in what involvement the state reserved in the actual choice of a subcontractor makes the decision not to subcontract to you one out of our jurisdiction. However, since it is a matter of

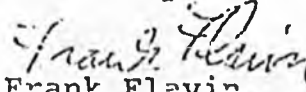
public record that the borough relied heavily upon the C & PA letters from Mr. Lee in June and July to place the entire matter in a holding pattern, it is an appropriate matter that we investigate your charges about the propriety of their statements, procedures and file information. In light of our findings, we feel the state, borough and individual agencies proposing to administer the program this fiscal year will be afforded a better background upon which to base future action.

Unless you hear from us by the beginning of the week, you may assume that we will forward identical copies of our letter to Mr. Lee to the assembly as has been requested of us by Assemblyman Phil Younkens (verbally, by phone in early September) and recently, in writing by Mayor John Carlson on Oct. 20, 1977.

Please understand that we are not in a position to determine whether or not you should have or should now receive the subcontract for the Fairbanks North Star Borough's administration of the Day Care Assistance Program this next year. We believe that position is not one that our office can, should or would want to take in light of our own statutory jurisdiction and responsibilities.

Thank you again for your patience in awaiting a determination of your complaint and this subsequent letter complete with our detailed letter to Mr. Lee. Please feel free to respond to this letter and the accompanying report/finding to the department.

Sincerely,


Frank Flavin
Ombudsman

cma/FF

cc: Eric Lee, Division Director, C&RA

OCT 21 1977

FAIRBANKS NORTH STAR BOROUGH

Box 1267, Fairbanks, Alaska 99707

October 20, 1977

Cathy Allen
Ombudsman
360 K Street
Room 246
Anchorage, Alaska 99501

RE: Dr. Frank Gold/State of Alaska/Day Care

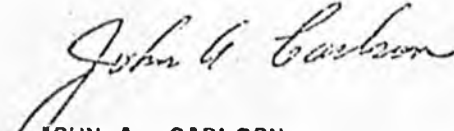
Dear Ms. Allen:

The Fairbanks North Star Borough Finance Committee requested that I contact you in reference to the afore mentioned subject to ascertain when we could expect a response on the question of Dr. Frank Gold's case.

The Assembly is desirous of contracting out the Day Care program, but have withheld action on this until a response has been received to the questions raised by Dr. Frank Gold.

A response would be appreciated.

Very truly yours,


JOHN A. CARLSON
Borough Mayor

JAC:a11

File

RoEn Design Associates, Inc.

engineers - land surveyors

565 University Avenue

Fairbanks, Alaska 99701

479-2226

March 19, 1979

Senator Don Bennett
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Bennett:

Doris Loennig provided me with a copy of the land planning and classification regulations on which there was a public hearing on March 17th. After reading the regulations I found it difficult to argue specifics, but I am generally not in favor of zoning and classification by the department. A.D.L. appears to be using the classifications created last November to classify land parcels so that no subdivision or eventual private use can occur. We have more than our share of wilderness area now - we need to get some of the good State land into private ownership.

As a professional land surveyor, I am more concerned with the regulations heard in Fairbanks, Anchorage and Juneau in January (a copy of which are enclosed). By spreading word of the hearing, the most significant oral contribution in the State was made by Fairbanks residents. This was recognized by Mr. Claud Hoffman in his review of the public hearing comments (in a memo to Commissioner Smith, copy enclosed).

Primarily as a result of the Fairbanks surveyors' comments, the technical aspects of proposed regulations are being cleaned up. It is my understanding that the revised regulations will go directly to the A/G's office for acceptance in early April with no further public review.

The proposed regulations add to the law, new procedures for subdivision, vacation and replatting in the unorganized Borough. Although this is more red tape, the procedures are in the best interests of the public. "Paper Plats" and the associated problems of land ownership will be eliminated by procedures presently practised in organized Boroughs.

Senator Don Bennett
March 19, 1979
Page 2

However, the State is adopting other guidelines which no one spoke well of. These include:

1. 300 foot greenbelts along highways - measured from the present right-of-way. In some cases along the Alaska Highway, the new regulations would create a 600 foot width of "nothing" between the highway and any subdivided land.
2. A 50 foot public greenbelt (or 100 foot if the river floods) along the bank of waterfront property. This totally precludes the reason for locating cabins along a water front.

An example:

Our firm had a contract with A.D.L. last fall to survey land 2 to 7 miles from Chena Hot Springs, along the Highway, with the initial intent being to create a maximum number of desirable 5 acre O.T.E. sites. Our presentation to A.D.L. was shelved because of inter-agency bickering due to "insufficient planning".

If the proposed regulations go into effect, the greenbelts cited will practically eliminate all desirable tracts in the valley, for the valley is not that wide to start with. A 5 acre piece of isolated muskeg is not near as desirable as one which is accessed by existing roads or rivers.

3. Other areas of the proposed regulations concerning easements and rights-of-way are equally ridiculous.

The revised regulations of which I speak of were heard in the 3 major cities which are in organized Boroughs, while the effect of the regulations will be largely felt in the unorganized Borough of the State. The Public will have no further chance to review the contents until they become law.

A greenbelt classification, which automatically preserves land along existing roads and waterways, is a totally ignorant use of that land.

Sincerely yours,

RoEn DESIGN ASSOCIATES, INC.


Tom Rosadluk, R.L.S.

Enclosures

cc: Representative Charles Parr
Representative Bob Bettisworth

RoEn Design Associates, INC.

**FAIRBANKS SOCIETY OF
PROFESSIONAL LAND SURVEYORS**

P. O. Box 2592
Fairbanks, Alaska 99701

January 11, 1979

Mr. Claud M. Hoffman
Chief Cadastral Engineer
State of Alaska
Division of Lands
703 W. Northern Lights Blvd.
Anchorage, Alaska 99503

Re: Proposed Regulations, 11AAC 53

Dear Mr. Hoffman:

A luncheon meeting of FSPLS was held on January 9, 1979 to briefly discuss proposed regulations. Less than half of those present had knowledge of the public hearing to be held at 7:30, on the same day, and had not examined the contents of the draft regulations. Copies were distributed during the meeting.

It was generally felt that inadequate notice and insufficient time was given to the proposed regulations which would have a long and far reaching effect on all future surveys in the State. Since the most affected areas of the State would be the unorganized Borough, especially existing privately owned land, the State should make an effort to advise remote communities of the proposed action, and should receive input from areas other than Juneau, Anchorage and Fairbanks.

While the concept of standardization and centralization of survey and platting requirements is good, and also to provide some much needed definitions especially in the area of navigable water, public water, etc., the proposed regulations will impose an extreme hardship on present and future private land owners in the unorganized Borough. It is also recognized that access to many remote lands is inadequate under the present structure, but easement provisions proposed are far too excessive.

Time does not permit committee response to the regulations by item, and therefore individuals were requested to submit written comments to the Secretary for submission to the Division of Lands. Enclosed are comments by Paul Stutzmann and Tom Rosadiuk.

Sincerely yours,

FAIRBANKS SOCIETY OF PROFESSIONAL
LAND SURVEYORS

Tom Rosadiuk, Secretary

TR/bm

RoEn Design Associates, Inc.

engineers - land surveyors

3505 Airport Way
Fairbanks, Alaska 99701
479-2226

January 10, 1979

Comments on Proposed Regulations, Draft Copy dated
December 12, 1978

These are comments by Tom Rosadiuk, R.L.S.

Article II

- Page 3 11 AAC53.100 The survey and platting standards are to apply to all State Land but which regulation predicate within the bounds of a platting authority. I would like to see this more clearly spelled out. If the regulations of the present Boroughs in the State are adequate, then say that the Borough Ordinances will control. If there is some fear that Borough standards are not as stringent as those proposed, say that the more stringent standards shall apply, by item.
- Page 8 11 AAC 53.150.b Why the change from the conventional "government lot" to "tract" designation. Prefer to see the former, most accustomed term used rather than to introduce a new one.
- Page 11 11 AAC 53.170 Surveying of a section perimeter and the center quarter in order to get one 40 acre homestead entry within that section is too excessive a survey requirement. Many of these surveys would cost more than \$1500 per mile, which is quite an imposition on an Homestead Entryman map.

Paragraph 2 attempts to cover access "to navigable and public water" from each parcel of land. There are not only easements along each tract boundary, there are also easements along public water. This section may have been intended to insure that items did not get land locked; perhaps we should address that concern. Par. 2 is addressed to navigable and public water of which there may be none in many sections.

I do not have a copy of AS38.05.440 which pertains to the time allowed for surveying. I am concerned that the regulation may be tied to the end of a calendar year as it has been with O.T.E.'s. The person applying for an extension to the survey period will undoubtedly be the surveyor, and as par. 3 is written,

only an act of God would be sufficient reason for an extension. This puts too much on a burden on the surveyor. I would like to see at least 18 months (a period of two seasons) or two years be available to perform these remote surveys.

- Page 12 11 AAC 53.190 Item I should have an allowance for triangular tracts which are sometimes encountered in which the fourth monument is redundant. The same item should make an allowance for ferrous metal pipes. The requirement for exterior primary monumentation in par. 5 is too stringent. There are many instances where an exterior boundary would require primary monumentation on 200 foot intervals due to curvature. I believe this item could be dropped entirely.
- Page 13 11 AAC 53.200 Under par. 1, bearing tree tags apparently shall be marked with distance to the monument. Although this may be convenient at some time in the future, it's also adding a requirement which has not been impose either by the State or by B.L.M. Let's continue looking in the notes to find these distances. In Item B, the need for a six foot long minimum 2x4 post set two feet in the ground is adding a great deal of work to the monumentation. In the case of frozen ground it means doubling the cost by doubling the time requirement at each corner. Perhaps this could be simplified.
- Page 15 11 AAC 53.210 Item 12, The need to round bearings to the nearest 15 seconds in Item 12 appears to be a little bit outdated. With state of art equipment, the 1 in 2000 survey requirement is far exceeded. I would be inclined to raise the survey standards to 1 in 5000 as the minimum requirement, and I would furthermore delete the rounding of bearings.
- Page 20 11 AAC 53.240 Paragraph A appears to retain a provision to allow adjacent land owners to appeal to a completed survey. Lack of an appeal indicates plat acceptance. What happens if an appeal is made? I don't understand the reason for a written technical appeal by adjacent land owners.

11 AAC 53.300 How does an easement become a right-of-way after survey and dedication? Under easements, a 20 foot utility easement is seldom wide enough to permit construction within it's bounds. A 30 foot easement is recommended. Pedestrian easements of 20 foot width appear to be excessive and could be reduced to 10 feet. Residential road right-of-ways of 60 feet in width are excessive and could be reduced to 40 or 50 feet in width. An allowance should be made to increase right-of-way width where traverse slope dictates a wider right-of-way.

Page 22 11 AAC 53.310 It appears that the State will determine which waters are navigable and public waters. Approximately one year ago, a study was authorized by some Federal Agency, I believe the study is being performed by some branch of the University of Alaska, to compile a historical record of water used for navigation, and to possibly set some standards or definitions for the determination of navigable water. It would be advantageous to have similar definitions.

Page 23 11 AAC 53.330 Under a, Where access along the easement is difficult, the alternate up-land access route should perhaps contain a maximum width rather than be a random alternate route. Under Item b, along in-land waters, the need for a 50 foot shore line easement appears to be excessive. The proposed easement contradicts to the initial privacy that one would expect when he obtains ownership to a tract along such water. Leave the continuous easement at 25 feet in width.

Page 28 Article 4 General, This article appears to be so all inclusive that a separation would be helpful indicating the requirements on private land versus the requirements for State Land. It appears that the proposed subdivision development standard would apply to all land not within the boundaries of an established platting authority.

11 AAC53.410 The minimum 40 acre aliquot part subdivision is far too large as a minimum requirement. The minimum should be 2.5 acres or 5 acres.

AAC 53.420 Having observed the time requirements to process replats in our Fairbanks North Star Borough, both on the part of the surveyor and the platting authority, I would prefer a simplification of the replat process. These standards will affect primarily those areas in the unorganized Borough, such as townsites in various remote communities. Since many of these townsites presently have small lots and have for sometime use the metes and bounds description to alter lot boundaries for financial or for whatever reasons, the new replat procedure will mostly affect such remote communities.

Perhaps the extent of change to an existing boundary can dictate the requirement for a public hearing process. If a lot boundary is changed, for instance, two lots are combined into one, or the easterly 15 feet of this lot is sold to accommodate a building on the adjacent lot, or where the vacation of an easement or road right-of-way is not involved, there seems little need for a public hearing. I am in agreement that a new plat should be filed, but perhaps an order could be filed in the appropriate recording district to make allowance for recordation of a plat and to eliminate the public hearing process.

Normally, the need for replats in most cases is caused by financial institutions at the time that a loan is requested for new construction. With the time requirements set forth by the public hearing process, the recording process, appeals and other factors, one could easily use up an entire construction season simply getting a replat performed. A great deal of simplification is suggested to this process.

AAC 53.430 While recognizing the need for legal surface access to the subdivision, the ability of the director at his discretion to require construction of roads, airfields and water way facilities, is wrong.

We have recently been involved in the Borough Ordinances for road construction within subdivisions and note a number of problems in paragraph 1 and 2. For access roads, make

allowance for use of material other than gravel, or the definition of gravel should be so inclusive as to permit the use of tailings, certain types of bedrock, etc. perhaps with a fracture limitation. The overlay of 3 feet of gravel should be a maximum requirement, not a minimum requirement. In Item 2, 18 feet wide roads inside most subdivision are inadequate, because they do not permit two lanes of traffic to operate under all weather conditions. The width should be at least 20 feet from shoulder to shoulder. Again the definition of gravel should permit the use of local materials and in an overlay situation 2 feet of gravel should be a maximum requirement.

Page 32 11

AAC 53.470 The requirements for greenbelts and reserved areas are totally unacceptable. While these proposed regulations would not affect land within the bounds of existing platting authorities, except for possibly State Land, the requirement along existing highways will be totally negative to the area growth. Many communities within the unorganized Borough have lots through which a highway has passed and the imposition of a greenbelt would make a large number of these lots totally unuseable. In many cases, along existing primary routes, development is strip development.

The need for waterfront greenbelts is also questioned. Let the public access the street or the water at certain points, but do not let the public access land which should be, or is, in private ownership.

STUTZMANN ENGINEERING ASSOC., INC.

