ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 8672

4237 SRES SB 135

112

RECORDS CERTIFICATION

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James O. Smith
Signature of Camera Operator

11/24/89
Date

02-519 (REV 8/78)

SB

135

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4907

Senate
Committee on Resources

M E M O R A N D U M

May 9, 1985

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: CS for House Bill 170 (Finance)
"An Act relating to land surveys; and providing for an effective date."

This l ation deals with the ability of surveyors to enter on land for su: purposes and a requirement for surveyors to record survey and monumen ecords.

In the house this bill passed the judiciary committee with 6 "Do Pass" recommendation and the Finance Committee with 9 "Do Pass" and 1 "No Rec" votes. The Bill passed the total house by a vote of 38 to 2.

Patrick Kalen, of Kalen and Associates, will be at the committee meeting to explain the bill and answer questions. The bill is supported by DNR and has a zero fiscal note. A letter from the Department of Interior, Bureau of Land Management, supporting the bill, is in this packet.

It is my understanding that Cook Inlet Regional Cooperation had concerns about the right to enter land for surveying, but that the majority of those concerns are addressed in the Finance CS.

Also included in this packet is a sectional of the original bill by legal services, information on the finance CS, a letter from CIRI, a letter from the Surveyors' association, a zero fiscal note, and a copy of the bill history.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST
Bill/Resolution No.: CSHB 170(FIN)
Title: An act relating to land surveys
Sponsor: Koponen, Sund, Navarre
Requester: Jenling, Jenkins, Ringstad, & Pearce
Date of Request:

FISCAL DETAIL
Agency Affected: Natural Resources
Program Category Affected: NRMEC
BRU, Program or Subprogram(s) Affected: Information/Records Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
PERSONAL SERVICES						
TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

It is assumed that approximately 500 documents at $8.00 each would be recorded each year under this proposed Bill.

Prepared By: Joseph C. Burch
Phone: 786-2400
Division: Technical Services
Date: 2/12/85

Approved by Commissioner: Norman D Sumpl
Date: 2/12/85
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

HB 170 MEASURE HISTORY PAGE 01 OF 02
CSHB 170 FIN
AN ACT RELATING TO LAND SURVEYS; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: KOPONEN
CO-SPONSORS: SUND,NAVARRE,UEHLING,JENKINS,RINGSTAD,PEARCE

CURRENT STATUS: TRANSMITTED TO (S)

DATE		PAGE	ACTION
02/04/85	(H)	252	READ THE FIRST TIME
02/15/85	(H)	359	L&C RPT 6DP
02/15/85	(H)	359	FISCAL NOTE W/L&C RPT SUP. NO18
02/15/85	(H)	359	FIN REFERRAL ADDED
03/08/85	(H)	539	JUD RPT W/CS 6DP
04/30/85	(H)	1181	FIN RPT W/CS, NEW TITLE 9DP 1NR
05/08/85	(H)		RLS TO CALENDAR 5/8/85
05/08/85	(H)		READ THE SECOND TIME
05/08/85	(H)		CSHB 170(FIN) ADOPTED UNAN CONSENT
05/08/85	(H)		AM NO 1 FAILED Y16 N26 A2

DATE		PAGE	ACTION
05/08/85	(H)		AM NO 2 FAILED Y16 N24
05/08/85	(H)		ADVANCED TO THIRD READING UNAN CONSENT
05/08/85	(H)		READ THE THIRD TIME
05/08/85	(H)		PASSED Y38 N2
05/08/85	(H)		EFFECTIVE DATE SAME AS PASSAGE
05/08/85	(H)		CLOCKSIN NOTICE OF RECONSIDERATION
05/08/85	(H)		RECONSIDERATION TAKEN UP UNAN CONSENT
05/08/85	(H)		PASSED ON RECONSIDERATION Y38 N2
05/08/85	(H)		EFFECTIVE DATE SAME AS PASSAGE
05/08/85	(H)		TRANSMITTED TO (S)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

IN REPLY REFER TO
9658 (920)

JAN 22 1985

JAN 18 1985

Honorable Arliss Sturgulewski
Alaska State Senate
Pouch V
Room 508, State Capitol Building
Juneau, Alaska 99811

Dear Ms. Sturgulewski:

This letter references and supports the legislation being proposed by the Alaska Society of Professional Land Surveyors (ASPLS) concerning Right of Entry, Recordation, and Ammendments to Title 38 of the Alaska Statutes.

The Bureau of Land Management (BLM) fully recognizes the need for the enactments of this legislation to further the orderly conduct of surveying and mapping activities in Alaska. Significant problems are already confronting the citizens and the Federal and State governments in the establishment, administration, and management of property boundaries and their associated records.

The justification which has been written in support of this proposed legislation provides a clear picture of the needs but could have been expanded to convey the impact of the programs affected in the State. The BLM alone has a legislated workload which will require over a half billion dollars of surveying and mapping activities to identify lands for patent to the State, Native corporations and private claimants. Without this legislation the enactment of this work will be fraught with great wastes of human efforts and dollars due to the lack of required records keeping, higher costs to perform surveys and an inevitable increase in boundary legislation.

Your solid support of the enactment of the ASPLS proposed legislation is requested for the benefit of all Alaskans and the efficient use of State and Federal tax dollars.

We would be pleased to respond to any questions or comments you might have regarding this subject.

Sincerely,

Francis D. Eickbush
Deputy State Director
for Cadastral Survey

Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING
P. O. BOX 376
ANCHORAGE, ALASKA 99510

April 19, 1985

Representative Albert Adams
Chairman, House Finance Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Adams:

On behalf of the 207 members of the Alaska Section, American Congress on Surveying and Mapping, I urge prompt consideration by your committee of House Bill 170 pertaining to right of entry for surveyors and for the recordation of records of surveys and monument records. A do pass recommendation of the bill in the original form as submitted by Representative Koponen and other sponsors is urged by this professional group. This legislation is of benefit to not only the surveying and mapping professions, but the public at large and is becoming sorely needed as the scope of land use accelerates in Alaska.

We understand there has been considerable discussion by some members of your committee regarding the precise wording for the right to entry portions of the proposed legislation. It is extremely difficult to word this section in such a manner as to meet the unique circumstances that exist in the various geographical areas of Alaska, especially as they pertain to identification of ownership and occupancy of lands in the general area where a survey is to be conducted and meet any notice requirement without serious impact on one party or another. What would work well under notice requirements in remote areas are absurd in developed cities. We, therefore, feel a formal advance notice procedure will be found to be totally unworkable in some areas or under some conditions.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM February 21, 1985

SUBJECT: Land surveys (HB 170)

TO: Representative Niilo Koponen

FROM: Richard A. Bradley
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill adds a new chapter to AS 34 (Property) relating to land surveys.

Sec. 10 states the purpose of the chapter: (1) to authorize right of entry on land for survey purposes (cf. sec. 20) and (2) establish a method for preserving evidence of land surveys (cf. secs. 30 - 70).

Sec. 20 establishes the right of a land surveyor and the employees of a surveyor to enter on land for the purposes of surveying it. When on the land, the land surveyor is responsible only for "actual damages". I believe that this rule is intended to alter the usual rule that damages to some extent are presumed to have occurred in a trespass; in this situation, damages would only be available on the showing of affirmative and actual (as opposed to legal) damages. And the section authorizes the attorney general to bring an action to "restrain and prevent an obstruction of entry" under (a) of the section.

In lieu of advance notice, we feel the restriction that surveyors may gain entry only for the surveying of legal property boundaries and not for other developmental type projects will be sufficient restriction to prevent misuse of the right to entry. We, therefore, strongly urge this proposed legislation in its original submitted form be passed out of your Committee with a "do pass" recommendation.

Respectfully requested,
ALASKA SECTION, AMERICAN CONGRESS ON
SURVEYING AND MAPPING

C. A. Herschbach

C.A. Herschbach, R.L.S., M.I.S
Chairman

CAH:kh
cc: John Ringstad
Jim Duncan
Ronald Larson
Mike Szymanski
Sam Cotten
Steve Frank
Johne Binkley
Pat Porchout
Steve Rieger
Rick Uehling

Sec. 30 relates to "records of survey."

Sec. 30(a) provides that a land surveyor shall file a record of survey within 90 days of the completion of a survey when the survey discloses (1) "material evidence or physical change" that is not reflected on a previous "plat of record;" (2) a "material discrepancy" with a previously filed "plat of record;" or (3) evidence that by "reasonable analysis" might alter existing recorded "positions of boundaries."

Sec. 30(b) provides that a land surveyor shall file a monument record when the land surveyor "reestablishes, uses as a control, or restores a monument to make it readily identifiable or reasonably durable" unless the monument and its accessories are as described in an existing monument record or a survey plat of record.

Sec. 30(c) provides that when activities on the land, as for example construction, will "disturb or destroy a monument or its accessories", the land surveyor shall

(1) file a monument before the monument and its accessories are disturbed or destroyed;

(2) restore or replace the monument and its accessories after the activities have ceased; and

(3) file a new monument record after restoring or replacing the monument and its accessories.

Sec. 30(d) provides that a land surveyor may file a monument record at any time.

Sec. 30(e) provides that when a land surveyor is required to file a monument record by this section, the monument record shall be filed within 90 days of the "completion of the survey or of the establishment, reestablishment, or rehabilitation of a monument.

Sec. 30(f) requires a land surveyor to sign and seal a monument record.

Sec. 40 deals with situations when a record of survey is not required. The section provides that a record of survey is not required for survey made by the Bureau of Land Management; to some extent, the result suggested here would be

inevitable since the legislature does not have the power to impose burdens on a Federal agency.

The section also provides that a record of survey is not required when a plat of survey either has been filed or will be filed within 18 months of the field survey.

Sec. 50 directs the commissioner of natural resources to adopt regulations to implement the chapter. It also directs the commissioner to adopt a standard form for a record of survey.

Sec. 60 relates to the duties of the district recorder.

Sec. 60(a) directs the district recorder to provide a copy of a monument record or a copy of the record of survey to the municipal clerk for the municipality in which the record or survey is located.

Sec. 60(b) provides that the district recorder is to keep a proper index of monument records and records of survey by "survey name, tract designation, subdivision designation, or United States public land designation."