P. O. BOX 1429

FAIRBANKS, ALASKA 99707

907 452-4094

January 9, 1979

Comments on ADL Draft Regulations

By: Paul E. Stutzmann, R.L.S.

- Page 4 (4) Class IV Surveys 1:2000 Why not have a better standard in this day and age. Say 1:5000. Upon further work in section, surveyor must refine accuracy before proceeding.
- Page 6 (4) Celestial observations for position?
No good at all. Better to use map position.
- 11 AAC 53.130 Types of surveys. Add "State Surveys"?
- 11 AAC 53.150 Why not Class III standards 1:5000?
- Page 8 (1) 3rd line the "East" section corners
- Page 11 11 AAC 53.170 "Homestead Entry Surveys" forces entryman on 40 acres or so to survey and monument entire section. Totally wrong. Use paper location until time and conditions warrant official supplemental cadastral survey, then exact position can be set. Meantime, entryman can locate himself as best he can, approximate stadia survey, etc. or whatever a surveyor can do for him. Corners set by private surveyor prior to cadastral survey must yield to official survey location.
- Page 11 (2) 50' easement on all sides of a small parcel is very excessive. Some easements are needed, of course. These easements, once created, are extremely troublesome to eliminate later when they are not needed and interfere with other development.

- Page 12 (1) Why "non ferrous" pipe. What's wrong with iron pipe?
- (5) This requires continuous intervisibility between monuments; not needed or done anywhere else. (Throw this out entirely.)
- Add. Monument caps should be marked with surveyor's registration number.

- Page 14 (6) Extra sheet for index is a waste of time and storage space. Usually this info can be incorporated onto vicinity map and shown on each sheet.

- Page 28 Article 4 in general speaks of "State" subdivisions and "private lands" "replats"

The definition of "replat" can be construed to mean any subdivision of whatever size according to definition on Page 36. Any parcel under 40 acres aliquot part requires plat. All plats require departmental approval. It presently takes about 3 to 6 months to get any action through ADL, such as a section line vacation. Does the State really want to tie up all surveying and land transactions between its citizens to this extent? If not, just what are intentions and extent of applicability of various parts of these regulations?

Basically, I think two separate sections would be better. One section to deal with "subdivision of State owned land" and another to deal with whatever platting authority action it really intends to exercise on privately owned lands.

- Page 29 (2) Petitioner doesn't have this information available. Only ADL's own land records have this. They should dig it out for themselves -- IF it's really needed at all.

- Page 32 11 AAC 53.470 "Greenbelts." Good God! What gives the State the right to confiscate 150 feet of private lands adjacent to all "primary and secondary highways" in the State? Why do we need them anyway? We already have about 100 million acres of parklands. Let's let the private citizen use the little bit of land he has for his own. As far as State subdivision is concerned, they have lots of land. If they want to give their 300 feet and build extra roadway to get past the greenbelt to land that can be used, I have no objection other than as a taxpayer whose tax money is being wasted.

As a matter of example, on a highway like the Parks Highway, which already has a 300 foot right-of-way (excessively wide), setting out a 300 foot "greenbelt" on each side, should the State develop land along each side, makes a total of 600 foot width of excluded land for that highway.

Another example!

Any State highway, primary or secondary, passing through any narrow valley, with its greenbelts, uses up the entire valley floor and leaves no space at all for anything.

- Page 33 (b) After all the dedications for "greenbelts", "easements", "accesses to water", etc. how much more of a developers land will the "Director require" to be set into "open space", "parks", "trails", or "recreation areas"? Also, what does this apply to, State land subdivision or subdivision of private lands?
- Page 33 (c) (2) Same objection as above. Excessive reservation and confiscation of land if it applies to privately owned property.
- Page 36 (29) Replat -- A very nebulous definition. As used throughout the text of these regulations, it seems to include all subdivision plats for subdivisions or even any small survey which creates any parcel smaller than a 40 acre, aliquot part. Just what is a "replat" anyway, and where does the term come from. Blacks Law Dictionary doesn't list it nor does Websters Dictionary, Second College Addition, Copyright 1976. It seems to be a term used to confuse people into thinking these regulations pertain to something other than ordinary subdivisiion of land which is, in fact, exactly what is being regulated here.
- Page 37 (38) Tract -- This definition seems to be identical with BLM's use of "lot" designation. Why not be consistant with them. Also, in general usage this term has a much broader definition.

I have compiled the above list of comments in a single afternoon. I am sure that if I had more time I could spend on this, I could have written much more. I suggest that the amount of regulation concerned with in this draft is much too large an undertaking to be proposed at one time, and the impact of the regulations as proposed is much too large to be handled on an administrative regulation basis. In fact, some sections, such as the applica-

tion of ll AAC 53.470 to privately owned land are probably unconstitutional. I do not want to see these regulations passed in anything like the present form.

Paul E. Stutzmann

Paul E. Stutzmann, P.E. and R.L.S.

MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES, DIVISION OF LANDS

DATE: January 19, 1979

Michael C. T. Smith
Asst. Commissioner

FILE NO: 10210

TELEPHONE NO.

CMS
Claude M. Hoffman
Chief Cadastral Engineer

SUBJECT: Survey, Platting, Land Records
& Municipal Land Regulations

Attached hereto is information and material indexed for 'manner of ease' to assist the reader to review the material and contents for the referenced subject.

Overview of Advertisement and Policy.

A dozen major papers of general circulation crisscrossing Alaska was notified and requested to publish the information on hearings of the subject regulations. This cost is averaging \$80 to \$120 per newspaper. We have already received and recommended payment for three, and feel confident that they were actually published in all the papers as requested.

In addition to the news media publication, all Departmental Commissioners, Lieutenant Governor's Office and numerous other people received ADL mail out copies of the regulations and publication. In addition thereto, 130 copies were sent to surveyors that have been involved in Division of Lands survey activities, crisscrossing Alaska. Further, numerous phone calls, individual contacts and division mail out did exist.

Overview of Public Hearings.

The public hearing in Fairbanks was well attended and 17 people presented oral testimony. The majority of the testimony was in opposition to the regulations in general. The basic concept was taking away someone's rights that they now have and that adequate publicity was not given the regulations. The public hearings in Anchorage and Juneau were not well attended. Written testimony was also received at the Anchorage and Fairbanks hearings.

The following 15 items appear to overshadow and be the general trend for the nonacceptability of the regulations by the public and especially the Fairbanks congeries.

1. Inadequate notice. The regulations are not changes as advertised but new regulations and were not adequately advertised and no hearings were held in bush areas where they most apply. Timing of public review was during holidays and therefore, did not allow proper review.

2. The intent of the regulations is to nullify the "Bierne Initiative", being too excessive, restrictive and costly. (Should remove 11 AAC 53.170 from regulations due to Moody's order.)

3. Land status records should be kept in District Offices. The District Land Office should be kept open a minimum of 6 hours daily and hopefully, 7½ hours. Land Status updates are not displayed in a timely manner. Records should have specific time for updates and additions such as, 24 hours, 48 hours, 72 hours, 3 days, etc. for creditability. Changes invalid until shown on status documents and case files and status documents should only be considered as valid when shown in the A.D.L. District Offices.

4. Local government subdivision ordinances should control within their areas, but not in adjacent areas.

5. Class III Surveys are too stringent for homesteads and homesites. Registered Land Surveyors licenses are adequate to control the regulating of the type of survey. Costs are too high for surveys due to the A.D.L. regulations. (Regulations are too restrictive, therefore, too costly. 1:2000 is too great -- 1:2000 is too low. (Mixed comments.)

6. Disagree with conveyance of a minimum of 40 acres aliquot part, without a plat. (Should be 2½ acres by aliquot part or less and should allow any aliquot part description by fragments to total a 40 acre parcel, such as, S½S½NW¼ or NE¼NE¼NW¼ and NW¼NW¼NE¼.

7. ROW width for roads, pedestrian easements and waterway easements are excessive and utility easements too narrow. Objection to the use of the word 'approximately' in describing ROW and other minimums. Object to parcels being construed reference AS 38.05.480 and easements under 11 AAC 53.170. Road ROW's are already too excessive and then to add another 150' to 300' is completely out of line on state land and on private land completely unacceptable. Who will pay the taxes on green strip reserves on private land?

8. A one year extension to complete surveys (Bierne Initiative) too short; should be 18 months or 2 years and more than one extension should be allowed.

9. Four survey monuments are not needed. The setting of section and center section corner monuments for a 40 acre aliquot part for the Bierne Bill is excessive. Monuments every 1320', references and bearing tree requirements excessive.

Why iron pipes? Monumenting angle point on meander lines excessive. Much too expensive to survey a single 40 acre parcel out of an unsurveyed section. Why even survey? Use a paper plat and description.

10. Plat format requirements excessive. i.e., do not need standard title blocks, index sheets, map scale control and all surveyor's statements and miscellaneous certificates on plats. If required, state should provide base sheets and, why not convert to metric now?

11. Too much control by the director. Regulations are bureaucratic and socialistic, trespass on democracy, travesty on people's rights and are totally contrary to people's wishes.

12. Disagreement with 500' notification requirement for land ownership in the replatting and easement vacationing process and acquiring names of adjoining property owners in petition to vacate and replat. Opposite testimony being not enough people notified!

13. Road construction standards too stringent. Different circumstances require different standards. Desire to establish who will maintain road, sewer and water facilities after construction by the state, and who builds?

14. Disagreement with tract designation on west tier of sections within a township.

15. Confusion as to requirements and statutory authority of the state under AS 40.15.075, Article 4, with particular reference to the following on private land.

a. When and the amount of easements and ROW's that are to be dedicated.

b. When and amount of greenbelts, parks and open spaces that are to be dedicated.

c. The general subdivision of land by private parties when a replat or vacation is not applicable. (Inside a 40 acre grant.)

d. The general feeling the state is exceeding it's authority of 'a', 'b' and 'c', on private lands. Too much greenstrips and R.O.W's.

Summary and Recommendations.

In summary, I feel some of the better data of survey technical substance came about from the direct contact approach to the surveyors. There was

January 19, 1979

Page 4

that presented oral testimony, per se, at the public hearings, but the input from the surveyors is most enlightening.

I feel that adequate and legal advertisement did exist and that emotions were running high in Fairbanks, due to our regulations being immediately after such other 'hot' issues as the "D2" and "Antiquities Act". Further, I feel if we were to go back and readvertise after we 'clean up some technical recommendations' dealing with survey and platting, we would still be confronted with the same problems with the general trend of controlling private land development with our regulations.

The real problem appears to be the public's feeling that the state is going to be exercising more authority than we should in areas where the state does not own the land. (Lands that are now in private ownership.) Individual desires to subdivide and sell their lands without all the restrictions we are trying to apply.

I herewith recommend that we clean up our technical survey language in our regulations and take a serious look at the authority we actually have in our replatting process for creating greenstrips and additional rights-of-way on private lands that individuals desire to subdivide and proceed on line and adopt the regulations, excluding therefrom the survey portion directly associated within the one page that deals solely with the Bierne Bill Initiative.

We should incorporate language in our regulations whereby we will be able to handle a comparable homestead survey program with regulation control.

At this time, I am proceeding ahead in cleaning up technicalities which I feel necessary in the surveying, records and platting portion of the regulations. I will have a corrected/amended version, hopefully, within the next couple of weeks that will have my recommended changes incorporated therein.

All in all, good response and good comments.

cc: Theodore G. Smith, Director
Division Forest, Land & Water
May Kaye Hession
Regulations Specialist
ADL District Managers
DNR Planning Section

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

JAY S. HAMMOND, GOVERNOR

DIVISION OF LANDS

323 E. 4TH AVENUE - ANCHORAGE 99501

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

Notice is hereby given that the Department of Natural Resources, under authority vested by AS 29.18.212, AS 38.04.900, and AS 38.05.020, proposes to adopt regulations in Title 11 of the Alaska Administrative Code to implement AS 29.18.201-29.18.212, AS 38.04.045-38.04.055, and AS 40.15.075, as follows:

- (1) 11 AAC 57 is adopted to set out the procedures for land selections by municipalities entitled to state land under AS 29.18.201-29.18.213. 11 AAC 57.020 explains how the entitlement is computed. 11 AAC 57.030 covers the nomination by the municipality of a selection pool larger than its entitlement, from which it may later make its selections; explains which categories of land the municipality may nominate; and restricts the circumstances under which the Division of Lands may remove land from the pool without the municipality's consent. 11 AAC 57.040 spells out the joint state-municipal planning process that must take place before a selection is made. 11 AAC 57.050 deals with the selection process, sets time limits for selection, and provides for public notice at the municipality's expense if the Division of Lands tentatively approves the selection. 11 AAC 57.060 sets out survey requirements for an approved selection.
- (2) 11 AAC 53 is adopted to regulate land records, surveying and platting. Article 1 covers the Division of Lands' records system and specifies the hours during which land status documents are available to the public for inspection and copying.

Article 2 specifies procedures to be used in surveying, monumenting and platting state land, including procedures for open-to-entry surveys and homestead entry surveys. The forms that must be shown on a plat are listed. An appeal process is set up to resolve disputes over surveyed boundaries.

Article 3 covers easements and rights-of-way that must be reserved, including public access easements, utility easements, pedestrian easements, and road rights-of-way. The requirements for easements to and along navigable and public water are amended from regulations already in effect as 11 AAC 70.

Article 4 formulates subdivision development standards that apply to state land subdivided by the Division of Lands and to replats or vacations of private land in third class boroughs and the unorganized borough, where a quarter-quarter section or its equivalent is the smallest aliquot part subdivision that may be created without a plat. The procedure for obtaining the Division's approval of a replat or vacation is amended from regulations already in effect as 11 AAC 68. Standards for road construction and rights-of-way, sewer systems, water systems, utility easements, greenbelts along primary and secondary roads, recreation areas within residential subdivision, and easements or greenbelts to provide access to public waters are set forth.

Article 5 defines terms used in the chapter.

- (3) 11 AAC 62.260-11 AAC 62.300, 11 AAC 62.640, 11 AAC 64.500-11 AAC 64.560, 11 AAC 68, and 11 AAC 70 are repealed.
- (4) 11 AAC 99 is adopted to define terms used repeatedly in 11 AAC 55-11 AAC 99.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held in the Multipurpose Room, Romig Jr. High School, 3600 Minnesota Drive, Anchorage, at 7:30 p.m., January 8, 1979; in the Multipurpose Room, Ryan Jr. High School, 951 Airport Road, Fairbanks, at 7:30 p.m., January 9, 1979; and in a room to be announced, Marie Drake Jr. High School, 1208 Glacier Ave., Juneau, at 7:30 p.m., January 11, 1979.

Copies of the proposed regulations may be obtained by writing to the Department of Natural Resources, Division of Lands, Regulations Coordinator, 323 E. 4th Avenue, Anchorage, Alaska 99501.

The Department of Natural Resources, upon its own motion or at the instance of any interested person, may after the hearing adopt the proposals substantially as described above without further notice or may decide to take no action on them.

DATE

12.12.78

Michael C. T. Smith
Assistant Commissioner

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

JAY S. HAMMOND, GOVERNOR

DIVISION OF LANDS

323 E. 4TH AVENUE - ANCHORAGE 99501

December 12, 1978

Dear Alaskan:

Attached are three chapters of proposed regulations on which the Division of Lands will hold public hearings in early January in Anchorage, Juneau, and Fairbanks. (See the "Notice of Proposed Changes in the Regulations of the Department of Natural Resources" for hearing details.) The Division of Lands is interested in your suggestions concerning these proposed regulations. You are invited to present a statement, oral or written, at one of the hearings, or to send it directly to the Division of Lands. If your statement is mailed, please send it no later than Jan. 12, 1979.

The first chapter of regulations is 11 AAC 53, "Records, Surveys, and Platting." In June the Legislature passed a new law, ch. 181, SLA 1978, that among other matters requires surveying before the State disposes of land, and obliges the Division of Lands to reserve access easements necessary to reach public land or water in the area, along with access and utility easements needed to serve each parcel. (These provisions will appear in the Alaska Statutes as AS 38.04.045-38.04.055.) The new chapter of regulations puts these legal requirements into effect.

Article 1 of 11 AAC 53 covers the division's land records system, emphasizes that land status plats are not official documents for title purposes, and sets the hours that land records are available for inspection and copying in the district offices of the division (3327 Fairbanks St., Anchorage; 4420 Airport Way, Fairbanks; and 11th Floor State Office Building, Juneau).

Article 2 deals with all types of surveys, including surveys for open-to-entry sites and homestead entry parcels, sets the limits of error for each type, and prescribes procedures for surveying, monumentation and platting. (Other matters necessary for the implementation of the homestead entry initiative will be covered in proposed regulations for which hearings will be scheduled soon.) Much of this material is adapted from regulations already in effect in 11 AAC 62 and 64 on tidelands and set-net site leasing. Most of the other procedures have been required by the Division of Lands for many years, but in the past have been stipulated as part of each set of survey instructions issued before a survey is begun. However, the volume of land disposal actions is now so high that it is necessary to standardize procedures as much as possible in the form of regulations and cut to a minimum what must be detailed in individual survey instructions.

Article 3 sets the standards for the road, utility, and public access easements and rights-of-way that must be reserved, surveyed and platted before the division can dispose of land. The bulk of this article is amended from regulations

already in effect as 11 AAC 70 that set the widths of easements for access to and along public and navigable waters, as required by AS 38.05.127. The Division of Lands is proposing to raise the minimum width of such easements from 25 to 50 feet.

Article 4 sets the development standards for the division's own subdivisions and, in third class boroughs and the unorganized borough, for subdivisions of private land that are subject to the division's authority to approve replats.

Several sections in 11 AAC 62 and 11 AAC 64, and the whole of 11 AAC 68 and 11 AAC 70, are repealed, since they are being incorporated into 11 AAC 53.

Another chapter proposed to be adopted is 11 AAC 57, "Municipal Land Selections." Legislation allowing boroughs to select a percentage of state land within their boundaries was originally passed in 1964, and later was amended to include cities as well. However, the law left many implementation questions unanswered. During the past session, the Legislature amended the law to a substantial degree (see ch. 180, SLA 1978), clarifying how the selection process was to occur. The new law requires that joint planning take place between each municipality and the Division of Lands to determine which potential selections can best serve the municipality, while still protecting the state interest as a whole. This law is linked to ch. 181, SLA 1978, by a provision in the latter requiring the Division of Lands to mark 25 percent of former mental health trust lands for disposal, and allowing a municipality to select such designated lands to meet its entitlement under ch. 180, SLA 1978, if it certifies that it will undertake disposal programs to "meet the needs of persons residing in the municipality."

(Regulations formerly in AAC 53 and 57 concerning zoning and agricultural land sales have been renumbered without amendment as 11 AAC 91 and 67 respectively.)

The third set of proposed regulations, 11 AAC 99, incorporates definitions that in the past have been repeated in each chapter of the Division of Lands' regulations.

Your testimony on these three chapters of proposed regulations will be most useful to us if it makes reference to particular sections by number (for instance, 11 AAC 53.420(b)(4) rather than a page number) and if it offers specific suggestions for changes or other modifications you feel would result in improvement. If you would like a copy of the new laws on which these regulations are based, contact the Legislative Information Office in Anchorage (278-3668), Fairbanks (452-4449), Juneau (465-3800), or Ketchikan (225-9675).

Sincerely yours,

Al Carson

for Michael C. T. Smith
Director

CHAPTER 53. RECORDS, SURVEYS, AND PLATTING.

Article

1. Land Records System (11 AAC 53.010 - 11 AAC 53.050)
2. Surveys and Platting (11 AAC 53.100 - 11 AAC 53.270)
3. Easements and Rights-of-Way (11 AAC 53.300 - 11 AAC 53.370)
4. Subdivision Development Standards (11 AAC 53.400 - 11 AAC 53.470)
5. General Provisions (11 AAC 53.500)

ARTICLE 1. LAND RECORDS SYSTEM.

Section

- 010. Purpose
- 020. Land records
- 030. Record entries
- 040. Availability
- 050. Confidentiality

11 AAC 53.010. PURPOSE. The purpose of secs. 10-50 of this chapter is to set forth the procedures of the land records system, which is responsible for recording and filing all actions affecting the status of state land.

Authority: AS 09.25.120
AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 40.21.070

11 AAC 53.020. LAND RECORDS. Land records trace the history of all land status from acquisition to disposal and consist of the following:

(1) land status plats, which graphically portray all actions affecting state land and land in other ownership as required. These plats are for illustrative purposes only; the actual written documents remain the official record. There are two types of land status plats:

(A) land estate plats, which portray land actions and transactions on the surface of each township; and

(B) mineral estate plats, which portray subsurface actions and transactions within a given township. These plats may also show state tideland data;

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(2) the historical index, which is a narrative summary of and an index to state land actions and transactions that affect the title to, disposition of, or use status of state land or state tentatively approved land within an individual township; and

(3) the serial register, which is a numerical index of land actions assigned division of lands serial numbers.

Authority: AS 09.25.110
AS 09.25.120
AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 40.21.070

11 AAC 53.030. RECORD ENTRIES. (a) When an instrument is filed for incorporation into the land records system, it will be noted in the proper serial register, or in a new serial register, and will be made available for public inspection at the beginning of the next regular day of business after it has been noted.

(b) Action requiring a change on the land status plat and historical index will be noted in a timely manner.

Authority: AS 09.25.120
AS 38.05.020
AS 38.04.045
AS 38.04.900
AS 38.05.035
AS 40.21.070

11 AAC 53.040. AVAILABILITY. (a) Except as provided in sec. 50 of this chapter, any document produced and maintained in the division's land records system is available to the public for inspection and copying from 9:30 A.M. to 3:00 P.M. during regular business days in accordance with AS 09.25.110.

(b) On request, the division will supply a certified true copy of any available document maintained in its land records system. A fee is charged for all copies in accordance with a fee schedule posted at each of the district offices of the division.

Authority: AS 09.25.110
AS 09.25.120
AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035

11 AAC 53.050. CONFIDENTIALITY. Documents requested to be kept confidential under AS 38.05.035(a)(9) or required to be kept confidential under AS 09.25.120 are not available for inspection or copying.

Authority: AS 09.25.120
AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035

ARTICLE 2. SURVEY AND PLATTING STANDARDS.

Section

- 100. Application
- 110. General survey standards
- 120. Technical survey standards
- 130. Types of surveys
- 140. Rectangular surveys
- 150. Supplemental cadastral rectangular surveys
- 160. Metes and bounds surveys
- 170. Homestead entry surveys
- 180. Deposit for survey costs
- 190. Monuments
- 200. Monument accessories
- 210. General plat standards
- 220. Preliminary plat standards
- 230. Final plat standards
- 240. Technical appeals

11 AAC 53.100. APPLICATION. Secs. 100-240 of this chapter apply to all state land, except that if the land is within the jurisdiction of a platting authority, and if the ordinances of that platting authority governing subdivisions are at least as stringent as the standards of this chapter, and if the platting authority possesses sufficient resources and enforcement capability to insure uniform compliance with its regulations, then that authority's ordinances govern instead of this chapter.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.045

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11 AAC 53.110. GENERAL SURVEY STANDARDS (MINIMUM). All survey work must be accomplished with commonly accepted equipment and procedures to insure at least the degree of accuracy prescribed in this section for the class of survey required.

(1) Class I surveys. This class of survey is for control surveys where accuracy greater than 1:10,000 is required. It is required by the division for, but is not limited to:

(A) extension of the geodetic control from existing networks into areas where cadastral surveys are to be established in accordance with the official protraction diagrams; and

(B) establishing control survey networks to National Geodetic Survey accuracy.

(2) Class II surveys. This class of survey is for urban areas where a municipal platting authority requires survey accuracy greater than 1:5,000, but less than that for class I surveys.

(3) Class III surveys. This class of survey is for rural areas where survey accuracy of 1:5,000 is required. It is required by the division for, but is not limited to, such surveys as:

(A) subdivision surveys;

(B) open-to-entry surveys;

(C) shore fishery development surveys;

(D) tideland surveys; and

(E) metes and bounds surveys.

(4) Class IV surveys. This class of survey is for remote areas when a survey accuracy of 1:2,000 is required. It is required by the division for, but is not limited to, such surveys as cadastral rectangular surveys.

(5) Class V surveys. This class of survey is for general location surveys where accuracy of less than 1:2,000 is required. This class of survey is required by the division for, but is not limited to, such surveys as:

(A) cabin site locations; and

(B) mineral claim locations.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035

11 AAC 53.120. TECHNICAL SURVEY STANDARDS. The technical standards in this section control specific survey procedures.

(1) Mean high tide:

(A) in the case of unoccupied and unimproved tide and submerged lands not seaward of an incorporated municipality, the line of mean high tide must be determined in accordance with (B)-(D) of this subsection and used as the landward boundary. In the case of occupied and improved tide and submerged lands, either the original meander line established prior to statehood or the line of mean high tide, whichever is the higher, must be reestablished or determined and used as the landward boundary line;

(B) for tideland surveys abutting any U.S. survey made after the date of statehood or in any location where no upland survey exists, the line of mean high tide must be determined by using National Geodetic Survey bench marks (or any other bench marks that have been established from that source), and the tide table datum. The upland boundary need not follow this line in its entire exactness, but may follow in a "meander" or "average" line of mean high tide. Each end of the boundary must be established on the elevation of mean high tide;

(C) in case no National Geodetic Survey bench mark exists within one mile of the property being surveyed, the surveyor may, by using the tide tables for the immediate body of water and applying tidal readings he has taken, determine the line of mean high tide; and

(D) in some cases, such as salt or mud flat areas where the average grade of the beach is 10% or less, and where determining the elevation of the line of mean high tide could create a lengthy horizontal distance, the director may nevertheless require that the true line of mean high tide be established using the procedures of (B) of this subsection, regardless of the distance from a known bench mark.

(2) Ordinary high water mark. This is to be determined by observing and marking the place on the bank or shore up to which the presence and action of water are so prolonged as to impress on bank or shore a character distinct from that of the bank or shore with respect to vegetation and the nature of the soil.

(3) Vertical control. Vertical control must be established by utilizing National Geodetic Survey bench marks or tidal readings, in accordance with survey instructions issued by the division.

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(4) Horizontal control. The latitude and longitude positions, as established by the National Geodetic Survey, must be used to coordinate the survey to all other surveys in the area and to the rectangular cadastral survey in accordance with the class of accuracy assigned under sec. 110 of this chapter to the type of survey. If no such official recognized horizontal control exists within two miles of a survey, the latitude and longitude may be derived from a set (or sets) of celestial observations. These observations must be done as set forth in the manual of survey instructions prepared by the United States Department of the Interior, Bureau of Land Management, which is current at the time of survey. If this is done, a true copy of the field notes and calculations of the observations must be submitted to the division of lands, together with the plat of survey.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035

11 AAC 53.130. TYPES OF SURVEYS. There are four general types of surveys: rectangular surveys, supplemental cadastral rectangular surveys, metes and bounds surveys, and homestead entry surveys.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.045

11 AAC 53.140. RECTANGULAR SURVEYS. Rectangular surveys, including homesite surveys and public and private recreation site surveys, must adhere to class III survey standards, unless the division authorizes the use of class IV standards, and must follow the survey and platting requirements of this chapter. Any survey or platting criteria unique to a particular type of survey will be set forth in special survey instructions issued by the division.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.045

11 AAC 53.150. SUPPLEMENTAL CADASTRAL RECTANGULAR SURVEYS. (a) Supplemental cadastral rectangular surveys are divided into four categories, each of which is surveyed to class IV standards.

(1) Category I applies when no rectangular cadastral survey corners have been set to define the rectangular survey township perimeter. The township is, therefore, legally described only by reference to the official protraction diagrams. The section corner positions along the perimeter and within the interior of the township must be established at the official protracted geodetic positions as shown on the official protraction diagram.

(2) Category II applies when monumentation exists on the perimeter of a township that is officially platted. All subsequent section, one-quarter section, and other corner positions must be located along the perimeter on line and at prorated distances between the monumentation of record. All interior section corner positions must be established at the official geodetic positions as shown on the official protraction diagrams. The interior section lines along the exterior one mile of the township must then be established as a line connecting the established geodetic positions of the interior section corners and the section corner positions as established on the exterior of the township. Whenever interior correction lines have to be established, because the configuration of the township exterior is not established at the official protraction positions, then special instructions from the division are necessary for the official positioning of the correction line and corner monument positions.