Sec. 70 defines terms for the chapter, including "accessory," "monument," and "united States public land survey monument."

If I may be of further assistance, please advise.

RAB:csh
c3/014

Alaska Society of Professional Land Surveyors

AFFILIATE OF AMERICAN CONGRESS OF SURVEYING AND MAPPING
MEMBER OF WESTERN FEDERATION OF PROFESSIONAL LAND SURVEYORS

P.O. BOX 2106
ANCHORAGE, ALASKA 99510

January 17, 1985

Representative Niilo Koponen
Alaska State House of Representatives
Pouch V
Room C110, State Capitol Bldg.
Juneau, Alaska 99811

Dear Representative Koponen:

The Anchorage Chapter of Alaska Society of Professional Land Surveyors at their annual dinner January 11, gave their unanimous approval to the legislation being proposed by the ASPLS Legislative committee concerning Right of Entry, Recordation, and Admendments to Title 38. We believe these bills to be of extreme importance to the efficient and orderly conduct of surveying and mapping in the State of Alaska. Many hours have gone into preparing this legislation by our State legislative commitee and we respectfully request your review and support of this important legislation in the forthcomming session.

As president of the Anchorage Chapter and member of the legislative committee, I plan to be in Juneau the 23rd and 24th of January with other members of the Alaska Section American Congress of Surveying and Mapping and the Alaska Society of Prifessional Land Surveyors. At this time we would be pleased to meet with you and your staff and discuss any aspects of the proposed legislation.

Sincerely,

R. T. K.

Robert T. Kean, President
c/o Kean & Assoc.
6510 Homer Drive
Anchorage, AK 99502

JUSTIFICATION
AMENDMENTS TO AS 34 (ADDITION OF CHAPTER 65)

Section Authorizing Entry On Land For Survey Purposes

Thousands of survey monuments exist in the State of Alaska identifying section corners, township corners, various property boundaries and serving as geodetic control points in remote areas where no other survey control presently exists. Taxpayers' dollars were utilized to establish these monuments, as they were intended for purposes benefiting the public. Various Federal agencies, primarily the Bureau of Land Management, Coast and Geodetic Survey, Geological Survey, Corps of Engineers and Army Mapping Service and, more recently, various State of Alaska agencies established these monuments. Utilization of this existing monumentation is mandatory if the surveyors, mappers and photogrammatrists in the State are to conduct the surveys required by the public for property boundaries, subdivisions, construction projects and mineral, oil and gas exploration programs. Traditionally, access to this survey control has been available to these professionals as required to conduct these surveys. Access is primarily by foot, air or water and utilization of the station usually involves only the temporary setting up of a theodolite, distance measuring equipment, satellite survey system, photo control panel or in some cases, leaving a small, unmanned, battery-powered transmitter on a small tower or tripod to continuously broadcast signals for offshore or airborne positioning systems. No damage to the monument or its surrounding environment is entailed.

In addition, in the course of conducting surveys, surveyors must often physically traverse adjoining property boundaries or gain access to hilltops, mountain peaks or shorelines so as to gain line of sight or for other technical reasons. Again, the occupancy is limited in nature and normally involves no damage to the environment.

With increasing transfer of lands from the public domain into private ownership, access to these survey control monuments, property boundaries and key terrain features is becoming increasingly curtailed. Owners, applicants and alleged owners of the underlying property on which the monument is located or to which access must be gained, even in extremely remote areas of the State, are now requiring advance permission and often the payment of considerable rental fees to briefly occupy the station or terrain feature. In some cases, there is outright refusal of access if the owners are not in agreement with the program for which a survey is being undertaken, regardless of the fact that the resultant program may be on State, Federal

or third party ownership. To further complicate the matter, often two or more persons or groups claim ownership to the same lands, leaving the surveyor in the position of not knowing from whom to obtain permission or alternatively, obtaining permission from the apparent owner only to be challenged by a second party claiming ownership. [illegible] survey monumentation in the remote areas of the State is extreme[illegible] sparse, this allows the owner or alleged owner of the lands [illegible] lying a primary control monument to control developments over [illegible]t area far outside their ownership. In some cases, a single monument may serve as primary control for thousands of square miles so use of alternate monuments is not feasible or even impossible.

This problem, nonexistent prior to five years or so ago, is annually becoming more critical. As much as surveyors, mappers and photogrammatrists wish to see the property rights of all individuals or groups to be properly protected, the time has come for some protection for all of the citizens of the State to utilize the survey monumentation which was established with their tax dollars, and to allow surveyors to determine citizen's property boundaries. Similar legislation has been found necessary in nearly all the other states of the union.

The Alaska Section, American Congress on Surveying and Mapping and the Alaska Society of Professional Land Surveyors and their members feel the time has now arrived that this legislation is mandatory if the rights of all individual citizens of this State are to be protected.

Section Requiring Record Of Survey And Monument Record

A present requirement exists in Alaska that subdivisional plats be recorded with the district recorder so as to be available for use by all citizens of interest. Hundreds of other land surveys are annually conducted, however, defining boundaries and rights-of-way, for which no such recording requirement exists and which presently do not become a part of any public record. Although some informal exchange of information currently takes place between the professional surveyors in the State, there is no official depositary for records of this sort where a public or private surveyor can research records of previous surveys prior to undertaking a survey in the same area. This often results in repeated duplication of effort, boundary conflicts (between two surveyors utilizing totally different techniques to approach the same problem) and, at the very least, incursion of unnecessary costs by the surveyor's client if a private survey.

or the public at large if the survey is for public purposes. Similarly, as surveys are undertaken and key monumentation recovered, no current regulation or law requires the surveyor record any public document indicating the existence, lack of existence, condition of, or current status of key control monumentation in the project area. This is especially critical where monumentation will or likely will be destroyed during forthcoming construction following the initial survey. Replacement of these destroyed monuments is extremely costly unless adequate records exist prior to any disturbance, indicating the exact original position of the monument with ties to appropriate accessories.

These professional associations and their members believe it is the duty of all professional surveyors to file a record of survey and monument records for all appropriate surveys they undertake and that an appropriate procedure be established by the State to provide the mechanism for the recording of these documents.

The burden and cost of this recordation will primarily fall upon the surveyor and not the government entity. The sole cost to the State of Alaska or its subentities will be the cost of accepting and maintaining these records. It is estimated the total number of documents would not exceed 1000 per year. This very minor cost would be greatly offset by the value to State agencies, boroughs and municipalities that could make great use of the vast amount of information so recorded and made readily available with no cost of field acquisition whatsoever. Likewise, when individual citizens of the State require survey in the future, they will often achieve a cost saving because of the ready availability of these documents.

The majority of other states currently have statutes requiring recordation of monument and/or survey records. This is especially true in the western states where fewer surveys exist, with the resultant greater distance between monuments and longer time intervals between occasions when monuments may be inspected by professional surveyors.

CIRI

COOK INLET REGION, INC.

April 18, 1985

Representative Albert P. Adams
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Adams:

Cook Inlet Region, Inc. (CIRI) is opposed to House Bill Number 170 in its present form. CIRI views the proposed legislation as a flagrant abuse of private property rights. This bill does nothing more than legalize trespass and places an additional management burden on our Corporation. Our primary concern is that the proposed legislation does not address CIRI's permitting rights.

Presently, CIRI requires a permit for all activities that occur on its lands. These permits do several things: (1) provide notification of proposed activities; (2) identify types and scale of activities; (3) provide stipulations to mitigate any adverse impacts of the proposed activities, and (4) indemnify CIRI from all liability associated with activities on CIRI lands.

Representative Pourchot has submitted amended language that satisfies our notification concerns. However, the bill still ignores CIRI's right to require permits for use of its land, and more importantly, does not afford CIRI any protection against liability suits. Until these concerns are addressed we strongly oppose this bill and recommend that it is not passed.

I am willing to discuss our concerns and provide whatever additional information you may need. Thank you.

Sincerely,

COOK INLET REGION, INC.

Don Marx, Director
Land Management and Administration

DM/slb:198:2

CC: Regional Corporations
AFN

CIRI BUILDING 2525 "C" STREET P.O. DRAWER 4-N ANCHORAGE, ALASKA 99509
(907) 274-8638 TELECOPIER (907) 279-8836 TELEX 090-26-465

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE
COMMITTEE ON OIL AND GAS

ANCHORAGE
P.O. BOX 104836
ANCHORAGE, AK 99510
(907) 338-2425

JUNEAU
POUCH V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

House of Representatives
MEMORANDUM

DATE: April 29, 1985

TO: House Finance Committee

FROM: Representative Pat Pourchot

RE: HB 170, Relating to Land Surveys

HB 170, relating to land surveys and sponsored by Representative Koponen, was originally considered by the Finance Committee on March 28. At that hearing several members of the committee expressed concerns that Section 1 of the bill effectively gave rights of "legal trespass" to a surveyor without having to give notice to the landowner. Since that time, I have worked with the sponsor, DNR staff, surveyors and other interested parties to come up with some acceptable notice requirements prior to a surveyor entering private land.

Surveyors presented a "worst case" scenario where notification of landowners would be particularly onerous, such as in an urban area, surveying a lot along a previously surveyed boundary where the surveyor might have to contact dozens of property owners whose land he or she would be technically crossing by walking along a rear or side boundary.

I believe we have come to an equitable compromise. The proposed CS requires reasonable notice to landowners or occupants prior to entry by the surveyor. We have also included an exception to notice requirements for surveys along previously surveyed boundaries within platted subdivisions approved or performed by the federal government (i.e. the Bureau of Land Management) or approved under Title 29 or Title 40 which relates to surveys within unorganized areas of the state.

I believe this compromise addresses the legitimate concerns of surveyors in urban and subdivision situations while protecting private property owners against trespass without prior notification.