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(3) Category III applies when the perimeter of the township has been established and monumented, based on the official protraction diagrams, and interior monumentation defining a particular section of land also exists, based on the official protraction diagrams. When this situation exists, a section of land may be located within the interior portion of the township by continuation of the rectangular survey system in accordance with the approved protraction diagrams, using either the monumented interior section corners or the exterior perimeter section corner monuments, whichever is more appropriate. The rectangular system is then projected to within one mile of the other prior established section corner monument. Then the line connecting the existing corner and the newly established section corners is made and the one-quarter corner is set at midpoint and on line. However, if the connecting line does not close within the survey class accuracy assigned, a correction line is required and survey instructions must be issued by the division to govern the location of the correction line.

(4) Category IV applies when the perimeter boundary of a township has been established and monumented, based on either an official protraction diagram or on an older perimeter boundary survey done before the official protraction diagrams were approved. It also applies when the interior section corners have been established and monumented, based on either an official protraction diagram or an older

survey done before the official protraction diagrams were approved. There are two survey datums to contend with, one that controls the exterior boundary of the township and one that controls the interior section corners. Both may be physically monumented on the ground. When two such datums exist, the director shall issue special survey instructions establishing a correction line to control the basis for projection of the rectangular survey system throughout the township. These special instructions will govern the interior subdivision of the township.

(b) The following survey and platting standards apply to supplemental cadastral rectangular surveys.

(1) For the west tier of sections in a township, the north-south center section line must be established at 2,640 feet west of the section corners, and the remaining distance to the west section corners must be as established by field measurements. The east half of the section is platted as aliquot parts, with the west portion being divided into two tracts. These tracts will be designated as Tract A and Tract B, with Tract A being to the north. However, when smaller units than the two tracts A and B, mentioned above, are to be surveyed and platted, then the one-sixteenth section corner positions must be set at 1,320 feet west of the one-quarter section corner position. The east half of the west half is platted as aliquot parts, with the westerly remainder of the section then divided into four tracts, using the same alphabetical designation mentioned above, with Tract A being to the north and Tract D to the south. Thus, the one-quarter corner must be at 2,640 feet from the east corner, and the one-sixteenth corner must be at 1,320 feet from the one-quarter corner. The only exception is if there is a platted distance call on an exterior township boundary plat. Then proration applies, based on the platted distance of an official survey and the existing field distance.

(2) For the north tier of sections in a township, the one-quarter corner positions must be established at half the distance and on line between the section corner positions. The one-sixteenth corner positions must be established thereafter at their respective midpoint positions. The entire section is then defined by aliquot parts.

(3) The only time the east, north and south tiers of sections are not platted into aliquot parts is when the east, north or south section line has been established as a correction line. The tract designation, as in (b)(1) of this section, of a section is then applicable. Specific instructions for the correction line will be issued by the director.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.045

11 AAC 53.160. METES AND BOUNDS SURVEYS. (a) Metes and bounds surveys will be surveyed to class III standards. Class IV standards may be authorized in certain instances. Any survey or platting criteria unique to a particular type of survey will be set forth in special survey instructions issued by the division. For all metes and bounds surveys, both a preliminary plat and a final plat must be prepared in accordance with secs. 220 and 230 of this chapter. A "metes and bounds" legal description must be shown on the plat. The description must begin at a monumented corner position and have an origin of bearing and distance call to an officially recognized monument that has a known relationship to the rectangular survey system. Both of these monuments must have a latitude and longitude established to an accuracy in keeping with the class of survey, with the latitude and longitude of one of them being called out in the legal description. Metes and bounds surveys are used for tidelands surveys, shore fishery development surveys, open-to-entry surveys, homesite surveys, and public and private recreation site surveys.

(b) The following are additional requirements for metes and bounds surveys of tidelands, shore fishery development sites, and open-to-entry sites.

(1) For a tideland survey, the line of mean high tide must be determined as in sec. 120(1) of this chapter, and the final plat must show the course of the shoreline for an additional 400 feet from each side of the survey.

(2) The applicant for a shore fishery development lease need not have an actual field survey. He may have his choice of submitting either a paper plat or a plat that represents an actual field survey. A preliminary plat must be submitted with his application. In the case of a conflict between a lease tract located by a paper plat and a lease tract located by an actual field survey, the field survey governs. If the applicant chooses an actual field survey, then the line of mean high tide must be located as in (1) of this subsection. In addition, the final plat must show the lease number assigned by the division.

(3) For an open-to-entry parcel that was not surveyed before entry, a final survey plat and a surveyor's affidavit, attesting that all field work has been completed in accordance with this chapter, must be filed with the director before the expiration of the lease. The director shall approve or disapprove the survey within 30 days after receiving the final survey plat and affidavit. If the survey is disapproved, a field inspection of the survey will be made within 90 days after disapproval. If the field inspection verifies that all field

work has been completed in accordance with division of lands survey criteria, as shown on the final plat and as attested to on the surveyor's affidavit, the director may approve the survey. After approval, the final survey plat and the surveyor's affidavit must be filed for acceptance by the division. The survey and platting criteria established by the division of lands prior to May 4, 1978, are the criteria for surveying land entered upon before that date, and the following surveyor's affidavit must be shown on the open-to-entry plat:

I, _____ (surveyor's name) _____, being first duly sworn, hereby depose and say that the following matters are true and correct to the best of my knowledge and belief:

- 1. I am properly registered and licensed to practice land surveying in the State of Alaska. The surveyor's field notes which are attached hereto and made a part hereof represent Alaska State Land Survey No. _____, which was made by me or under my direct supervision.
- 2. All field work has been accomplished in accordance with AS 38.05.077 and with Division of Lands survey and plat criteria, as authorized by AS 33.05.077.
- 3. The monuments as shown on the field notes and as displayed on the plat of survey actually exist, and dimensions and other details are correct.

(date)
Date

(signature)
Registered Land Surveyor

Reg. No. _____
(number)

NOTARY'S ACKNOWLEDGEMENT

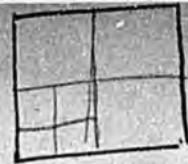
Subscribed and sworn to before me this ___ day of _____, 19 __.

(signature)
Notary for Alaska

(date)
My commission expires:

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.077

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11 AAC 53.170. HOMESTEAD ENTRY SURVEYS. Before the surveying and platting of a homestead entry parcel under AS 38.05.410 - 38.05.540, the four corners of the section and center one-quarter section corner must be established and monumented with primary monuments in accordance with secs. 190 - 200 of this chapter. Section location must be controlled to class III survey standards. The parcel may not extend beyond a single quarter-quarter section. For a parcel in southeast Alaska that is entirely east of the 141st meridian, entry must be on either the north, east, south, or west half of a quarter-quarter section.

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(1) A preliminary and a final plat must be prepared and submitted to the division in accordance with secs. 220 - 230 of this chapter. In addition, if the parcel lies within a city or a first-class or second-class borough, the plat must be submitted to the platting authority for its approval.

(2) A public access easement having a total width of 100 feet, centered on the boundary line, must be surveyed and platted along all sides of the parcel to provide access to navigable and public water. As used in AS 38.05.480, the term "each section of land acquired from the state" means "each parcel of land acquired from the state." Other easements to provide access along navigable and public water must be surveyed and platted in accordance with sec. 330(a) and (b) of this chapter. All public and navigable water must be surveyed and have the water area segregated from the uplands at the time of survey.

(3) The director may grant up to a one-year extension of the time allowed in AS 38.05.440 for survey. A person applying for an extension must be able to show that he exercised due diligence in attempting to complete the survey within the time allowed, and that failure to complete it was due to an act of God or other circumstance beyond the applicant's control.

Burden on surveyor

(4) Any later subdivision of the parcel, or any other action that requires a change or vacation of the original plat, is subject to review by the platting authority having jurisdiction.

Authority: AS 38.04.045
 AS 38.04.900
 AS 38.05.020
 AS 38.05.127
 AS 38.05.440
 AS 38.05.480
 AS 40.15.075

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11 AAC 53.180. DEPOSIT FOR SURVEY COSTS. At the discretion of the director, for a parcel that is unsurveyed at the time of entry, the applicant may be allowed to deposit with the division an amount of money that the division estimates is sufficient to cover the cost of surveying and platting the parcel. The division will then be responsible for surveying the parcel and preparing the plat before the expiration of any time limits set by statute. If the amount of money deposited is not sufficient to cover the actual survey and platting costs, the applicant shall pay the remainder before passage of title. The division will refund any unspent funds.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020

11 AAC 53.190. MONUMENTS. (a) Primary monuments must be established for surveys as set forth in this subsection.

(1) Every metes and bounds survey and homestead entry survey must have a minimum of four primary monuments established. The monument must consist of a two-inch nonferrous metal pipe at least 30 inches long with a four-inch flange at the bottom. A two and one-half inch diameter nonferrous metal cap must be permanently attached at the top.

(2) No portion of a survey or subdivision may be more than 1,320 feet from a primary monument.

(3) All angle points along an exterior survey boundary must have a primary monument.

(4) Primary monuments along an exterior boundary may not be situated more than 1,320 feet apart.

(5) If adjacent exterior boundary monuments are not inter-visible then an intermediate primary monument that is inter-visible must be set.

(6) If an exterior boundary line is less than 2,640 feet but more than 1,320 feet long, then the intermediate primary monument must be set as close to the midpoint as practical.

(7) Should the point for a primary monument be in a place that would be impractical to monument because of natural restrictions such as water bodies, a witness corner must be set. The witness distance must be shown upon the plat of survey, from the existing monument, as set, to the true corner position. Witness corners must always be set on a survey property line and at a distance considered reasonable and practical from the true corner point. Witness corners must comply with the standards for primary monuments.



(8) If it is impractical to set the primary monument, one of the following may be substituted, with monument accessories as required in sec. 200 of this chapter:

(A) a cross marked in a firm stone;

(B) a cap grouted into a firm stone; or

(C) a tablet containing a minimum of 1,000 cubic inches of concrete and a cap marking the actual corner point.

(b) Secondary monuments must be used for property line curvature control, at interior angle points, and on interior lines that exceed 1,320 feet in length and are not monumented with primary monuments. Secondary monuments must consist of a five-eighths inch metal rod, three feet long, with a one and one-half inch cap attached at the top.

(c) All other corners within the interior of a subdivision must be marked with reinforcing rods or iron pipes, or in a manner prescribed by the platting authority having jurisdiction.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035

11 AAC 53.200. MONUMENT ACCESSORIES. (a) All primary monuments must be referenced to at least three bearing trees or objects surveyed to a class IV survey standard, or two reference monuments surveyed to a class III survey standard.

(1) If bearing trees or objects are used, they must be located as nearly as possible at equal angles and no further away than 100 feet from the monument. The distance to trees or objects must be measured at waist height, and in the case of trees, measured to the center of the tree, with distances reduced to a horizontal equivalent. Bearing trees must also be marked with nonferrous metal tags of at least nine square inches in size, which must be placed facing the monument. These tags must be clearly and permanently marked as to the corner nomenclature and distance.

(2) If reference monuments are being used, two must be used, and they must meet the secondary monument standards of sec. 190(b) of this chapter. These monuments must be placed on a property line or at right angles to the monument being referenced and can be no further than 100 feet from the monument being referenced. In addition, they must be marked with the nomenclature and distance to the monument being referenced.

(b) In addition to the accessories required in (a) of this section, witness posts, a minimum size of a nominal two-by-four, 6' long, with 4' protruding above ground, are required for all primary monuments. They must be set at right angles to the line and no farther than one foot from the monument.

(c) Secondary monuments do not require monument accessories.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 38.05.035

11 AAC 53.210. GENERAL PLAT STANDARDS. All plats that are submitted to or prepared by the division of lands, with the exception of those types of surveys requiring specific data, as defined within the individual category, must conform to these basic standards unless prior approval for change has been granted by the director or it is necessary to comply with another plating authority.

(1) The base sheets must be of good quality linen or mylar at least three mils thick, and be one of three standard sizes: 18" x 24", 22" x 36", 31-1/2" x 34".

(2) The sheets must have the official division of lands title block and border configuration.

(3) All line work must be in the appropriate black drafting ink.

(4) All lettering on the plat must be in the appropriate black ink and be accomplished with "mechanical" lettering equipment.

(5) All line work and lettering must be of good quality and all line widths and lettering sizes must be of such size that all information can be clearly shown without overlap or confusion.

(6) When more than one sheet is required, an index sheet must be added showing the entire parcel, with the sheets in numerical order, and each sheet showing the sheet number and total number. When more than one sheet is submitted, only the last need have the approval certificates, but all sheets must be the same size.

(7) The scale must be one inch representing 100 feet or a multiple of 100 feet. A request for the use of another scale may be made to the director.

(8) Details, as necessary, must be shown at an appropriate scale.

(9) The plat must have a vicinity map, with a scale of one inch representing one mile in the upper right-hand corner, showing sections, townships and ranges, and other boundaries such as national forests, borough, city, etc., and other physical or natural features such as roads, lakes, rivers, etc. The source of the base map used must also be indicated.

(10) Nomenclature of the survey need appear in the title block only, unless the division specifically states otherwise.

(11) The basis of bearings and the origin of geographic coordinates must be shown. Bearings shown must be true bearings, and distances to be shown must be in the foot unit reduced to the true horizontal equivalent, or, at the director's discretion in the metric unit reduced to the true horizontal equivalent.

(12) Bearings and distances must be shown within the accuracy commensurate with the class of survey being represented. However, plats of class IV surveys must indicate bearings rounded to the nearest 15 seconds of arc and distances rounded to a tenth of a foot or to a decimeter, as appropriate.

(13) The plat must have a bar scale showing four units at the same scale as the plat is drawn, and also the relationship to meters and the conversion factor from feet to meters.

(14) An official division of lands legend showing monuments recovered and set for the survey, as well as other monuments used, must be shown.

(15) The date of plat preparation and standard north arrow must be shown.

(16) The following certificates must be shown:

CERTIFICATE OF CLAIMANT (as applicable)

I (we) hereby certify that I am (we are) the legal claimant(s) of the property shown hereon and that I (we) hereby approve this plat of survey.

_____, 19__.
Date

Witnessed by:

Witness

Owner

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Register ____, ____ 1979

NATURAL RESOURCES

(signature in black ink)
Witness

(signature in black ink)
Owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this ____ day of _____, 19__.

(signature in black ink)
Notary for Alaska

(date)
My commission expires:

OWNERSHIP CERTIFICATE (all plats)

I, the undersigned, hereby certify that I am the director, Alaska Division of Lands, and that the State of Alaska is owner of (name of parcel), as shown hereon. I hereby approve this survey and plat for the State of Alaska.

(date)
Date

(signature in black ink)
Director
Alaska Division of Lands

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this ____ day of _____, 19__.

(signature in black ink)
Notary for Alaska

(date)
My commission expires:

SURVEYOR'S CERTIFICATE (all plats)

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, and that this plat represents a survey made by me or under my direct supervision, and the monuments shown thereon actually exist as described, and that all dimensions and other details are correct.

Date (date)

Registration Number (number)

(signature in black ink)
Registered Land Surveyor/Engineer

(SEAL)

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DEDICATION OF EASEMENTS, PUBLIC UTILITIES AND ROADWAYS (as applicable)

I hereby dedicate for public or private use, as noted, all easements, public utility areas, and roadways as shown and described hereon.

Date _____ (date) _____ (signature in black ink)
Director
Division of Lands
Department of Natural Resources

SECTION LINE EASEMENT VACATION CERTIFICATE (As Applicable)

Approval Recommendation

State of Alaska Department of Transportation and Public Facilities

The vacation statement, as shown hereon, has been reviewed by the _____ District Office and is hereby recommended for approval by the Commissioner.

Recommended by: _____ (signature in black ink) Date _____ (date)
Title: _____ (title)

State of Alaska Division of Lands

The vacation statement, as shown hereon, has been reviewed by the Division of Lands and is hereby recommended for approval by the Commissioner.

Recommended by: _____ (signature in black ink) Date _____ (date)
Title: _____ (title)

The State of Alaska, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Transportation and Public Facilities, does hereby state and declare that the State of Alaska vacates and releases all rights and title to any and all portions of section line easements for public highways reserved to it under AS 19.10.010. (specific area delineated).

Approved:

Date: _____ (date) _____ (signature in black ink)
Commissioner
Department of Transportation and Public Facilities

Approved:

Date: _____ (date) _____ (signature in black ink)
Commissioner
Department of Natural Resources

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LESSEE CERTIFICATE(S) (as applicable)

I (we), the undersigned, hereby certify that I am (we are) the lessee(s) as shown hereon. I (we) hereby approve this survey and plat.

ADL No. (number) (signature in black ink) Date (date)
 Tract (number) (name--same as signature)

ADL No. (number) (signature in black ink) Date (date)
 Tract (number) (name--same as signature)

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this ____ day of _____, 19__.

 (signature in black ink)
 Notary for Alaska

 (date)
 My commission expires:

Authority: AS 38.04.045
 AS 38.04.900
 AS 38.05.020

11 AAC 53.220. PRELIMINARY PLAT STANDARDS. In specific instances for various survey types and classes, the director may require a preliminary plat. The purpose of the preliminary plat is to afford an opportunity of receiving preliminary review of an intended survey and prevent unnecessary expenditure of money and time that would occur if major changes were required after final platting. Conditional approval of the preliminary plat does not constitute approval of the final plat. Rather, it is an expression of approval as a guide to preparation of the final plat. The following are minimum standards for the preliminary plat.

(1) The format of the preliminary plat must comply with the general plat standards as set forth in sec. 210 of this chapter.

(2) A legal description of the location, including latitude and longitude commensurate with the class of survey, must be shown at one monumented corner of the survey; the total acres of the area to be surveyed must be shown.

(3) The name and address of occupant or applicant must be shown.

(4) If the preliminary plat is prepared by a land surveyor, the surveyor's seal must be properly affixed and signed.

(5) As applicable, the locations of fill material, existing permanent buildings or other structures within the parcel, existing utility lines, mean high and mean low tide lines, and other permanent features, such as section lines, political subdivision or corporation lines, and school district boundaries within the parcel, must be shown on the plat. All roads inside or within 200 feet of the parcel also must be shown. The director may require that the approximate grades of roads, general topography, preliminary lot configuration, and the proposed location of common areas be shown.

(6) The names of adjacent owners or claimants, or an indication that the land is not owned or claimed, and adjacent U.S. Surveys and Alaska State Land Surveys must be shown.

(7) The original or a good quality reproducible of the preliminary plat must be submitted to the division of lands for review, with five blackline or blue line prints.

(8) Applicable certification as required by sec. 210(16) of this chapter must be shown but should not be signed or notarized.

Authority: AS 08.48.221
AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 40.15.010

11 AAC 53.230. FINAL PLAT STANDARDS. (a) All final plats must conform to the general plat standards stated in sec. 210 of this chapter, and in addition thereto, must:

(1) have the notary's seal and surveyor's seal properly affixed;

(2) be presented to the division of lands with the original or a good quality reproducible mylar with five blackline prints;

(3) have the original or reproducible and all prints with all original signatures in all of the required places and in black ink only; and

(4) after final approval by the division of lands, be submitted to the district magistrate's office for the recording district within which the land surveyed lies, for official filing. If the land surveyed lies in more than one recording district, the plat must be submitted to each for filing.

(b) After filing, the official filing data must be affixed to the original plat and becomes a part of it.

Authority: AS 08.48.221
AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 40.15.010

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 11 AAC 53.240. TECHNICAL APPEALS. (a) Before giving technical approval to a plat of survey prepared for the division, the director will attempt to give written notice to all persons owning land bordering on the survey, stating that he proposes to accept the survey and plat and that the adjacent landowner may review the plat and file a written technical appeal within 30 days after the notice is mailed. If no technical appeal is filed, the director will accept the plat.

(b) If a technical appeal is filed in writing with the division, the director may, at his discretion, hold a technical hearing with the appellant. After the hearing is held, the director may allow the appellant 15 days to hire an independent professional surveyor, at the appellant's expense, to review the plat and survey data and submit written technical reasons why the division should not approve the survey. The director may thereafter, at his discretion, accept or reject the survey.

Authority: AS 38.04.035
 AS 38.04.045
 AS 38.04.900

ARTICLE 3. EASEMENTS AND RIGHTS-OF-WAY

Section

- 300. Easements and rights-of-way
- 310. Determination of navigable and public water
- 320. Written decision concerning easements
- 330. Easements to and along navigable and public water
- 340. Directory of easements
- 350. Surveying and field marking of easements
- 360. Liability for injury or accident
- 370. Liability for damages

11 AAC 53.300. EASEMENTS AND RIGHTS-OF-WAY. All easements and rights-of-way reserved under secs. 300 and 330 of this chapter must be surveyed and platted to the accuracy of the adjacent survey, or to class III survey standards, if there is no adjacent survey. In the case of easements along public or navigable water, monuments need to be set only as required by sec. 350 of this chapter. Easements may become rights-of-way after survey and dedication or alienation by the division of lands. Except as otherwise provided by law, easements reserved under this chapter are vested in the state. Easements and rights-of-way of at least the following widths must be surveyed and shown on the plat. When in the public interest, the director may require the survey and platting of additional easements or rights-of-way at the time that survey instructions are issued.

(1) Public access easements:

(A) the section line easement is 50 feet wide on the state side. If the state is the owner on both sides, then it is a total of 100 feet wide;

(B) the easement for an existing road or trail that does not already have a reserved easement or right-of-way is 30 feet on each side of the centerline of the road or trail.

(2) Public access easements to and along navigable and public water are as required by sec. 330 of this chapter.

(3) Utility easements are ^{too narrow} 20 feet wide unless a need is demonstrated for a wider easement at time of survey and platting.

(4) Pedestrian easements are 20 feet wide, unless a need is demonstrated for an easement of a different width at the time of survey and platting.

(5) Other easements, as necessary, will be determined at the time of survey.

(6) Rights-of-way:

(A) arterials must be approximately 100 feet wide;

(B) residential roads must be approximately 60 feet wide; and

(C) other right-of-way widths, as necessary, will be determined at the time of survey. (Eff. 12/29/77, Reg. 64; am. / / 79, Reg.)

Authority: AS 38.04.045
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 38.05.127
AS 38.05.365

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* 11 AAC 53.310. DETERMINATION OF NAVIGABLE AND PUBLIC WATER. (a) As part of the preliminary written decision required under AS 38.05.035(a) (14) before the sale, lease, grant, or other disposal of any interest in state land, or in a written determination issued with or as part of survey instructions for a homestead entry parcel granted under AS 38.05.410 38.05.540 for which a written decision under AS 38.05.035(a)(14) is not required, the director shall determine whether water adjacent to or contained within the land intended for disposal is navigable water, public water, or neither.

(b) In making this determination, the director shall solicit comment from the Department of Fish and Game and the division of parks, and, if appropriate, from other state and municipal agencies. In addition, the director may use:

(1) a record of historical use, as documented in a book, newspaper, diary, or other published or unpublished source;

(2) published or unpublished records of a public administrative agency;

(3) written or oral information from any other source.
(Eff. 12/29/77, Reg 64; am. / /79, Reg.).

Authority: AS 38.04.005
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.127
AS 38.05.440
AS 38.05.480

*Renumbered from a regulation already in effect in 11 AAC 70. Words proposed to be added are underlined; words proposed to be deleted are bracketed and capitalized.

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* 11 AAC 53.320. WRITTEN DECISION CONCERNING EASEMENTS. If the water is determined to be navigable or public water, the director shall, in the preliminary written decision or the written determination referred to in sec. 310 of this chapter, either:

(1) list the easements or rights-of-way that are to be reserved for public access to or along the water under sec. 330 of this chapter; or

(2) state why reserving such easements or rights-of-way is not reasonably necessary to insure public access or why retention of public access is not in the public interest. (Eff. 12/29/77, Reg. 64; am. / /79, Reg.)

Authority: AS 38.04.005
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.127
AS 38.05.440
AS 38.05.480

* 11 AAC 53.330. EASEMENT TO AND ALONG NAVIGABLE AND PUBLIC WATER.

(a) The director shall reserve a continuous easement for public access along any water affected by tidal action when land adjacent to that water is conveyed unless the director determines that such an easement is contrary to the public interest. The easement must extend at least 50 [25] feet upland and 50 [25] feet seaward of the mean high water line. Where access along the easement is difficult because of topography or obstructions, an alternate upland access route may also be reserved.

(b) To provide for public access along inland navigable or public water, the director shall reserve a continuous easement on its bed and shores in the conveyance of land adjacent to or containing that water unless the director determines that such an easement is contrary to the public interest. The easement must extend at least 50 [25] feet upland of the ordinary high water mark. Where access along the shoreline is difficult because of topography or obstructions, an alternate upland route may also be reserved.

*Renumbered from a regulation already in effect in 11 AAC 70. Words proposed to be added are underlined; words proposed to be deleted are bracketed and capitalized.

* (c) If reasonable access is not otherwise available, the director shall reserve an easement or right-of-way to provide access to coastal or inland navigable or public water in the conveyance of land adjacent to or containing that water unless the director determines that such an easement is contrary to the public interest. The easement must be at least 50 [25] feet wide.

(1) If an existing trail, road, or other overland route provides access to the water, an easement shall be reserved for it, as required by sec. 300(1)(B) of this chapter [EXCEPT THAT IF TWO OR MORE TRAILS OR ROADS AFFORD ACCESS TO A ONE-MILE STRETCH OF SHORELINE, ONLY ONE ACCESS EASEMENT NEED BE RESERVED].

(2) If there is no existing trail, road, or other overland access route to the water, but if a public road, railroad, or trail approaches within two miles of the navigable or public water and if overland access from it to the shoreline is feasible, the director shall reserve an easement for this purpose. If the public road, railroad or trail lies parallel to the navigable or public water, the director shall reserve easements for access from it to the shore at intervals of no more than five miles.

(A) A section line right-of-way may substitute for an access easement if the right-of-way provides a practical route to the shore. The right-of-way must be marked as required under sec. 350 of this chapter.

(B) An easement along a tributary stream may substitute for a separate access easement to the main waterway or body of water if the tributary provides a practical and reasonably direct route from the road, railroad or trail or to the shore of the main waterway or body of water.

(3) Additional easements may be reserved to provide increased access where heavy recreational or nonrecreational use exists or is anticipated, to protect portage routes, or to secure access between aircraft landing sites and nearby navigable or public water.

(4) If it is determined, at the time an easement is reserved, that the need for increased public access to navigable or public water may justify construction of a road, the easement reserved must be at least 60 feet wide.

*Renumbered from a regulation already in effect in 11 AAC 70. Words proposed to be added are underlined; words proposed to be deleted are bracketed and capitalized.

** (d) In determining the easements to be reserved to and along navigable and public water, the director shall solicit comment from the Department of Fish and Game and the division of parks and, if appropriate, from other state and municipal agencies.

** (e) Easements for public access to and along navigable and public water need not be reserved on land to be traded to the federal government if the federal government agrees to reserve such easements before conveying the land into private ownership.

* (f) At the director's discretion, easements for public access to and along navigable and public water need not be reserved on land to be granted or otherwise transferred to a municipality under AS 39.18.201 - 29.18.213 or AS 38.05.315 if the municipality guarantees to reserve easements substantially in compliance with this section before it conveys the land into private ownership.

** (g) The director may limit the time or manner of using an easement or right-of-way or may close it to all use in order to protect public health, safety, wildlife values, or the environment. The director shall post notice on the land in such a manner as to identify prohibited uses. Any assignment of land management authority to another agency must include the authority to limit use of a public easement or right-of-way. (Eff. 12/29/77, Reg. 64; am. / /79, Reg.).

Authority: AS 38.04.005
AS 38.04.050
AS 38.04.055
AS 38.04.440
AS 38.04.480
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.127

*Renumbered from a regulation already in effect in 11 AAC 70. Words proposed to be added are underlined. Words proposed to be deleted are bracketed and capitalized.

**Renumbered from a regulation already in effect in 11 AAC 70. The Department of Natural Resources does not propose to amend this regulation. It is presented here as a convenience to readers.

** 11 AAC 53.340. DIRECTORY OF EASEMENTS. (a) The director may publish a directory of navigable and public water and of the easements that provide access to and along it.

(b) If a directory is published, it must be available at the offices of the division of lands.

(c) The director may set a fee for the directory. (Eff. 12/29/77, Reg. 64; am. / /79, Reg.)

Authority: AS 38.04.005
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.127
AS 38.05.440
AS 38.05.480

** 11 AAC 53.350. SURVEYING AND FIELD MARKING OF EASEMENTS. (a) The director may require as a condition of any sale, lease, grant, or other disposal of state land that the purchaser, lessee or grantee survey, mark, or survey and mark public easements reserved under sec. 330 of this chapter.