I recommend the attached draft CS for adoption.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

SENATE RESOURCES COMMITTEE, 5/9/85, 3:00 pm

Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING
P. O. BOX 376
ANCHORAGE, ALASKA 99510

FISCAL IMPACT ANALYSIS RESULTING FROM PROPOSED AMENDMENTS TO AS 38

This paper presents an analysis by a joint Legislative Committee of the American Congress on Surveying and Mapping, Alaska Section, the American Society of Photogrammetry, Alaska Region and the Alaska Society of Professional Land Surveyors, of the cost impact to the State of Alaska if the proposed amendments to AS 38, as recommended by the professional groups, are passed. The analysis will show that the proposed amendments present little, if any, additional fiscal impact to the State while providing a broad range of short and long term benefits.

The fiscal impact data, as presented, was derived from an analysis of actual cost to the State during FY85 and includes direct survey costs relative to the disposal program and the cost incurred by the Division of Technical Services, Department of Natural Resources, to administer and technically monitor the survey projects. These costs are then extrapolated to determine acreage that can be surveyed under current proposed budgeting for FY86 and appropriate budget levels for surveying in future years.

During FY85, the State appropriated $3.5 million for surveys to expedite the State land disposal programs. These monies were expended in the following manner:

Function	Amount	Percent of Total
State of Alaska personnel administering and technically monitoring the survey projects	$ 423,000.00	12.09%
Travel (by State employees)	20,000.00	00.57%
Commodities (expendable supplies furnished by State of Alaska)	10,000.00	00.29%
Equipment (purchased by State of Alaska for internal use)	14,000.00	00.40%
Professional survey contracts (to accomplish the required field and platting procedures)	3,032,700.00	86.65%
Totals	$3,500,000.00	100.00%

Of the above, approximately half was utilized to conduct rectangular cadastral surveys similar to those which would be required under the proposed legislation. The remainder was utilized to perform small lot subdivisional and control surveys. These small lot surveys are now being phased out in favor of the larger parcel homestead program and the control survey would be generally eliminated by the proposed legislative amendments. The majority of future appropriations, therefore, would be available to conduct the recommended rectangular cadastral surveys.

To determine the current cost of performing rectangular cadastral surveys similar to those that would be required under the Title 38 amendments, we utilized contracts awarded by the Division of Technical Services, Department of Natural Resources, State of Alaska, during FY85 as historical data. The projects analyzed consist of the following, all of which were awarded during the study year.

FY85 Rectangular Cadastral Surveys

Project	Contracting Firm	Contract Cost	Gross Acreage	Per Acre Cost
Kobe/Clear Sky	Stutzmann Engineering	$206,500	9,210	$22.42
Two Mile Lake	Laurence Irving	25,900	2,504	10.34
Willow Creek	Silvers Engineering	23,800	1,160	20.52
Cosna	Roen Design	289,700	17,920	16.17
Southwind/Windy	ABC	221,000	10,000	22.10
Homer	Branch/Sharp	65,000	2,480	26.21
Talkeetna Foothills	Max Stevens	139,900	5,760	24.25
Cannery Creek	Quadra Engineering	318,900	13,856	23.02
South Bank	Itech	157,000	6,834	22.97
		$1,447,500	69,724	$20.76 avg

From the above historical data, it becomes apparent the average per acre cost for rectangular cadastral surveys as performed during FY85 was $20.76 per acre. To this must be added an overhead percentage of 13.35% to reflect personnel, equipment, commodities and travel costs of the Department of Technical Services resulting in a historical total cost per acre surveyed of $23.53.

The Sheffield Administration has proposed funding for surveying activities during FY86 relative to the land disposal program in

the approximate same amount as FY85 ($3.5 million). Based upon historical data, it is clear that if this funding was utilized 100% to perform cadastral rectangular surveys, a total of 148,746 acres could be surveyed. As the stated goal of the administration is to dispose of 35,000 acres during FY86, it is also clear that approximately 4.25 times the stated goal could be surveyed. In other words, only 23.53% of the land surveyed must be disposed to meet the target goal. If 23.53% of the acreage of the lands surveyed are not suitable for disposal, we feel there is a land selection and management problem as lands that obviously have little potential for disposal are being targeted for survey.

It should also be noted that the FY85 projects utilized to develop historical costs involved not only setting section corners, as would be required by the proposed legislation, but also quartner corners, effectively doubling the field monumentation. All of the projects also required brushing section lines, not required by the legislation, but a useful function serving the needs of both the potential entryman and land managers in the future. These lines greatly simplify the identification of land boundries on the ground. The projects represent a good cross section as to location, difficulty and accessibility. Due to the quarter corner monumentation requirement, it can be fairly stated that the above projects represent a "worst case" cost scenario. In the future, rectangular cadastral projects can likely be done for less per acre cost.

If the rectangular cadastral survey program were adopted as an ongoing program, larger size projects could be awarded, allowing for economies of scale to reduce the per acre cost considerably. Moreover, if past experience is an example, once the surveying industry recognizes that the rectangular system will be adopted as State policy for the long term, it will invest in capabilities allowing it to perform such surveys more efficiently, hence lowering the cost even further.

Any proposed legislation should be viewed in terms of not only what is possible today, but what will be possible in the near future. Long term historical data shows that the cost per acre for cadastral surveys has decreased dramatically over the last ten year period, mainly due to the rapid advancement of new technologies, greater use of modern transportation and the

development of innovative techniques. Greater advances are expected in the next two to five year period. The Global Positioning System (GPS) technology will become widely available during this time frame, likely reducing the cost of rectangular cadastral surveys by a factor of 25% or more. Legislation should be in place to take advantage of this rapidly developing technological progress.

If State provided rectangular surveys to section corner level were mandated and the State enacted the accompanying provisions of the amendment allowing aliquot part described lands to be patented to the entryman without further survey, additional savings in other administrative monies would accrue to the State. An officially adopted procedural manual for surveying the section into aliquot part parcels already exists. Therefore, the need for providing individual survey instructions for each entryman's survey, as is currently done, would be eliminated. In addition, the need for technical monitoring and checking of these individual surveys could be eliminated. This would allow considerable savings in personnel costs to administer the disposal program. Similarly, the State record keeping system would be less costly due to simpler and less voluminous property legal descriptions.

The reduction in cost to individual applicants should also be considered. Adoption of the proposed legislation would allow patent to be issued to the individuals without further survey activities by the State or the applicant after the rectangular survey is completed. Not only could title be transferred to the applicant, but it would be good marketable title, recognized by banks, title insurance companies and totaly acceptable for all related land transactions. Only if the applicant deems it necessary, at his own time, convenience and expense would further surveys be undertaken. Such surveys would be far less expensive than those presently required of the applicant to secure title from the State. Any such survey, totally funded and at the discretion of the entryman, would also have the side benefit of at least partially defining all other parcels within the section, whether in private ownership or remaining in State ownership. Thus, all such privately funded surveys would provide for multiple benefits and savings. In the present control survey and metes and bounds method often used, each survey stands alone and provides little mutual benefit or savings. The absence of a rectangular survey also adversely impacts the

title to remaining lands in a township, as the location of the metes and bounds survey (by section) is indeterminate until the sections are surveyed. This very condition is causing delays in transfer of title of federal lands due to the presence of metes and bounds U.S. surveys for native allotment, headquarters sites and homesteads within townships not subdi 'ded into sections by rectangular methods.

It is not the intent of this committee to recommend or encourage the rectangular survey of all State lands. Obviously, the majority of lands in or coming into State ownership are of such character, remoteness or potential use as to totally eliminate the need for any surveys whatsoever except, perhaps, for surface mapping purposes. That small percentage of lands, however, that may be suitable for disposal should be carefully inventoried, priortized as to suitability for disposal and an ongoing rectangular cadastral survey program should be required as a matter of State policy. A minimal funding level should be allocated annually allowing a reservoir of lands to be always available, surveyed to the section boundary level, to be utilized to meet disposal needs as may arise to satisfy the needs of Alaska residents in the future.

Based on the historical data presented and the probable cost per acre for rectangular surveys in the future it appears that the current level of funding is sufficient to support this program if the lands for disposal are selected with reasonable care. The State should no longer spend substantial sums to address short term needs in a manner which creates greater future problems. The rectangular surveys, once completed, would serve many functions and be suitable for nearly any type of disposal program. The proposed legislation would allow for a more orderly disposal of Alaska lands over the longer period at much less cost and greater benefit to the entryman while simultaneously meeting the technical requirements for adequate land management and identification.

Respectfully submitted,

Clarence A. Hrachbach

Alaska Section,
American Congress on Surveying
and Mapping

Ronald D. Cothran
Alaska Region,
American society of Photogrammetry

Alaska Society of Professional
Land Surveyors

ITECH
INTERNATIONAL TECHNOLOGY LIMITED

3127 Commercial Drive
Anchorage, Alaska 99501

January 31, 1985

Alaska Native Land Managers Association
528 N Street
Anchorage, Alaska 99501

Dear Dan:

While pursuing our goal to offer a complete package of mapping, surveying and engineering services through our joint venture firm "Alaska Community Engineering Services" to the smaller rural communities and to reduce duplication we have identified some common problems with every project we have done including airports, fuel storage, sewer and water project, road and trails planning, the 14(c) plans, townsites, gravel and a few others including some mapping work.

While every village is different two issues are common. These are land ownership and land records and the need for base maps which are accurate for engineering purposes. When these are not available and they are not in most cases, it becomes necessary to mobilize professional engineers and surveyors to gather basic survey and engineering data. This happens again and again for each new village project with limited project funds paying for transportation costs and time.

The village profiles prepared by Community & Regional are good. They are useful for general planning, which was their purpose, but many of these maps do not illustrate topographic data and they are not on a corrected or ortho photo base.

I believe the time is right in terms of where Alaska is historically with the distribution of land to individuals through either the 14(c), or townsite programs or other conveyances to implement a three phased mapping, records system.

Phase I - mapping phase -

The product would be computer data files from which cadastral and topographic maps could be produced at various scales and printed either as line maps or on ortho photos.

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Phase II - records & title phase -

Utilizing the cadastral data file as as base land records (titles - deeds) would be recorded to identify, track and update the ownership of parcels of land. (I understand DNR has computer capability to do this now).

Phase III - Resource Data Files -

This adds files on resource information of immediate interest to the welfare of the community (soils, gravel sources, ground water, etc.).

Enclosed is a paper which describes the concept in more detail.