(1) Marking of easements across uplands must include clearly visible monuments or signs at the following places:

(A) at the intersection of the easement and any public road, railroad, trail, or aircraft landing site;

(B) at the intersection of the easement and any navigable or public water;

(C) along the easement, at intervals reasonably sufficient to allow the route to be followed; however, if the easement's route is shown by a clearly visible trail or road, signs along its course are not required.

(2) Marking of an easement along a waterway or body of water must include a clearly visible monument or sign where the easement intersects any public road.

**Renumbered from a regulation already in effect in 11 AAC 70. The Department of Natural Resources does not propose to amend this regulation. It is presented here as a convenience to readers.

(b) The purchaser, lessee or grantee shall perpetuate and maintain the marking.

(c) No person may obstruct or destroy a marking on an easement or right-of-way. (Eff. 12/29/77, Reg. 64)

Authority: AS 38.04.005
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.127
AS 38.05.440
AS 38.05.480

** 11 AAC 53.360. LIABILITY FOR INJURY OR ACCIDENT. The state does not assume and its lessees and grantees will not be required to assume any liability for injury or accident that occurs to any person using an easement reserved under sec. 330 of this chapter. Nothing in this chapter in any way creates or affects any liability for any injury or accident. (Eff. 12/29/77, Reg. 64).

Authority: AS 38.04.005
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.127
AS 38.05.440
AS 38.05.480

** 11 AAC 53.370. LIABILITY FOR DAMAGES. (a) Nothing in this chapter in any way diminishes the liability of a person using an easement reserved under sec. 330 of this chapter, for any injury or damage to persons, or to real or personal property, caused by that person.

(b) The owner or lessee of the land across which the easement is reserved may not hold the state liable for any injury or damage occurring to the owner's or lessee's interest as a result of the easement. (Eff. 12/29/77, Reg. 64)

Authority: AS 38.04.005
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 38.05.035
AS 38.05.127
AS 38.05.440
AS 38.05.480

**Renumbered from a regulation already in effect in 11 AAC 70. The Department of Natural Resources does not propose to amend this regulation. It is presented here as a convenience to readers.

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Class Borough*

ARTICLE 4. SUBDIVISION DEVELOPMENT STANDARDS

Section

- 400. Subdivision development standards
- 410. Aliquot part subdivision
- 420. Replats and vacations
- 430. Surface access
- 440. Sewer and water systems
- 450. Utility easements
- 460. Rights-of-way and easements
- 470. Greenbelts, reserved areas and public easements

11 AAC 53.400. SUBDIVISION DEVELOPMENT STANDARDS. Secs. 400-470 of this chapter cover minimum subdivision development standards that apply to:

(1) state land subdivided by the division; however, if the ordinances of the local platting authority governing subdivisions are at least as stringent as the requirements of this chapter and the platting authority possesses sufficient resources and enforcement capability to insure uniform compliance with its subdivision ordinances, then that authority's ordinances will govern in lieu of secs. 400-470 of this chapter; and

(2) replats or vacations of private land done in accordance with AS 40.15.075, including the subdivision replat of a cadastral plat originally done by the state or federal government.

Authority: AS 38.04.045
AS 38.04.050
AS 38.04.900
AS 40.15.075

11 AAC 53.410. ALIQUOT PART SUBDIVISION. Within third-class boroughs and the unorganized borough, a quarter-quarter section, or other aliquot part division containing approximately 40 acres, is the smallest subdivision that may be created by aliquot parts without the preparation of a plat.

Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 40.15.075

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11 AAC 53.420. REPLATS AND VACATIONS. (a) No plat of land located within a third-class borough or outside a city in the unorganized borough may be replatted, vacated, or otherwise changed without the approval of the director. Approval for change or vacation of a plat is initiated by filing the original and one copy of a petition with the division of lands in Anchorage. However, if the area to be replatted lies adjacent to the jurisdiction of another platting authority, the director may, if the other platting authority agrees, delegate to it the authority to receive, review, and approve the petition in accordance with its own procedures.

(b) A petition for a replat or vacation filed with the division must contain:

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(1) a copy of the original survey plat showing the area for change or vacation;

(2) the name, address and land ownership of each petitioner and all other landowners within the petition area and within 500 feet beyond the petition area;

(3) the action sought by the petitioner and a statement of reasons for the requested change or vacation; and

(4) the name and address of the petitioner or the attorney for the petitioner designated to receive service by mail.

(c) The petition must be accompanied by a filing fee and a fee to cover advertising, recording and other costs in accordance with a fee schedule posted at the district offices of the division.

(d) A public hearing must be held on each petition at a place designated by the director no more than 60 days after the petition has been filed and the fees received. The director shall cause a notice of hearing that meets the requirements of AS 29.33.210 to be published once a week for two consecutive weeks in a newspaper of general circulation published within each judicial district in which the land is located. If no such newspaper exists, the notice must be posted in the local post office or other place of general visitation. A copy of the notice must be mailed by registered mail to each person not joining the petition who has an interest in land located within the petition area or within 500 feet of the petition area, and to each affected public agency and utility.

(e) If the petition is approved, the director shall execute a state platting resolution and notify the petitioner by certified mail. A copy of the resolution will be sent with the notice. The notice will

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new plat*
file order

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require the petitioner to submit to the director the original and three copies, each with an original signature, of the replat. The replat must be prepared at the petitioner's expense. If the replat is not completed within 18 months after the date of the state platting resolution, the platting resolution expires. The director may require a preliminary plat before final platting. If the replat is proper and complies with the standards of secs. 400-470 of this chapter, the director shall approve it. Each agency and utility notified of the petition must be notified of the approval. The director shall record the plat and the state platting resolution in each recording district where there is a portion of the changed or vacated area, and the change or vacation is not valid until the recording has taken place. The division will send to the petitioner a copy of the recorded plat and of the platting resolution showing the recording data. The original copies of the replat and the platting resolution will be maintained by the division.

(f) A replat showing a change and submitted to the division must contain the following standard certificates:

- (1) surveyor's certificate;
 - (2) certificate of approval by the state;
 - (3) certificate of ownership; and
 - (4) section line easement vacation certificate, if applicable.
- (Eff. 6/16/72, Reg. 42; am. / / 79, Reg.)

Authority: AS 38.04.045
AS 38.04.900
AS 38.15.075

11 AAC 53.430. SURFACE ACCESS. Legal access must be provided to the subdivision. At the director's discretion, physical access may be required to be constructed, including roads meeting the standards of this section, as well as airfields and waterway facilities. For land subdivided by the division, the direct costs of such construction must be borne or repaid by the recipient of the land.

(1) All-weather access roads are roads built from existing roads, airfields and waterway facilities to the subdivision. The travel surface width must be at least 24 feet, and adequate drainage must be provided by crowning, ditching, and installing culverts. The road surface must consist of at least 12 inches of gravel laid down after clearing and grubbing the bed, or an overlay of at least three feet of gravel.

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(2) Interior all-weather roads are roads within the subdivision that provide access to individual lots. The travel surface width must be at least 18 feet, and adequate drainage must be provided by crowning, ditching, and installing culverts. The road surface must consist of a minimum of six inches of gravel laid down after clearing and grubbing the bed, or an overlay of at least two feet of gravel.

(3) For land subdivided by the division, where appropriate, the director may contract for the construction of other access roads that do not necessarily meet the standards of (1) and (2) of this subsection, with payment to be made in land credit certificates issued by the division.

(A) Certificates will be issued in denominations of \$1,000, \$500, \$100 and \$10.

(B) Certificates are assignable. The assignment becomes effective immediately upon acknowledgement by the division.

(C) Certificates may be utilized for application fees of all types, including applications for uplands, timber, coal, oil and gas, and mining. They may be used for the payment of rentals, principal payments on purchase contracts, accrued interest, bonuses, royalties, material contracts, bonds required under material sales contracts, stumpage charges, and to offset the cost of plats prepared by the division. Land credit certificates will not be accepted for oil and gas bonds, mining lease bonds, or timber contract bonds, nor may they be utilized to cover the cost of or deposits for survey or advertising.

Authority: AS 19.30.100
AS 38.04.045
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 40.15.075

11 AAC 53.440. SEWER AND WATER SYSTEMS. (a) The subdivision's sewer and water systems, whether on-site, community, or public, must comply with the requirements of the Department of Environmental Conservation in 18 AAC 70 and 72.

(b) If the Department of Environmental Conservation or the local platting authority prohibits on-site sewer or water systems on land subdivided by the division, the director may contract to construct a community sewer or water system meeting the requirements of the Department of Environmental Conservation or the local platting authority, or to tie into a public sewer or water system. Costs will be prorated among the disposal parcels in the subdivision on the basis of acreage in each parcel.

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Authority: AS 38.04.045
AS 38.04.900
AS 38.05.020
AS 40.15.075

11 AAC 53.450. UTILITY EASEMENTS. (a) The subdivider will consult with the utility companies in whose service area the subdivision lies to insure that the utility easements reserved are of adequate width.

(b) If no utility company presently provides service to the area, a utility easement 20 feet wide must be reserved to allow future service to each parcel.

Authority: AS 38.04.050
AS 38.04.900
AS 38.05.020
AS 40.15.075

11 AAC 53.460. RIGHTS-OF-WAY. (a) A right-of-way for an all-weather access road under sec. 430(1) of this chapter must be approximately 100 feet in width.

(b) A right-of-way for an interior all-weather road or for other roads under sec. 430(2) and (3) of this chapter must be approximately 60 feet in width.

(c) Existing legal access of a width narrower than is required by (a) and (b) of this section may be acceptable if it presents no threat to the public health, safety and welfare.

(d) For all roads, slope easements must be reserved where embankments are likely to extend beyond the right-of-way.

Authority: AS 38.04.045
AS 38.04.050
AS 38.04.055
AS 38.04.900
AS 38.05.020
AS 40.15.075

11 AAC 53.470. GREENBELTS, RESERVED AREAS, AND PUBLIC EASEMENTS.

(a) When land adjacent to a highway that is part of the state's primary or secondary road system is subdivided, a strip of land having a common boundary with the highway right-of-way must be reserved and dedicated for public ownership as a greenbelt. The width of the greenbelt will be approximately 300 feet if the land being subdivided is state land, and 150 feet if it is private land subject to the division's replat authority, but the director may require that a wider or narrower greenbelt be reserved, depending on vegetative cover, the view from the roadway, topography, or other relevant factors. However, no greenbelt need be reserved if:

(1) the parcel being disposed of is an isolated one already surrounded by private land on which there is no greenbelt, so that no reasonably continuous greenbelt is feasible; or

(2) existing land use on adjacent parcels, or existing land use policy as set forth in a local comprehensive plan or a land use plan prepared by the division, clearly indicates that reserving a greenbelt is unnecessary or undesirable.

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(b) The director may require that the plat of residential subdivision provide for the dedication of open space, parks, trails, or recreation areas within its boundaries, and will base the amount of land to be dedicated on the proposed population density of the subdivision. Land dedicated under this subsection must be reasonably adaptable to active park and recreation use and must be in a location convenient to the subdivision's residents. Factors the director will use in evaluating the adequacy of the proposed open space, park, trail, or recreation area include size, shape, topography, geology, tree cover, access and location.

(c) When land that contains or borders on public water is subdivided, at the director's option, either:

(1) public access easements to and along the water must be reserved as required under sec. 330 of this chapter, with the widths listed in sec. 330 to be considered only as minimums; or

(2) easements to the water must be reserved as required under sec. 330(c) of this chapter, and a waterfront greenbelt, at least 50 feet wide, must be retained in public ownership along the water in lieu of reserving the easements required under sec. 330 (a) and (b). A wider greenbelt must be reserved if appropriate because of flood plain width, 100-year flood heights, bank characteristics, size of the water body, extent of public use, and other relevant factors. The waterfront greenbelt must be of sufficient width to allow for public access as well as to screen the subdivision with an undisturbed strip of vegetation, where possible.

- Authority:
- AS 38.04.005
 - AS 38.04.015
 - AS 38.04.045
 - AS 38.04.055
 - AS 38.04.900
 - AS 38.05.020
 - AS 38.05.127
 - AS 38.14.075

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ARTICLE 5. GENERAL PROVISIONS.

Section

500. Definitions

11 AAC 53.500. DEFINITIONS. Unless the context clearly indicates otherwise, in this chapter:

- (1) "adjacent" means near but not necessarily touching;
- (2) "aliquot parts" means land description within a rectangular survey system, as established by the United States Department of Interior, Bureau of Land Management, using the section method of describing parcels of land by half sections, quarter sections, or any further division into equal halves or quarters with no remainder;
- (3) "arterial road" means a road that is used primarily for fast or dense traffic flow;
- (4) "bearing object" means any object, other than trees and monuments, that may be used by the state as primary monument accessories;
- (5) "cadastral rectangular survey" means a survey that defines the rectangular system of surveys as accomplished by the United States Department of the Interior, Bureau of Land Management, and the division of lands. The survey may or may not be identical with the protracted system of rectangular surveys, as administratively approved on official protraction diagrams;
- (6) "coastline" means the line of ordinary low water along that portion of the coast that is in direct contact with the open sea, and the line marking the seaward limits of inland water;
- (7) "coastal water" means water along the coast of Alaska influenced by the tides;
- (8) "course" means bearing and distances expressed to the accuracy used in the class of survey being conducted;
- (9) "geodetic coordinates" means the quantities of latitude and longitude that define the position of a point on the surface of the earth, with respect to the reference spheroid; also called "geographic coordinates" (based on Clark's spheroid of 1866, which was corrected for Alaska in 1927); *CL 27 p 1980*
- (10) "geodetic survey" means a survey in which account is taken of the shape and size of the earth. Geodetic surveys are usually prescribed where the area or distances involved are so great that results of desired accuracy and precision can be obtained only by the process of geodetic surveying;

(11) "horizontal control" means control with horizontal positions only. The positions may be referred to the geographic meridians or to other lines of reference, such as plane coordinate axes;

(12) "land survey" means the process of determining boundaries and areas of land parcels;

(13) "limits of error" means the maximum permissible error, as expressed in a linear ratio establishing the precision of distances and angles assigned to control the accuracy standards of a survey;

(14) "mean high water" means the tidal datum plane of the average of all the high tides, as would be established by the National Geodetic Survey, at any place subject to tidal influence;

(15) "mean high water line" means the intersection of the datum plane of mean high water with the shore;

(16) "mean low water" means the tidal datum plane of the average of the low tides, as would be established by the National Geodetic Survey, at any place subject to tidal influence;

(17) "mean lower low water" means the tidal datum plane of the average of the lower of the two low waters of each day, as would be established by the National Geodetic Survey, at any place subject to tidal influence;

(18) "to meander" a water body means to establish courses along the ordinary high water mark between land and water boundaries for segregation of uplands and shorelands underlying state navigable or public water;

(19) "metes and bounds survey" means a survey that is accomplished from precomputed information, such as a preliminary or final plat;

(20) "monument" means the permanent, physical item placed or existing at a corner position to define and mark the boundaries of a parcel of land;

(21) "navigable water" means as defined by AS 38.05.365(22);

(22) "offshore" means submerged land lying seaward from the line of mean low tide;

(23) "ordinary high water mark" means the mark along the bank or shore up to which the presence and action of the nontidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation or other distinctive physical characteristics;

(24) "paper plat" means essentially the same as an actual plat of survey, except that the pertinent data is derived from a compilation of official survey data and no actual field survey was accomplished;

(25) "public access easement" means an easement retained by the state at the time of disposal of state land, to insure the continued access to state land and public waters.