Our proposal is to implement phase I on one or more communities and work out any technical or procedural problems, before expanding on a state wide program. I would see this as a joint effort between a private contractor, state agencies with some federal support to insure all needs are considered.

Curt McVee would be available to make a presentation on this proposal at either your February or March meeting.

Sincerely,

INTERNATIONAL TECHNOLOGY LIMITED

Kenneth J. Ludy, R.L.S.
V.P. Alaksa Operations Manager

KJL/vg

1/7/85
C. McVee

COMMUNITY MAPPING SYSTEM
SUMMARY

With the survey of land ownership boundaries including lot lines, native allotments, rights of ways and other public use areas in Alaska rural communities and consequent transfer of title to individuals the need and demand for accurate records is essential.

This proposal would develop Phase I (mapping component) of a automated information system.

One or more communities would be selected and mapped following these steps:

1. Tie existing cadastral survey to geodetic control.
2. Target survey control markers.
3. Aerial photograph.
4. Digitize cadastral, topographic, and hydrographic data.
5. Produce orthophoto.
6. Plot, edit and reproduce maps

The end product of the mapping phase would be a combination of highly accurate, cadastral and topographic maps produced both as planimetric or orthophoto maps at various scales ranging from 1:500 to 1:5000. In addition, this data would be stored in digital form and could be retrieved in various mixes or alternative scales.

The attached paper describes the need and the proposal in greater detail.

COMMUNITY MAPPING SYSTEM

Rural communities in Alaska are going through a transformation affecting land ownership and improvements. This has happened very rapidly without the evolution of some in place data and records systems to retrieve information on the precise location of property boundaries and improvements. While the first priority was to convey, and survey the lands in the communities, establishing property lines and to construct much needed water supplies, sewage disposal facilities, electric and telephone distribution systems and local roads, it is also essential over the long term to have these improvements located and mapped accurately.
If the sequence of these activities was ideal, mapping would have been the first component. High quality base mapping depicting existing improvements, roads, other cultural features together with topographic data could save duplication as various projects were planned and designed. It could also prevent errors in cost estimates and even errors in design jeopardizing completion or performance of projects.

Over 125 communities have had townsite surveys identifying individual lots as well as public use areas. The remaining 100 villages will be surveyed as part of the 14(c) program. This program will also result in some additional surveys in the previously surveyed townsite villages.

These two programs -- townsite and 14(c) -- will result in all rural communities being subdivided with property lines delineated and land titles transferred to private individuals. These surveys have or will also delineate roads, streets, trails or easements for utility systems.

As land titles are issued there will be increased sensitivity to property lines. Among other things this attitudinal change will affect the acquisition and location of future easements needed for utility services. Purchase and sales of property can be facilitated if there are systems in place with the ability to trace the title of the lands and to accurately describe a tract of land. The existence of such systems will make it possible to obtain bank financing and title insurance, prerequisites to conducting sales and in many cases to constructing or improving the residential or commercial structures located on the land.

As communities grow and expand and utility services are extended, improved or maintained it will reduce the design and engineering cost of these alterations if the existing utilities are accurately located and mapped and if the village and area adjacent is mapped to reflect topography and natural features.

The trend in local governments is to replace the time consuming manual data keeping systems involving hand drafted maps and land records with modern computer technology which is much more versatile. In Alaska there is the advantage of retrieving the information necessary to implement an automated mapping system now, at a transitional stage in the development of our survey and land records. Other states necessarily have long years of historical survey and land title data to retrieve before initiating such systems. A few localities in other states are now maintaining large scale maps in digital form, most are using turn key mapping systems provided by one of several companies that have established themselves in this field.

The large scale maps and data files have the special function of providing official public inventory of all units of land in one locality and any attributes that are of public interest. In much

of rural Alaska the problem of governmental levels -- local vs. Borough vs. state -- duplicating each other is simplified and the implementation of a mapping, land information system would be simplified if done soon.

Mapping at a relatively large scale for each rural community and a buffer area does not include a large acreage, in many cases probably not more than 2 or 3 square miles per village. First it requires the display of cadastral parcels in a scale range of 1:500 to 1:5000. These in turn are tied to geodetic control to establish precise location. When this data is digitized it can then be retrieved and plotted on planimetric and topographic maps as well as rectified on ortho photo enlargements. Scales can be manipulated as well as data files to retrieve the kind of information needed for specific purposes.

An essential element in the mapping process is vertical control from which topographic files can be developed and the data digitized into the system.

Typically in Alaska, village improvement plans or funding is not coordinated. For example, water system design and construction is funded separate from the sewer system project and also separate from roads or electric or fuel distribution systems. This results in a design and survey crew mobilized from one of the larger cities where these professional services are available, travelling to the village to gather survey and engineering data to design the one project. These mobilization and logistical costs represent a substantial part of each project and could be minimized and duplication eliminated if basic cadastral and topographic data was conveniently retrievable.

Historically land and resource informational systems have failed when the basic cadastral, geodetic control phase was either ignored or inadequate.

The State of Alaska has been preparing a series of publications describing each community with narrative, illustrations and graphical information on one side of a folded sheet and mapping data on the opposite side. These publications are commonly called "community profiles". The "map" is an aerial photo enlargement with some cadastral information overlayed. Because an unrectified photo is used the relationship of the cadastral data to the photographic information is not accurate nor will the scale of the map be constant because of distortion always prevalent in unrectified photography.

This same cadastral data serves as a base for maintaining land ownership records and the land records system.

PROPOSAL

Initiate a pilot program to develop a computerized data storage and retrieval system for mapping data in rural Alaska communities. Phase I would develop the cadastral topographic mapping component with Phase II being the land ownership record component. Phase III could be the recording of land and resource information such as soil conditions, gravel sources, underground water data, geologic and biological data.

Software packages are available from several sources for the mapping component. The Province of Alberta Canada has embarked on a program to provide a map base for each community. The State of North Carolina has recognized that each county government should be equipped to maintain a standard system of large scale maps and records. There are at least five different systems for computerizing cadastral data available from private firms. In addition, the Bureau of Land Management and the State of Alaska Department of Natural Resources have data files for cadastral survey and hydrographic information which can become part of the total data base.

The proposal is to select a community actively working on or planning improvements in its utilities and roads -- one that has several planned projects for either installing or extending its utility systems or adding on new subdivisions. Candidates for selection are Fort Yukon, Galena, Nulato, Egegik and probably several others.

Cadastral data would be gathered and tied into geodetic control, photo points paneled, aerial photography taken, this data digized and a series of base maps prepared and printed. Initial mapping products would include:

1. Cadastral planimetric map
2. Cadastral/Topographic/planimetric map.
3. Topographic/planimetric map.
4. Orthophoto
5. Orthophoto/cadastral map
6. Orthophoto/Topographic map
7. Orthophoto/Topographic/cadastral map

The cadastral survey file would contain land description identifiers to allow for retrieval of data for a specific tract of land or to store data pertaining to land ownership and title.

Once developed these data files and maps can be routinely updated -- providing for a permanent record and system for accumulating, maintaining and retrieving land survey, ownership, topographic and even resource information.

The initial proposal is to develop the mapping component followed by decisions on the land title phase after the map data is completed.

It seems to be very worthwhile to discuss the 14(c) survey process and at the time these surveys are contracted to gather basic data -- horizontal and vertical control -- necessary to build quality mapping. Since survey crews will be mobilized for 14(c) surveys at very little additional costs the vertical control data could be gathered and if funds were available the photo points paneled and even the photography completed at the same time. As a minimum the 14(c) contracts should include specifications for the acquisition of vertical control.

Data Base Components:

Survey Control: The survey control data base consists of a network of survey control markers and the X, Y and Z coordinates. These coordinates are derived from survey measurements taken in the field.

Photogrammetric Control Data Base: Following installation of the survey control network, approximately 25% of the survey markers are targeted with materials which can be picked up by aerial photography. The area is then flown and photographed. This controlled photography is then processed to provide a rectified or otherphoto enlargement.

Land Survey Data Base: The coordinates for the governing monuments and other points of the existing land survey provides this data base. These measurements by distance and bearing are made from the survey control (geodetic) markers to the land survey or cadastral markers. From this data coordinates are established for each lot, block or corner monument within the present land survey (cadastral) system.

Mapping Data Base:

1. Land Survey (cadastral component): This component is constructed from survey data and is comprised of the land survey boundaries, dimensions, identifiers, hydrography. Mapping scales should be 1:1000 and 1:5000.

2. The contour (topographic) component:

   The contours are derived photogrammetrically from the aerial photography. Information can be transformed into digital form by digitizing off-line and outputting to magnetic tape.

Once compiled the contour and spot heights information is integrated with the land survey component.

3. The ortho photo component: The ortho photo is produced from aerial photography using the photogrammetric control data base as a foundation. It is corrected so the image can be used in conjunction with the cadastral and topographic components.

PHASE I: Mapping

1. Field. Survey ties from geodetic control to cadastral and survey control markers with both horizontal (X&Y) and vertical (Z) coordinates.

2. Field - Target survey control markers.

3. Field - Aerial Photograph

4. Office - Aerial Photograph
   - Orthophoto production
   - Contour compilation

5. Office - Digitizing of cadastral, topographic & hydrographic components.

6. Office - Automated plotting of data

7. Office - Reproduction

8. Field & Office - Editing

9. Office - Printing of Map Products

10. Maintenance of these data files could come from the professional engineers and surveyors doing work in the community by requiring filing of "as built" surveys

PHASE II

1. Create property ownership files relating land title data to land description utilizing cadastral base for describing ownership parcels.

2. Maintenance of these data files would be achieved by input of land sales and property documents required to be filed at local recorders office.

PHASE III

1. Create the land resource file as resource data is gathered over time.

2. Maintenance and additions to these files would occur as new information is gathered.

The initial mapping phase would be done recognizing its relationship with Phase II and III.