(26) "public water" means as defined by AS 38.05.365(23);

(27) "quarter-quarter section" means one-sixteenth of a normal section, formed by dividing a quarter section into four parts by lines connecting the midpoints of opposite sides, and containing 40 acres, more or less;

(28) "rectangular survey system" means a system of surveys in which an area is divided by a base line intersected at right angles by a principal meridian with the intersection termed the initial point from which the partitions are subdivided into equal size townships, each containing 36 sections of land;

(29) "replat" means the redelineation of an existing lot, block, tract, or parcel of a previously recorded subdivision or other survey, involving the change of property lines, or in the case of a vacation, the altering of dedicated streets, easements or public areas.

(30) "residential road" means a road that is primarily used within a residential subdivision;

(31) "state plane coordinates" means the plane rectangular coordinate system established by the United States Coast and Geodetic Survey (now National Geodetic Survey) for use in defining positions of geodetic stations in terms of plane rectangular (X and Y) coordinates;

(32) "subdivision" means as defined in AS 40.15.190(2);

(33) "submerged lands" means as defined in AS 38.05.365(17);

(34) "supplemental cadastral survey" means the establishment of additional cadastral survey boundaries within an existing cadastral survey;

(35) "survey plat" means a diagram drawn to scale, showing all essential data pertaining to the boundaries and subdivision of a tract of land, as determined by survey or protraction;

(36) "surveyor," "registered surveyor," or "professional land surveyor" means a person who has been registered by the State of Alaska Board of Registration for Architects, Engineers and Land Surveyors to practice land surveying in Alaska;

(37) "tidelands" means as defined by AS 38.05.365(18);

(38) "tract" means a lot or parcel of land, especially an odd sized parcel on the west side of the west tier of sections in a township;

(39) "true bearing" means the direction of a line measured by horizontal angle from true north, which is derived from the celestial meridian.

(40) "vertical control" means the measurements taken by surveying methods for the determination of elevation only with respect to an imaginary level surface, usually mean sea level.

Authority: AS 38.04.045
AS 38.05.020
AS 38.05.035

11 AAC 62.640;

REPEALER: 11 AAC 62.260-300; / 11 AAC 64.500-560; 11 AAC 68; and 11 AAC 70 are repealed.

11 AAC 62.260. PRELIMINARY PLAT. Repealed.
11 AAC 62.270. PRELIMINARY PLAT REQUIREMENTS. Repealed.
11 AAC 62.280. SURVEY PROCEDURE. Repealed.
11 AAC 62.290. PROCEDURE ON FINAL PLAT. Repealed.
11 AAC 62.300. FINAL PLAT REQUIREMENTS. Repealed.
11 AAC 62.640. FINAL PLAT OF SURVEY. Repealed.
11 AAC 64.500. GENERAL PLAT REQUIREMENTS. Repealed.
11 AAC 64.510. PAPER PLAT PROCEDURE AND REQUIREMENTS. Repealed.
11 AAC 64.520. SURVEY REQUIREMENTS. Repealed.
11 AAC 64.530. PRELIMINARY PLAT REQUIREMENTS. Repealed.
11 AAC 64.540. SURVEY PROCEDURE. Repealed.
11 AAC 64.550. PROCEDURE ON FINAL PLAT. Repealed.
11 AAC 64.560. FINAL PLAT REQUIREMENTS. Repealed.
11 AAC 68.010. APPROVAL REQUIREMENTS. Repealed.
11 AAC 68.020. PETITION. Repealed.
11 AAC 68.030. TIME, PLACE AND NOTICE OF HEARING. Repealed.
11 AAC 68.040. RESOLUTION AND REPLATTING. Repealed.
11 AAC 68.050. CERTIFICATION AND APPROVAL FORMS. Repealed.

- 11 AAC 68.060. DISAPPROVAL OF PETITION. Repealed.
- 11 AAC 68.100. TITLE TO VACATED AREAS. Repealed.
- 11 AAC 68.110. DEFINITIONS. Repealed.
- 11 AAC 70.010. DETERMINATION OF NAVIGABLE AND PUBLIC WATER. Repealed.
- 11 AAC 70.020. WRITTEN DECISION CONCERNING EASEMENTS. Repealed.
- 11 AAC 70.030. EASEMENTS TO AND ALONG NAVIGABLE AND PUBLIC WATER.
Repealed.
- 11 AAC 70.040. DIRECTORY OF EASEMENTS. Repealed.
- 11 AAC 70.100. SURVEYING AND FIELD MARKING OF EASEMENTS. Repealed.
- 11 AAC 70.200. LIABILITY FOR INJURY OR ACCIDENT. Repealed.
- 11 AAC 70.210. LIABILITY FOR DAMAGES. Repealed.
- 11 AAC 70.900. ADMINISTRATION. Repealed.
- 11 AAC 70.910. DEFINITIONS. Repealed.

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Alaska State Legislature

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PLEASE NOTE ENCLOSED MATERIAL REGARDING LOT SEWAGE
DISPOSAL FOR TOMORROW EVENING'S ARRC MEETING, 7:00,
SENATE FINANCE ROOM.

Carla

Feb 16

Daily Copy this and send copy to Senator Bennett

Sewage regs may haunt state land sale program

By SUSAN FISHER
News-Miner Bureau

JUNEAU—A tiff in Ketchikan set it off, but other areas may face similar showdowns over sewage disposal standards under the state's land sale program.

The News-Miner learned Friday that of 50 state land parcels offered for sale to the public, only 30 were approved for on-site sewage disposal and water use.

The remaining 20 probably will carry "conditional approval," including some restrictions on the platting regarding waste disposal and water use.

Conditional approval is spelled out on the land plat, and varies depending on the intended land use. What it can mean for those wanting to build homes on conditionally approved sites is difficulty in getting bank financing if they don't abide by Department of Environmental Conservation regulations.

A land sale in Ketchikan caught the state's attention after the Legislature did not approve supplemental funding for DEC.

Earlier this week Commissioner Ernie Mueller announced he will lay off 125 DEC workers March 1 if the Legislature does not appropriate the money.

Rep. Oral Freeman, D-Ketchikan, who has been battling DEC over the sewage regulations, sees the confrontation as another administrative attempt to thwart the intent of the land sale program.

Legislators last year passed House Bill 66, ordering the state to offer the public 100,000 acres of land each year.

Doug Lowery, DEC regional en-

vironmental supervisor in Fairbanks, said a number of the state lands offered for sale in the Interior are among the conditionally approved parcels, either because of permafrost or high water tables.

The land offered for sale in Ketchikan has a muskeg soil, with a clay layer and bedrock beneath it. DEC has refused to allow on-site waste disposal, based on a soil consultant's report.

Lowery said soil studies are made after the Department of Natural Resource's Division of Lands selects the parcels to be offered for sale. The consulting work is done by hired, private firms.

DEC Deputy Commissioner D. Ming Cowles said improper sewage disposal can not only contaminate water supplies, but lead to several diseases, such as hepatitis and dysentery.

Consultants found an already high human waste count in Ketchikan water, Cowles said.

The public health and the ability of soils to absorb waste are among factors DEC looks at in deciding if on-site sewage disposal will be permitted, Cowles indicated.

DEC also has said no to using compost toilets on the Ketchikan lots that will be offered for sale.

What the department is pushing for is installation of a closed sewage disposal system, such as a vault privy system or a collector system with small individual package plants.

But Freeman, who supports an approach more like the old homesteading program, doesn't buy the department's arguments.

With 130 inches of rainfall each year, Ketchikan residents for years have been collecting their water off roofs, Freeman says.

And the \$2 million or more road and sewage installation the state wants to impose on the land for sale would mean an individual assessment upward of \$13,000 on each half-acre lot, Freeman said.

But he is finding himself at odds with some Ketchikan municipal officials, who are willing to go along with the improvements.

Cowles says that if the Ketchikan borough declares the land a service district, it may become eligible for state sewer and road improvement money.

The state plans to subdivide the Ketchikan land into half-acre lots, Freeman, believing larger lot sizes might make a difference, got the Division of Lands to agree that it could be offered in three- and five-acre lots.

But lot size made no difference regarding the DEC regulations.

Cowles said the plat restrictions could make it difficult for individuals to get financing, but "banks don't like to finance lots with no improvements" anyway.

The Ketchikan matter is resolvable, Cowles said, and DNR, Division of Lands, and DEC officials have been conferring with legislators this past week.

"We're talking about coming up with a couple of different types of systems," Cowles said.

Resolution backs airport switch

Municipal government leaders from Anchorage and Fairbanks agreed Friday to press the state to work on greater local control of airports in the two cities.

The plan came in a resolution passed in the joint meeting of the Anchorage municipal assembly and the Fairbanks City Council and Borough Assembly in Anchorage.

The resolution asks for joint efforts of the local governments and the state Department of Transportation to "begin to develop local management options . . . for the acquisition, management and/or ownership of the international airports."

Anchorage leaders have announced they want to take over the Anchorage International Airport but

for both airports to ensure a taxation burden will not be levied on the citizens of either community."

The resolution urged the transfers be made by July 1, 1981, and that transfer of airport management or ownership take place only upon the joint agreement of all local governments.

Another resolution adopted in the meeting supported a bill in the Legislature, SB 385, for building an electric power line between Fairbanks and Anchorage. The group also went on record in support of SB 294 and SB 295, which provide for construction of the Susitna River hydroelectric project by the Alaska Power Authority.

February 7, 1980

QUESTION: How many acres and how many lots in proposed "Mud Bay" land disposal proposed in Ketchikan?

Ron Schonenbath, Div. of Land (465-2433)

117 Lots

265.7 acres to dispose of but 197.4 acres are right-of-ways and greenbelt areas. Actual acres 68.3

$$\begin{array}{r} 117 \overline{) 68.3} \\ \underline{55.5} \\ 12.8 \\ \underline{11.7} \\ 1.1 \end{array}$$

$\frac{1}{2}$ acre per lot

$$3 \text{ acres per lot} \times 75 = 225 \text{ acres}$$

JAN 14 1980

JAY S. HAMMOND, Governor

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FOREST, LAND AND WATER MANAGEMENT

POUCH M
JUNEAU, ALASKA 99811

January 11, 1980

The Honorable Carroll G. Fader
Borough Mayor
Ketchikan Gateway Borough
344 Front Street
Ketchikan, Alaska 99901

Dear Mayor Fader,

This acknowledges receipt of your letter of January 8 in regards to the proposed classification and disposals of 265.7 acres of land within U.S.S. 3769 six miles northwest of Ketchikan, emphasis on the proposed homesite parcels.

I will not undertake to respond to the main thrust of your letter at this time since further discussions are indicated.

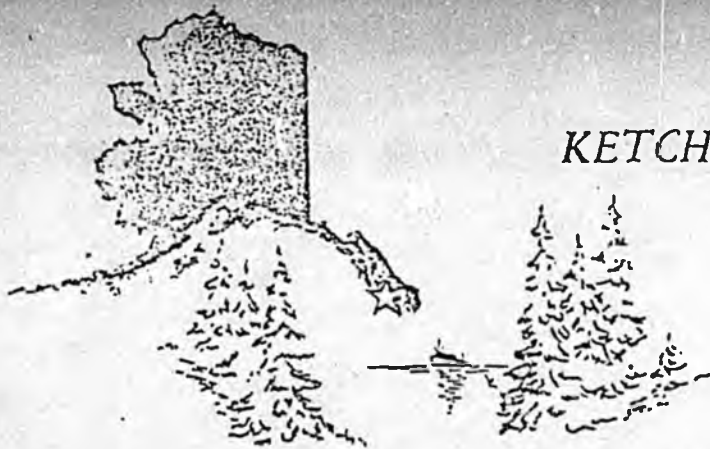
Thank you for the generous offer of assistance and that of the planning department. I am hopeful and confident a way can be found to satisfy both our statutory burden and Borough needs.

Sincerely yours,

THEODORE G. SMITH, Director

By:

Henry Lee Hall
District Manager
Southeastern Lands District



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

ALASKA DIV. OF LANDS

January 8, 1980

JAN 10 1980

RECEIVED

Henry Lee Hall, Manager
Southeastern Lands District
Division of Forest, Land and Water Management
Alaska Department of Natural Resources
Pouch M
Juneau, Alaska 99811

Attention: Ron Shonenbach, Land Management Officer

Dear Mr. Hall:

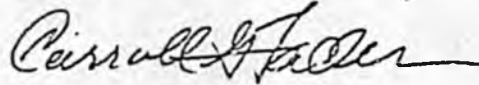
This acknowledges receipt of your letter of December 3, 1979 notifying Ketchikan Gateway Borough of the Division's intent to classify and dispose of 265.7 acres of land within USS 3769, 6 miles northwest of Ketchikan. I understand that the Division has filed a preliminary subdivision plat for Platting Board review, but has not petitioned the Borough for a rezone of the Mud Bay area. USS 3769 is currently zoned Future Development (FD) and must be rezoned to a residential category prior to development.