Alaska Native Land Managers Association
528 N Street
Anchorage, Alaska 99501
(907) 277-9355

ALASKA NATIVE LAND
MANAGERS ASSOCIATION
Pouch 6699
Anchorage, Alaska 99502

FEB 8 1985

February 4, 1985

Senator Arliss Sturgulewski
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Re: Alaska Native Land Managers Association Meeting in Juneau

Dear Senator Sturgulewski:

This is to inform you that our association will be conducting our regular membership meeting in Juneau on Thursday, February 28, 1985. The association is a state-wide non-profit organization involved in the education of the Native corporations' land managers. We currently have approximately 80 members, the majority of which are village and regional corporations. We would cordially like to invite you, or your authorized representative, to join us at our meeting. We will be meeting at the Alaska Native Brotherhood Hall at 320 West Willoughby Avenue at 9:30 A.M. I am attaching a copy of our agenda, our current membership roster, and some background information about our organization.

Please let us know if you plan to attend. We look forward to seeing you and hope that you will make plans to participate in our upcoming meeting. If you have any questions or need additional information, please feel free to contact our Secretary/Treasurer, Fran Zimmerman, at our offices.

Very truly yours,

Dan Alex

Dan Alex
President

Encl.
fz

Tentative 10:00 AM/Short presentation re: lands issues before Senate Resources committee.

Donna Murphy
Fran Zimmerman

Alaska Native Land Managers Association
528 N Street
Anchorage, Alaska 99501
(907) 272-4254 277-9355

ALASKA NATIVE LAND
MANAGERS ASSOCIATION
Pouch 6699
Anchorage, Alaska 99502

FEB 8 1985

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Senator Arliss Sturgulewski
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Very truly yours,

Dan Alex

Dan Alex
President

Encl.
fz

Tentative 10:00 AM / short presentation re: lands issues before Senate Resources committee.

DONNA MURPHY
FRAN ZIMMERMAN

fm Office of Gov 10:00 AM / Ray Gillespie
- leg process

(10:30) Tentative time for presentation

Alaska Native Land Managers Association
840 K Street, Suite 202
Anchorage, Alaska 99501
(907) 272-1254

ALASKA NATIVE LAND MANAGERS ASSOCIATION
REGULAR MEETING
Thursday, February 28, 1985
Alaska Native Brotherhood Hall
320 West Willoughby Avenue, Juneau, Alaska
9:30 A.M.

TENTATIVE AGENDA

I. CALL TO ORDER

II. INTRODUCTION OF EVERYONE PRESENT

III. ROLL CALL

IV. *NOMINATION OF NEW MEMBERS

A.
B.
C.
D.

V. ADOPTION OF AGENDA

VI. *APPROVAL OF MINUTES OF LAST MEETING

VII. REPORTS AND ITEMS FOR DISCUSSION

A. Community Mapping System Proposal - Curt McVee, ITECH
B. Alaska Native Service Agency Concept - Jake Lestenkof, Bureau of Indian Affairs
C. BLM Report - Robert Arndorfer, Horace Sanders, and Fran Eickbush
D. Allotment Committee Report - Frank Borecki
E. DOTPF/LMA Task Force Report - Paul Costello
F. ANF 14(c) Report - Sharon McClintock
G. *Federal Townsite Committee Report - Sharon McClintock
H. Submerged Lands & Overselections Committee Report - Al Cronk
I. Land Planning Committee Report - ? New Chairperson
J. Fish & Game/LMA Task Force Report - ? New Chairperson
K.
L.
M.

VIII. OTHER BUSINESS

A. Treasurer's Report - Fran Zimmerman
B. Executive Board Report - Dan Alex
C.

IX. ANNOUNCEMENTS

X. TIME AND PLACE OF NEXT MEETING(S)

XI. ADJOURNMENT

*Potential Action Items

Alaska Native Land Managers Association
840 K Street, Suite 202
Anchorage, Alaska 99501
(907) 272-1254

LMA

ALASKA NATIVE LAND
MANAGERS ASSOCIATION
Pouch 6699
Anchorage, Alaska 99502

The Land Managers Association (LMA) was established in the period of 1973-1974 as an informal association of individuals involved in managing lands to be conveyed to Alaska Native peoples as a result of the Alaska Native Claims Settlement Act (ANCSA) of 1971. The original organization was composed of the land managers from the regional corporations only. In 1975, the organization changed the membership requirements to accept village corporations as voting members as well.

The first chairman of the Land Managers Association was Richard Atuk of the Bering Straits Native Corporation. In 1975, Daniel Alex of Eklutna, Incorporated was elected as chairman and has served in that capacity ever since. In 1976, bylaws for the Association were drafted and accepted by the Land Managers. These bylaws were reviewed by the Alaska Federation of Natives and received concept approval. In 1978, Byron Malott, then President of the Alaska Federation of Natives, signed an agreement with the United States government and the State of Alaska, beginning the existence of the Cooperative Land Management Task Force. Responsibility for monitoring and making recommendations regarding Native issues on the Task Force was assigned to the Land Managers Association.

During 1976, the Land Managers Association met and decided that a law suit was necessary to contest the legality of the reservation of certain easements in Native conveyances which would have clouded title. After a joint meeting of the Alaska Federation of Natives and the Land Managers Association, the law suit was filed and subsequently won.

On July 21, 1977, there was a large attendance and testimony given by members of the Land Managers Association at the Alaska Native Claims Settlement Act oversite hearings held in the U.S. House of Representatives, which was the first step toward the creation of the Alaska National

Interest Lands Conservation Act (ANILCA).

In 1982, the Alaska Native Land Managers Association incorporated under the non-profit laws of the State of Alaska and Section 501(c)(3) of the Internal Revenue Code. The purposes for which the corporation was formed are set forth in the Articles of Incorporation, and are as follows:

(1) "To provide continuing education to Alaska Native Land Managers by facilitating the exchange of information, ideas, and technical assistance which may be of mutual benefit to land managers; to provide the AFN Land Claims Board and the respective Boards of Directors of the member Native corporations and organizations with information respecting regulations, precedures, problems and decision-making options; and to encourage the wise beneficial and integrated use and management of Alaska Native lands with regard for the interests of Alaska Natives; to provide information and assistance on behalf of Alaska Natives to the "Alaska Land Use Council" and other organizations and entities as the Corporation or the President, after consultation with the Board of Directors, deems appropriate.

(2) To negotiate for common interests and speak on public issues affecting Native lands and rights; to encourage participation in the political process by knowledgeable persons;

(3) To hold meetings of the members to discuss matters of common interest; and

(4) To bring or defend suits to enforce Federal, State and Municipal laws of whatever kind, whether codified or common, affecting Native lands and rights."

The Alaska Native Land Managers Association has always been very active in working as a forum for solving problems related to Native lands management. Some of the areas that the Land Managers Association has worked on are:

1. Implementation of the Alaska Native Claims Settlement Act.

2. Drafting and implementation of the portions of the Alaska National Interest Lands Conservation Act that deal with Native lands.

3. Drafted the Department of Transportation and Public Facilities Airport Templates and negotiated related Memorandum of Agreement.

4. Contributed to the formation of the Alaska Native Foundation publication entitled, "Village Land Reconveyance Planning - A Handbook on ANCSA Section 14(c)".

5. Involved in resolving Municipal Trust lands issues.

6. Responsible for having the Bureau of Land Management Alaska plat approval function transferred to Alaska from Colorado.

7. Has advised the Alaska Federation of Natives Land Claims Board on specific land issues.

8. Involved in working out the escrow arrangement in the Omnibus Act.

9. Continually involved in easement and right-of-way issues.

10. Involved with the Bureau of Land Management in working out problems regarding ANCSA conveyances.

11. Has worked extensively with the Bureau of Land Management and the Bureau of Indian Affairs to resolve problems regarding Native allotments.

12. Worked on acquiring additional funding for the Bureau of Land Management Cadastral Survey to accelerate the Native land conveyance process.

13. Continually involved in education and training of individuals responsible for Native land management.

14. Worked as one the final review organizations on the ANCSA 1985 Report to the U.S. Congress.

15. Is recognized as a leading Native organization on State and National levels.

The Association's current working committees include:

1. The Land Planning Committee.
2. The Allotment Committee.
3. The Trespass Committee.
4. The D.O.T.P.F./L.M.A. Task Force.
5. The A.D.F.&G./L.M.A. Task Force.
6. The Submerged Lands and Overselections Committee.
7. The Federal Townsite Committee.

As a result of its effectiveness, the membership of the Alaska Native Land Managers Association has more than doubled in the last two years. The Association currently has some 80 member organizations, comprised of regional and village corporations, traditional councils,State and Federal agencies and land related professional corporations.

If you are interested in membership or further information, please contact either Dan Alex, President, or Fran Zimmerman, Secretary/Treasurer, at 277-9355.

Thank you for your interest.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF TECHNICAL SERVICES

3601 C STREET
SUITES 900-984
ANCHORAGE, ALASKA 99503
PHONE: (907) 276-2653

October 12, 1984

Senator Bettye Fahrenkamp
Chairman, Senate Committee
on Resources
Pouch V, State Capital
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

In response to your letter of inquiry concerning State Land Surveys pertaining to prior and current land disposal programs, the following information is submitted in numerical order of your specific concerns.

1. AS 38.04.045(b) requires an official cadastral survey prior to conveyance of surface rights to State land.

Background:

The term "Cadastral Survey" has come to mean different things to different people, including State employees. Several years ago the United Nations published a definition of a cadastral survey which had been prepared by the Pan American Institute of Geography and History. It is stated in the following language, aimed at worldwide comprehension and acceptance:

> "Cadastral surveys create, reestablish, mark, and define boundaries of tracts of land. Such surveys, unlike scientific surveys of an informative character, which may be amended with changing conditions or because they are not executed according to the standards now required for accuracy, cannot be ignored, repudiated, altered, or corrected, and the boundaries created or established cannot be changed so long as they control rights vested in the lands affected."

1. Background (continued)

By virtue of the State of Alaska being created from public domain lands of the United States, with few exceptions, all title emanating from the Federal Government to the State is based on the public land surveys under the Rectangular System. An exception to this rule is title to land designated as U.S. Surveys or conveyed by Executive Orders and Public Land Orders. These are few in comparison to land selections by the State based on Townships or portions thereof.

Under Section 6(g) of the Alaska Statehood act, the B.L.M. is required to survey only the exterior boundaries of large tracts of lands selected by the State from the Public Domain in Alaska. In addition, there is an unwritten agreement whereby ground monumentation along the exterior boundaries is established at two-mile intervals. The State is presently receiving patents to blocks of townships where only the exterior township boundaries are surveyed and monumented at two-mile intervals. This has the effect that the interior township acreage is in fact, unsurveyed and the State will be responsible to complete or partially complete the Federal skeleton township surveys as predicated on resource needs. Over thirteen (13) million acres of land has also been patented to the State without any type of ground survey or monumentation, based upon protraction diagrams that were created for Federal oil and gas leases. Depending upon resource and management needs a large portion of this acreage will also require the State to perform surveys in order to identify the boundaries on the ground.

Due to the lack of adequate ground monumentation as a result of skimpy Federal Cadastral Surveys, a great burden has been placed with the State in the identification and management of lands conveyed to-date by the Federal Government. The exterior boundary skeleton surveys performed by the Federal Government require completion surveys by the State due to the approximate two-mile spacing of the Federal monuments, also, the State is required to further sectionalize by subdividing the skeleton townships into sections or other aliquot parts for current State land disposal programs. This additional survey work the State must perform is costly and will be a continuing long range program in order to support and facilitate land management programs on State lands.

1. Background (continued)

Cadastral Surveys create and establish land boundaries. They identify the parcels of land on the ground and afford descriptions and areas for the various future subdivisions for title purposes. Historically, cadastral surveys are prerequisite to any land management, development, or conservation program, since it is fundamental that the boundaries of the land being administered must be definitely identified on the ground before any program requiring the expenditure of funds can be safely undertaken. As the State continues to receive its' entitlement of lands from the Federal Government, up to 104 million acres, the necessity for the State to expend funds for Cadastral Surveys as a supplement to the Federal surveys, will continue to expand and grow based upon resource needs and development.

The lack of adequate cadastral surveys throughout Alaska compounds other issues such as determination of submerged lands both coastal and inland, navigability and computations for acreage of conveyable uplands, to cite just a few. Over 200 years of history reveals that settlement prior to survey creates many problems paramount to chaos.

In accordance with Section 6(g) of the Alaska Statehood Act, where any lands desired by the State are unsurveyed at the time of selection, B.L.M. generally surveys only the exterior boundaries of the area selected without any interior subdivision and patent is issued in terms of the exterior boundary survey.

Section 38.04.045(b) requiring an official cadastral survey is in reference to the establishment and monumentation of rectangular section corners which is the extension of the public land survey system within the B.L.M. Township exterior boundary surveys.

It is a well-settled principle that the transfer of title to State lands is based on surveying and platting the boundaries of land prior to conveyance under any legislative act for disposal. A plat of survey is the basis of title within government as well as within the private sector.

1. Waiver of Official Cadastral Survey:

The circumstances permitting the waiver of a Cadastral Survey, (section and quarter corners of the rectangular system) and substituting control monumentation are related to the type of disposal programs designated under various statutes. Specifically, the waiver of the rectangular surveys originally was to provide for the staking and subsequent metes and bounds survey under the Open to Entry and Remote Parcel disposal programs. These programs allowed dispersed or random staking, by metes and bounds, of parcels up to 40-acres in size.

Generally, the O.T.E. and Remote Parcel disposals are situated in remote areas of the State that have not been surveyed under the rectangular system due to lack of settlement and high cost of extensive surveying and monumentation, as a result of wilderness type topographic features of the land. The staking requirements for the old O.T.E.'s and Remote Parcels allowed the entryman to stake within a specified area designated for this type of disposal. Upon completion of the staking the entryman is then required to pay the cost for survey and platting of the parcel within a specified time period. This is accomplished by the entryman contracting with a private registered surveyor to perform the work.

The rectangular system of surveys has been waived in favor of control surveys for virtually all areas identified and designated for open to entry and remote parcel disposal programs. The open to entry and remote parcel disposals have accounted for roughly 60% of State land disposed of to-date, however, the remote parcel program is now replaced by the new homestead act which will increase the waiver provisions under the Title 38 rewrite. The prime justification for the waiver of the rectangular system is the high cost of performing the surveys in the remote areas of the State.

At the time of Statehood, less than 2% of the land mass in Alaska had been surveyed under the rectangular system. The surveys at this time

1. Waiver of Official Cadastral Survey (continued)

were confined to the settlement and rail belt areas and were executed to provide for Federal land disposals. After Statehood, the Federal Government began public land surveys to accomodate transfer of Federal public lands selected by the State under the Alaska Statehood Act. Later by the passage of the Alaska Native Claims Settlement Act, Federal surveys were initiated to accomodate the transfer of lands selected under A.N.C.S.A.

To-date only a small portion of the State is covered by sectionalized surveys under the rectangular system. These areas are mainly confined to the Anchorage, Matanuska Valley, Fairbanks and Kenai Peninsula where the majority of settlement and development has occurred earlier, prior to, and just after Statehood. The vast majority of State land received to-date from the Federal Government is unsurveyed as only the Township exterior boundaries are surveyed by the B.L.M. under "skeleton type" cadastral surveys. In addition, the B.L.M. has only surveyed 35% of the exterior boundaries of the State's entitlement to over 104.5 million acres selected since the advent of Statehood. It is projected that at the present rate of progress it will take the B.L.M. an additional 32 years to complete the exterior type surveys required to patent all lands selected by the State in fulfillment of the State's total entitlement. Prior to Statehood, B.L.M. protraction diagrams were constructed for the large unsurveyed areas in Alaska, whereby the mathematical values for each township corner was computed for the parenthetical identification of Federal gas and oil leases. The protraction diagrams were later used as a basis for State land selections and even some conveyances. The protractions serve an imminent administrative need by a map representation of land divisions on paper, but does not identify the boundaries on the ground. The eventual ground survey may or may not conform to the protraction diagrams and will not replace the eventual requirements for field surveys and monumentation as dictated by surface resource management needs. Land boundaries must be monumented and identified on the ground in order for the land managers to know what they are managing.

2. Control Monumention:

Control surveys and monumentation are not cadastral surveys as the monuments established do not create or identify land boundaries. In control surveying the science of geodesy is employed to establish geodetic positions (latitude and longitude) at specific locations in order to reference the points at a precise location on the surface of the earth. Cadastral surveys are normally tied to the geodetic network but the boundaries established are controlled and identified by the cadastral corner monuments and not the control monuments.

Under AS 38.04.045(b) the substitution of control monumentation is allowed providing the monuments are placed within a two-mile radius of the designated staking areas. The remote parcel surveys, based on metes and bounds, are then tied to the control monuments to afford a geographic location to be placed in proper positions on the records status plats. The control monuments serve as a means to map identify the remote surveys but does not provide the legal descriptions for title transfer.

The waiver of the rectangular system of surveys and substituting control survey monumentation may be the most economical way for the State to dispose of land, however, the burden of costs are transferred to the private entrymen which sometimes exceeds the value of small parcels applied for. This practice also has the undesirable side effect of leaving the boundaries of areas open to staking unidentified on the ground which in many cases requires the entryman to pay the cost of surveying State administrative boundaries identified by the rectangular survey protraction diagrams. This has the effect that although the rectangular system has been waived the closed boundaries around the staking areas are still based on the rectangular system. Many problems have surfaced, and are still surfacing, where parcels have been staked outside the area identified for staking as a boundary shown on a map cannot be identified on the ground, even by professional surveyors, unless properly surveyed and monumented. Some remote parcels have been staked in areas that were not even classified for disposal.

2. Control Monumentation (continued)

Random metes and bounds staking allows the entryman to select the best land but this in turn creates the problem of DNR's accountability and management of vacant unappropriated slivers of State land not staked. Numerous title problems are being encountered due to overlaps and mislocations of remote parcels when finally surveyed and platted.

Unlike cadastral surveys that establish sections and aliquot parts thereof, control monumentation is placed on the ground in designated areas at locations within a two-mile radius of probable staking areas that just serve a one-time purpose.

The costs for performing cadastral surveys and establishing horizontal control stations in Alaska are significant and the monumentation resulting from these surveys should not serve just a single purpose in the disposal of State land, but rather, the surveys and monumentation should be designed to serve the functional needs for all State and private land identification activities now and in the future, regardless of the funding source. Survey regulations must be adopted to establish uniform standards that will insure a better utility of costly surveys are taken into account during the survey planning stages.

3. State Subdivision Surveys:

Prior to the design and subsequent staking of State subdivisions a cadastral survey is normally performed, establishing the sections the subdivisions are situated in. This allows for tracking and identification of the remaining un-subdivided acreage within the respective sections for future management or disposal purposes without need for additional surveys. The cadastral survey (extension of the rectangular system) also provides a broader acreage base for detailed soils investigations to extract more disposable net lot acres within a designated State subdivision.

3. State Subdivision Surveys (continued)

In the past agricultural parcels have been disposed of by tracts and as aliquot parts descriptions based upon cadastral surveys establishing the sections or portions thereof. This has been an expedient and economical method for agricultural disposals as the basic land unit identified under the rectangular system are established on the ground from which title to tract layouts or aliquot parts can be transferred with a minimum of field surveys. This also increases the appraised value of the land by virtue of being surveyed and monumented whereby the State's costs for the cadastral surveys are recovered in the sales price of the agricultural parcels.

Native allotment surveys are not provided for under State authority. The surveys of native allotments are the responsibility of the Bureau of Land Management under the 1906 Native Allotment Act. These surveys conform to both aliquot parts and metes and bounds descriptions depending upon the allottee's ground staking or filed applications conforming to the public land surveys (rectangular system). Under the 1906 Act, an Alaska native was allowed to claim up to 160 acres based on certain criteria, however, the 160 acres did not have to be contiguous and could be claimed in up to four (4) separate parcels making the eventual surveys cumbersome and costly.

Other surveys performed by DNR that are not related to land disposals are various original boundary surveys for land management administrative needs. These include long-term lease boundaries, based on the rectangular survey system, for upland oil and gas leases, coal leases and various mineral leases. As requested, DNR also provides for the surveys of the boundaries of other State lands such as State Park boundaries and State Forest boundaries. These are also generally identified and described in conformance to the rectangular system based upon the conveyance from the Federal Government. As the population of the State continues to grow and the need for natural resource protection and management expands, the requirements for accurate ground identification and monumentation of State land boundaries will become more evident resulting in the recognition of the continuing need for a long-range State cadastral surveying program.