As discussed in previous correspondence and conversations between Borough and Division staff, we are concerned about the consequences of selling 134 parcels in the upper Mud Bay area without road and sewer improvements. The Mud Bay subdivision is not accessed by an existing road and, due to poor soil cover, is not approved by Alaska Department of Environmental Conservation for on-lot sewage disposal. Yet, as your letter states, 20 percent of the parcels are to be released under the homesite program. Hence, 27 candidates for parcels in the Mud Bay subdivision must construct dwellings in just over two years and occupy them for 35 months within the first five years to receive marketable title to their lots. Securing financing to construct a house without marketable title to the land is likely to be problematic for the homesite participant; organizing other land recipients, most of whom will not be bound by homesite deadlines, to construct and maintain costly roads and sewers may prove impossible. Due to these concerns, the Borough Assembly is recommending to the Planning and Zoning Commission (Platting Board) that the Mud Bay subdivision plat not be approved.



The plat review and rezone hearings will provide a forum for the community to discuss the proposed disposal in greater depth. Please do not hesitate to call on me or the planning department if we may assist you in preparing and submitting your rezone application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carroll G. Fader".

Carroll G. Fader
Borough Mayor

KC:wr

cc: Planning and Zoning Commission
Russell W. Walker, Municipal Attorney



KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET
KETCHIKAN, ALASKA 99901

February 6, 1980

The Honorable Oral Freeman
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Representative Freeman:

The large lot vs. small lot issue revolving around the Mud Bight disposal is becoming increasingly confused. I'll start from the beginning to explain why this department is recommending to the Borough Planning Commission that the subdivision layout design of 116 lots ranging in size from one-half acre to 30,000 square feet (attachment 1) be approved.

In fall of 1978 the state was pursuing development of three large subdivisions in the Ketchikan area - Mud Bight, South Saxman and Mountain Point. The consulting engineers, Charles Pool and Associates and Tryck, Nyman and Hayes, informed the Borough Land Committee and planning department staff that the soils comprising the Mud Bight and South Saxman subdivisions were not capable of absorbing sewage disposed on-site using conventional, affordable treatment systems. Because of the Land Committee's concern that this problem would hinder not only state land disposals but also future borough disposals, planning staff urged DEC to begin working with the engineers, DNR and the Land Committee to find a means of addressing sewage disposal in areas around Ketchikan that do not have on-site absorption capabilities.

Attachment 2 includes reports prepared for and summarizing the workshop that followed which the Land Committee, the Planning Commission, the two engineering firms, DEC, DNR and the planning department attended. The engineers presented their findings and, as the memo from the Division of Lands states, they concluded that "the soils in all three areas have very limited capability to handle on site disposal of waste water." At that time it appeared that a central sewage collection and disposal system would be required to meet DEC and EPA standards. After many discussions between DEC and Borough representatives, DEC has approved use of a central collection system connecting individual treatment plants (attachment 3).

Representative Freeman

February 6, 1980

Page 2

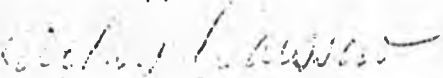
The Southeast District Lands Office notified the Borough Manager August of 1979 (attachment 4) that, of the three proposed subdivisions, the Division was preparing Mud Bight for disposal in FY 80. As the letter states, even with lot sizes ranging from 3 to 5 acres, the plat would be filed with a notification "to the effect that the subdivision is not approved by DEC for on-site disposal unless a closed system is used."

When Pool and Associates presented three alternative subdivision layouts for Mud Bight the planning department was given a day to comment before the Division selected the layout. Staff, working with a member of the Planning Commission, sent a letter endorsing the clustered lot concept (attachment 5). The commission members have since reviewed and concurred with the department's recommendation. This design will minimize the short and long term costs of constructing and maintaining both roads and a common sewage collection system by: (1) maximizing the number of property owners to be served per road and sewer line, (2) minimizing the land area to be covered by improvements, and (3) taking advantage of the terrain to minimize costs of installing roads and a gravity flow sewage collector line. The cluster design allows for sparsely populated settlement by concentrating lots on lands suited for residential use while leaving steep, wet and muskeg soils as open space.

Based on the information we received, larger 3 to 5 acre lots would not result in DEC approval. However, a large lot subdivision would increase the costs to be borne by land owners for road and sewer line construction and maintenance. As you can see from the attached subdivision layout, if land area were a solution to the waste disposal problem, the large area of open land surrounding the half acre to 30,000 square foot lots would fulfill this requirement in the same manner as large lots - but larger lots will result in higher improvement costs.

I hope this and the attached materials explain to your satisfaction why the planning department is recommending that the Planning Commission endorse the present Mud Bight subdivision layout. If not, or if I can provide further information, please do not hesitate to call.

Sincerely,



Kathryn L. Carssow
Planning Director

KC:wr

Attachments

cc: Mayor and Borough Assembly

Planning Commission

Theodore G. Smith, Director, Division of Forest, Land and Water Management

Henry Lee Hall, Manager, Southeast Land District

Randolf Bayless, Regional Environmental Supervisor

Job No. 7601

September 7, 1978

Mr. Claud M. Hoffman
Chief, Cadastral Engineer
Division of Lands
Department of Natural Resources
323 East 4th Avenue
Anchorage, Alaska 99501

FILE

Re: A.D.L. Subdivision, Mud Bay, Alaska

Dear Claud:

This letter is to inform you that we are holding back from doing any work on a preliminary layout for Mud Bay subdivision, per your verbal request on Thursday, August 31.

Currently we are finishing the paper work from the field data collected in Phase I: topo map; plots for penetration tests, test pits, and percolation tests. Upon completion of our office work we will bring a stop to all work other than correspondence.

* Last Friday I had a meeting with Mark Bergar of the Department of Environmental Conservation. His opinion at that time was that we do not have adequate ground cover above bedrock for on-site sewage treatment. This will eliminate a subdivision designed for year-round living, although he did say that it could possibly be satisfactory for recreational use; summer homes using a Forest Service type outhouse. The Department of Environmental Conservation should be giving us a formal reply this week.

Enclosed is a map of our penetration test, test pits and percolation tests along with logs of the test pits and results of the perc tests. We are waiting for further instruction from your office.

Sincerely,

TRYCK, NYMAN & HAYES
Southeast Alaska Branch

By *Tom M. Kirchner*

Tom M. Kirchner

TMK:lb

Enclosure

September 7, 1978

Job 7601.0

SITE REPORT
A.D.L. SUBDIVISION
MUD BAY, ALASKA
U.S.S. 3769

U.S. Survey 3769 has three general regions. The east one-third is comprised of a large hill covered with tall spruce, hemlock and cedar. The soil generally consists of one to two feet of organic and silty organic soils.

A second area that includes the north one-fourth and west one-third has a dense growth of tall spruce, hemlock and cedar. The ground is arrayed with many small gullies and streams. Through the center and west one-third of the U.S. Survey, there are several deep stream valleys, with one sinking to forty-five or fifty feet deep. Soils consist of one to two feet of organic and silty organic soil. Towards the center of the U.S. Survey there is considerable water that flows through the organic soil layers.

The center area of the U.S.S. is mostly comprised of muskeg with scattered shore pine. There are some small knolls throughout. Surface water drains either towards the collection of streams that drain into Mud Bay or toward the southeast. There are very few streams on the southeast side. Soil, for the most part, is comprised of organic and silty-organic soils that average two to five feet deep.

Bedrock for the site consists of shale with a layer of silty-sand and broken shale fragments over its surface.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

OF SURVEY

NAME OF SURVEYOR

CHARLES PLATT & ASSOC., INC

PRELIMINARY PLAN

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF TECHNICAL SERVICES
ANCHORAGE, ALASKA

LEGEND

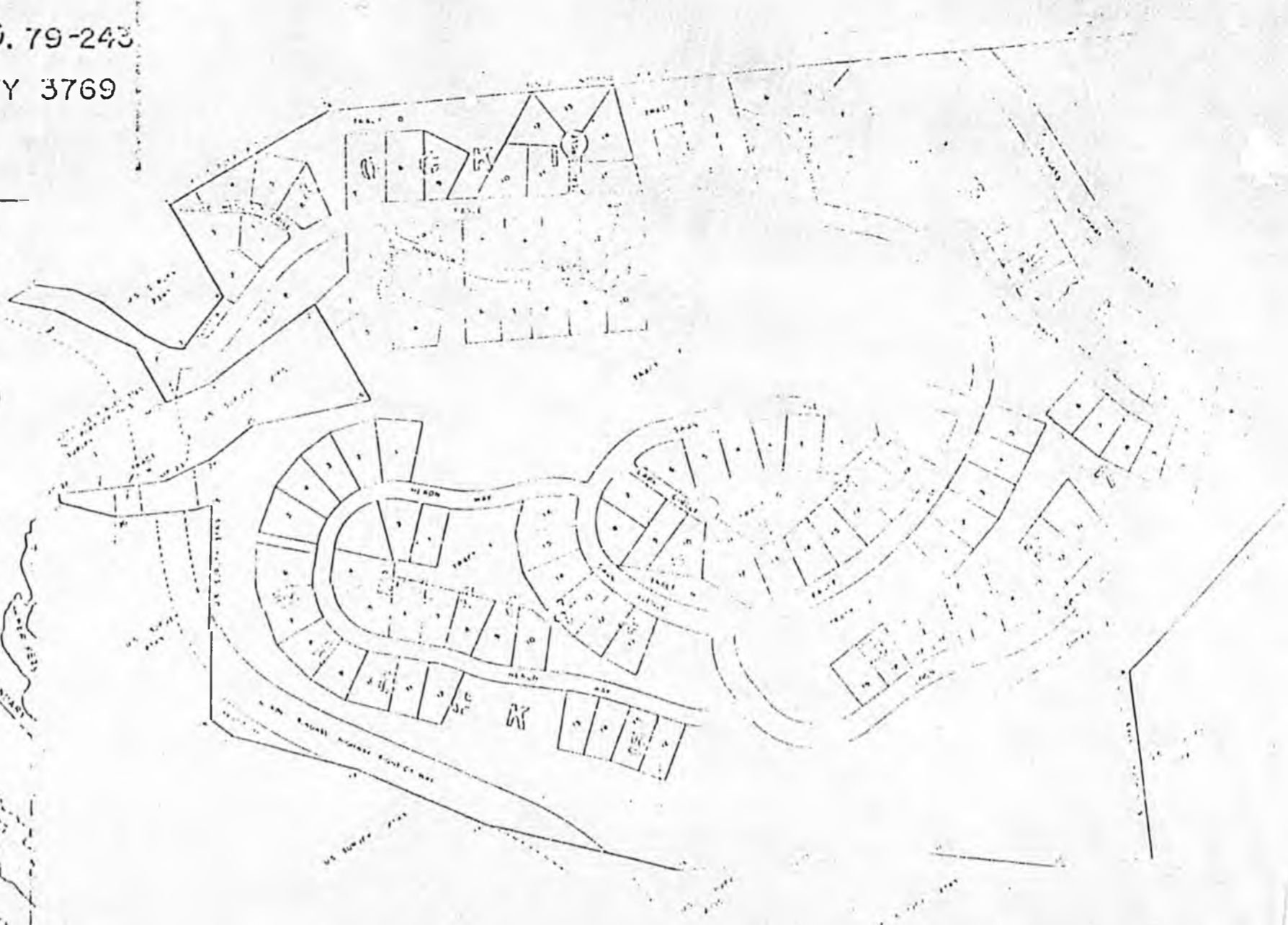
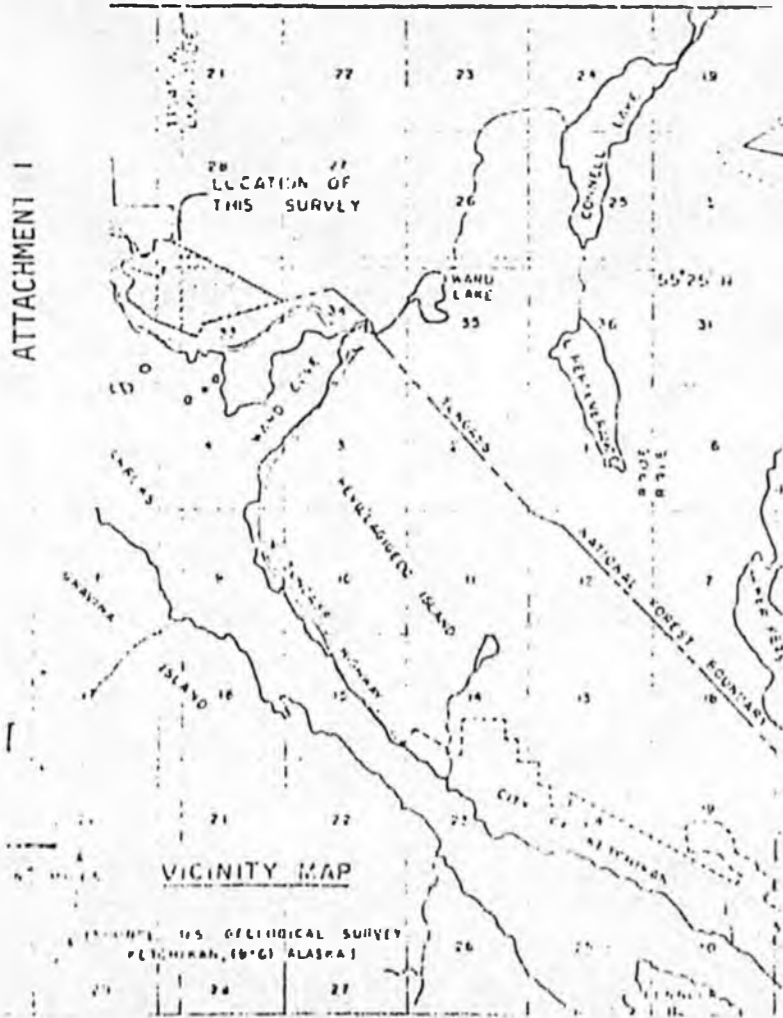
- GLASS AND IRON MONUMENTS PER 1911
- DTIS OFFICIAL OR PRIMARY BRASS MONUMENTS SET
- COPPERWELD OR ELECTROLYTIC SETS AND MONUMENTS SET
- 3/4 INCH IRON PIPE SET
- USC & GS, USGS, USLE, AND BLM ET ALIENS
(DEFINED BY AGENCY AS APPLICABLE)
- () BEARINGS AND DISTANCES IN PARENTHOSES ARE
RECORD U.S. SURVEY 3769

ALASKA STATE LAND SURVEY NO. 79-243

DIVISION OF LOT 2, U.S. SURVEY 3769

MUD BIGHT

ATTACHMENT I



THE PRECEDING DOCUMENT(S) MAY NOT FILM
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ORIGINAL.