4. Current Homestead Offering Procedures:

Subsequent to the implementation of the homestead act in July 1984, it became apparent that there was not sufficient land available, that was surveyed under the rectangular system, for disposal under AS 38.09.020(b) (aliquot parts). In addition, in order to quickly identify land lready classified for disposal, some of the land to be included in homestead offerings did not feasibly lend themselves to the aliquot parts disposals by reasons of winding rivers with oxbows and desirable land restricted to close proximity to shore lines, or mountainous areas with probable staking areas confined to valley bottoms. As a consequence, it was proposed that SB 375 (Title 38 rewrite) amend AS 38.09.010(b) to allow the waiver of a cadastral survey (rectangular system) and substitute control monumentation under specific conditions. This was done, which in reality reinstituted the remote parcel survey requirements, however, the Title 38 rewrite went further, as AS 38.09.010(b) was additionally amended to delete the requirement that a homestead entry be within one-mile of a control monument. The same language was also inserted into AS 38.04.045(b) which has the effect that not only the requirement that land open for staking be within two (2) miles of a control monument be waived, but also the cadastral survey requirements for the conveyances of surface rights to State land can be waived. As these waivers are exercised a greater survey burden will be transferred to the entrymen as they will be forced to pay the private surveyor for more extensive survey work in order to comply with platting requirements for title purposes. This will materially increase the cost for acquiring State land under the homestead program.

As the FY '86 land offerings (and '85's not contracted) will be the first surveyed under the Title 38 amendments (Chapter 152 SLA 1984), under the 1985 fiscal year budget, the following is based upon initial Division of Land and Water Management proposals.

4. Current Homestead Offering Procedures (continued)

Southcentral District:

Initially proposed 28 homestead type disposals. Initially requested 22 receive only control monumentation, of these, 7 were former remote staking areas so monumentation was in place to meet former statutory requirements. (These were considered as no survey required even though cadastral survey may have been appropriate in some areas.)

After discussions with DTS, District changed the type of disposal planned and the request that 4 other disposal areas receive only control monumentation was dropped in favor of cadastral surveys.

Because of funding limitations, not all of these projects have been advertised for contract. Remaining homestead projects to be contracted when funds become available - 12. Of those 12, Land and Water Management would like tocontrol survey (rather than cadastral) 9 projects. It is possible further analysis and availability of funds will alter this plan further.

Northcentral District:

Proposed disposals by homestead type entry, 15, of these, 3 were to be control monumentation.

Southeast District:

Two homestead type disposals were proposed. One lies within surveyed sections. The other is to be metes and bounds parcels surveyed from control monumentation.

Statewide 45 homestead type disposals were proposed. Initial proposals were that 26 of these receive only control monumentation.

I feel it is safe to assume the percentage of waivers of cadastral surveys and even control monumentation for homestead disposal areas for.....

4. Current Homestead Offering Procedures (continued)

any given year will be as much related to the disposal level assigned (acreage to be offered), surveyed acreage available to meet the assigned disposal level, time available to perform surveys when needed and funding authorized to perform those surveys as it is to topography and other criteria assigned for waivers.

Survey procedures utilized for the homestead program are directly related to the type of parcel staking authorized by the Division of Land and Water Management under authority delegated it by the Commissioner's Office. If the parcels are to be disposed of by aliquot parts, the cadastral (rectangular) survey must be existing or created, as aliquot parts of a section are a direct function of the location of the section and quarter-section corners of that section. Until the parent parcel (the section) exists, the breakdown of that parcel (aliquot parts) does not exist and cannot be surveyed.

If the disposal is to be by random staking (metes and bounds) entries a control survey may suffice. Each disposal area is analyzed by technical staff to determine whether future land management needs dictate a sectionalized survey even though the disposal will not be by aliquot parts. Factors that might affect this determination are: topography; desirability of, or interest in, area; existence of rectangular survey in general area; access that might indicate future settlement; disposal area boundaries that need to be defined; is funding available to allow a more extensive survey than required for immediate disposal (that is can the survey be planned for the long-term rather than the short-term benefits?) and does the disposal schedule allow time for a more extensive survey if other factors indicate it is desirable.

Staking procedures are outlined in the disposal brochure for entrymen.

4. Current Homestead Offering Procedures (continued)

A review of the staking instructions for Homestead No. 1 (Summer 1984 brochure) shows the following:

1) Shape - approximately square or rectangular with straight boundaries (Note: this does not necessarily mean aliquot parts).

2) Spacing - . . . must either have a common boundary with another homestead or be at least 300 feet from other homesteads . . . 300 foot minimum spacing between homestead parcels does not apply when the homesteads are separated by trails, designated water bodies, or steep ravines. (Note: Aliquot part section breakdowns do not usually lend themselves to 300 foot dimensions or spacing. Also note many areas have parcels predesignated eliminating any options in staking.)

3) Water bodies - if a homestead fronts on a lake, river or stream, the side boundaries must be approximately perpendicular to the water frontage, unless prevented by unusual site conditions. (Note: This does not lend itself to aliquot part staking.)

The length of the side that fronts on such a designated water body may not exceed 33% of the homestead's total perimeter. (This, too, bears no relationship to aliquot part parcel layout.)

4) Orientation - along water bodies, side boundaries must be as close to perpendicular to the parcel water frontage as possible. Where water frontage or topography do not dictate the orientation of the homestead, the sides of the homestead must be oriented in the cardinal directions. The latter part of this instruction is an attempt to keep the general parcel configuration as near to an aliquot part shape as possible without actually requiring aliquot part staking.)

The above information can be found on page 39 of the Summer 1984 disposal brochure. The rules are too general to cover all cases, but they do imply

4. Current Homestead Offering Procedures (continued)

an intent to vary from the aliquot part method of disposal. An examination of page 31 of the same brochure shows the following:

1) Number of homestead entries to be authorized: 227.

2) Of those, 49 are predesignated (this eliminates any choice on the entryman's part as to location or shape).

A more definitive answer to this question would require researching each homestead offering to ascertain the site specific staking instructions being applied.

5. Remote Staking Problems:

The Department of Natural Resources has taken the position that section line easements under AS 19.10.010 apply to all Protracted Sections as depicted by the protraction diagrams covering unsurveyed areas within the State. Until such time as the section lines are surveyed and monumented on the ground, there is no way an entryman or a professional surveyor can identify with certainty the theoretical section lines during the staking process or the subsequent metes and bounds survey of remote parcels and homesteads. In addition, the actual section lines when surveyed and monumented on the ground, may or may not conform to the protractions. Once the B.L.M. surveys the township exterior boundaries, the approved plat of survey superceeds the protraction diagram and the further subdivision (sectionalizing) within the township is dependent upon the established township boundary monuments and not the protraction diagrams. This is pointed out only to emphasize that a plat of survey with accompanying ground monumentation creates legal land boundaries and not projections depicted on a map. There are other legal ramifications to this issue that are not within my purview at this time to address.

The 'patchwork' of oddly shaped parcels are inherent in any metes and bounds description and location. The claimant or entrymen will naturally stake and claim only the best parcels of land suited to individual desires, topography, access and other criteria considered. This in turn creates slivers of unclaimed State lands that still must be accounted for and ... .

5. Remote Staking Problems (continued)

managed. In areas of unlimited entry, it is not unusual to encounter encroachment of one parcel into another that presents title problems as to senior rights among other things. The integrity of the private metes and bounds survey itself is sometimes questionable due to traversing great distances in order to obtain the required geographic ties for correct location in relation to other parcels situated in the general remote areas.

In my opinion, many of the staking problems associated with remote locations can be eliminated if, as a minimum, the State would survey and monument the exterior boundaries designating any closed area open to staking. This would be in addition to the geodetic control monuments to be established for positioning and platting purposes. In effect, this would entail a mini cadastral survey as the closed boundaries are generally described by section lines. The section and quarter corner monuments themselves then would also serve as control monuments for location purposes. Unlike the remote parcel disposal programs that were exempt from municipal platting authority, the new homestead act places the homestead surveys under municipal platting regulations which will add to the surveying and platting requirements where applicable.

Ideally, a cadastral survey should be executed in the areas for any and all types of land disposal to establish at least the basic grid of section and quarter corner monumentation. The resulting monumentation would serve multiple land identification purposes and not just a one-time single use. The section line easement issue would no longer be questionable as the section lines would be established and identifiable on the ground. Remote parcels or homesteads could be disposed of by aliquot part descriptions without additional surveys, or random metes and bounds staking could occur but with better control, as at a minimum a section or quarter corner monument would be available for geographic positions. Regardless of disposal configuration the establishment of the rectangular net will allow better land utilization and accountability in addition to quality title and less record keeping. Land title based on tracts or lots designated on a cadastral survey plat are less cumbersome than lengthy drawn out metes and bounds descriptions that require volumes of records and status maintenance.

6. Affects of Requirement for Cadastral Surveys for all State Land Disposals:

The requirement for a cadastral survey on all State lands prior to any disposal would, in my view, be highly desirable from the standpoint of the long term benefits the State would realize. The rectangular system of surveys is a marvel of simplicity. Once the section and quarter corner monuments are established on the ground, the lands can be further divided into aliquot parts, and thus described and identified. Metes and bounds descriptions may also be accommodated, but in a better controlled configuration within a section of surveyed land where all acres are accounted for. The market value of surveyed land is greater than unsurveyed land by reasons of precise identification and ability to transfer quality title.

In the past, the policy has been to perform the surveys of identified disposal projects one year in advance of the planned disposals, providing funding was available. This allows ample time for the private contracting process and the filing of the approved plats of survey in the State Recorder's Office prior to disposal offerings. As long as this one year lead time can be maintained, I cannot foresee any time delays that would be encountered in performing cadastral surveys versus control type surveys.

By nature, cadastral surveys (rectangular system) are more costly than control type surveys due to more extensive line running and density of ground monumentation. The increased costs incurred by executing cadastral surveys in areas identified for disposals are offset in the long term by better utilization of the basic land units monumented and identified on the ground. These costs are in turn recovered by the State through the sale and/or leasing of State lands.

Surveying and mapping are fundamental services and support programs that underlie practically every State endeavor beginning with the ownership, exploration and development of the lands and their resources. Meeting the requirement for surveys and land-related information is critical for the various uses of resources and for the State's social and economic well being.

6. Affects of Requirement (continued)

Collectively such information contributes to the development of a multi-purpose land record system. On a broader level, attention is focused on future requirements for natural resources and the long range objectives for the development, utilization and conservation of these resources. The programs and coordination of geodesy, cadastral surveying and multi-purpose land records activities plays a key role in the support of the Department's programs to meet these requirements.

It can be assumed that certain areas in Alaska will never require surveys, as settlement and development of the lands may not occur, such as designated wilderness areas, critical habitat management areas and parks that include glaciers or high mountainous terrain. The forseeable need for cadastral surveys will arise in conjunction with settlement and the eventual development of the State's natural resources and conservation program thereof.

7. Funding Received for Survey for Land Disposal FY '79 - FY '84: (1,000)

Detail

FY '79	$	2,027.4
'80		6,480.0
'81		12,403.1
'82		11,684.8
'83		5,000.0
'84		1,700.0
TOTAL	$	39,295.3

Actual funds expended on professional survey contracts FY '79 - FY '84: $ 30,147.2

$ 39,295.3 = 100%
-30,147.2 = 77%
$ 9,148 = 23%*

* The 23% includes funding for personal services, travel, other contractual commodities and equipment.

Other contractual included space, mining claim backlog project and the following:

USGS Mapping Division	$	25.0
NASA Photo		100.0
Orthophoto Quad Production		500.0
Tanana Basin Study		200.0
Orthophoto Mapping		28.1
ALARS Operation Study		8.0
1:250,000 Status Map		15.7
USDA Homer/Ninilchik		17.2
USDA Soils Conservation		84.0
Patenting Process		19.5
Management Training		16.5
B.L.M. Coop.		20.8
D.G.G.S. Survey Tanana Coop.		360.0
Integrated Terrain Unit Mapping		400.0
Applied Cybernetics		27.4
	$	1,928.2

$ 1,928.2 = 5%

7. Funding Received (continued)

FY '85 CIP funding for surveys to accommodate land disposals are as follows:

The direct charge CIP is set up under collocation code 10-44-07-607. All personal services (100), travel (200), commodities (400), equipment (500) will be charged to this code. All professional services contracts will be charged to 10-44-09-564. The following line spread has been established in Juneau.

	10-44-07-607	10-44-09-564	TOTAL
100	423.3	0	423.3
200	20.0	0	20.0
300	17.6	3,015.1 Survey Contracts	3,032.7
400	10.0	0	10.0
500	14.0	0	14.0
TOTAL	484.9	3,015.1	3,500.0

It is anticipated that the total $3,032.7 will be expended prior to June, 1985 on survey contracts for FY '86 homestead disposals.

8. General Cost Estimates for Control Monumentation and Cadastral Surveys:

It is difficult to quantify the cost for control monumentation on a per acre basis, as the total acreage within a designated staking area is generally never claimed. The cost for control monuments depends upon the methodology used for establishing the positions, the logistics and number of monuments to be established in a project area. Past contracting experience reveals that control monumentation costs vary from a low of $2,500.00 per monument to a high of $6,500.00 per monument depending upon the variables mentioned.

The costs for performing cadastral surveys (rectangular system) in Alaska varies according to the geographical locations. Cadastral surveys in South Central Alaska cost between $3,000.00 and $3,500.00 per mile. As a section does control acreage this equates to approximately $21.00 per acre. The costs for cadastral surveys on the North Slope will average about $25.00 per acre due to increased logistics. The costs are also higher in Southeast Alaska averageing $4,500.00 to $5,000.00 per mile due to dense timber and rough terrain. The costs there will average $30.00 per acre surveyed.

8. General Cost Estimates (continued)

The following list identifies specific disposal projects along with the costs for contracting the various surveys.

Projects Advertised in FY '84

	Cost	Gross Acres	Net Acres
Subdivisions:			
Aspenwood	74,000	320	250
Kings River	68,200	160	81
Martin	209,200	1,440	1,000
Summit Lake	83,700	1,000	100
Upper George Inlet	18,200	2,240	150
Yakutat	83,800	1,280	300
TOTALS	$ 637,000	6,440	1,881
Cadastral:			
Cascade Creek	141,900	1,622	
Goldstream	255,100	6,140	
Lynx Lake	44,200	880	
South Lake Louise	79,500	3,840	
TOTALS	$ 520,101	12,482	
Remotes:			
Blying Sound	125,000		
Rainbow Lake	17,500		
Teklanika	24,700		
TOTALS	$ 167,200		
Carry-Over Large Lot Cadastral:			
Hutlitakwa	64,400	3,114	1,158

I hope this response sufficiently covers all items of your inquiry, however if additional information or clarification is needed please feel free to contact me.

Sincerely,

Clyde Duren
Chief Cadastral Surveyor

Attachments: Three (3)

CD:b

A BILL (TITLE 38)

For an Act entitled: "An Act relating to land surveys."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

AS 38.04.045(b) is amended to read:

(b) Before the conveyance of surface rights to state land, an official cadastral survey shall be accomplished, unless a comparable, acceptable survey eixsts that has been conducted by the federal Bureau of Land Management. The rectangular survey section corner positions shall be monumented and shown on a cadastral survey plat approved by the state. [HOWEVER, FOR THOSE AREAS WHERE THE STATE MAY WISH TO CONVEY SURFACE ESTATE OUTSIDE OF AN OFFICIAL CADASTRAL SURVEY GRID, THE DIRECTOR MAY WAIVE MONUMENTATION OF ALL INDIVIDUAL SECTION CORNER POSITIONS AND SUBSTITUTE AN OFFICIAL CONTROL SURVEY WITH CONTROL POINTS BEING MONUMENTED AND SHOWN ON CONTROL SURVEY PLATS APPROVED BY THE STATE. NO PORTION OF LAND TO BE CONVEYED MAY BE LOCATED MORE THAN TWO MILES FROM SUCH A SURVEY CONTROL MONUMENT EXCEPT THAT THE COMMISSIONER MAY WAIVE THIS REQUIREMENT ON A DETERMINATION THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT, OR THE PUBLIC INTEREST DO NOT JUSTIFY THE REQUIREMENT.] The lots and tracts in state subdivisions shall be monumented and the cadastral survey and plats for the subdivision shall be approved by the state. Where land is located within a municipality with planning, platting and zoning powers, plats for state subdivisions shall comply with local ordinances and regulations in the same manner and to the same extent as plats for subdivisions by other landowners. State subdivisions shall be filed in the district recorders office. The requirements of this section do not apply to land made available through a cabin permit system, material sales, or short-term leases: however, for short-term leases the lessee must comply with local subdivision ordinances unless waived by the municipality

under procedures specified by ordinance.

AS 38.09.010 is amended to read:

DESIGNATION OF LAND FOR HOMESTEAD ENTRY. (a) The commissioner shall designate and make available for homestead entry state land, including land classified for agricultural use. State land made available for homestead entry under this chapter shall be distributed throughout the state.

(b) The commissioner shall complete a cadastral survey of homestead entry state land under AS 38.04.045 before disposing of state land for homestead entry [BUT THE COMMISSIONER MAY WAIVE THE CADASTRAL SURVEY ON A DETERMINATION THAT TOPOGRAPHIC FEATURES, DIFFUSE SETTLEMENT OR THE PUBLIC INTEREST DO NOT JUSTIFY OR REQUIRE THE CADASTRAL SURVEY]. Homestead entry parcels shall be aliquot parts excepting when practical and legal access exists adjoining any parcel boundary or is assured through a planned designated route.

(c) Notice of the designation and offering of land for homestead entry shall be given by the commissioner under AS 38.05.945.

(d) Land designated for homestead entry is not subject to a preference right under AS 38.05.

(e) The commissioner shall prescribe a homestead entry procedure for each area designated under (a) of this section. The homestead entry procedure shall establish

(1) the minimum distance between homestead entries in the area;

(2) the dimensions, configuration, orientation or other design requirements for a homestead entry in the area;

(3) a description of land within the area that may not be included in a homestead entry;

(4) a requirement that a landmark, monument or other point be used as a point of reference for the measurement of distances within an area;

(5) a specification of the type of stakes to be used to mark the corners of a homestead entry;

(6) the time within which a homestead entry must be staked.

(f) The commissioner shall establish the maximum size of a homestead entry that may be selected in each area designated under (a) of this section except that the commissioner may not permit an entry on more than

(1) 160 acres of land classified for agricultural use; or

(2) 40 acres of land not classified for agricultural use.

(g) The commissioner may limit the number of persons permitted to stake homestead entries within an area designated under (a) of this section by a lottery of qualified applicants.

AS 38.09.020 is amended to read:

Sec. 38.09.020. HOMESTEAD ENTRY PERMITS. (a) A homestead entry permit entitles an applicant to enter land within an area designated under AS 38.09.010 and to [SURVEY,] occupy, and improve the land in order to qualify for a patent under this chapter.

(b) An applicant for a homestead entry permit shall personally stake the corners and flag the boundaries of the land entered under this chapter and shall personally file with the commissioner a

description of the land entered. A homestead entry shall be described by aliquot parts. [UNLES OTHERWISE PERMITTED BY THE COMMISSIONER.]

AS 38.09.040 is amended to read:

Sec. 38.09.040. REVOCATION OF ENTRY PERMITS. (a) A homestead entry permit may be revoked by the commissioner for any substantial breach of the permit conditions or the requirements of this chapter, including

(1) an assignment, conveyance, or transfer of the permit not authorized under AS 38.09.030(c);

(2) failure of the permit holder to submit [A PLAT OF SURVEY] an aliquot parts description of the homestead entry to the commissioner within two years after the issuance of the permit or under (b) of this section;

(3) failure of the permit holder to erect a dwelling in the time required under AS 38.09.050(a), except that if the commissioner finds that the dwelling has been nearly completed and progress toward completion is being made at the expiration of the time required, the commissioner may extend the time required for completion for not more than one year;

(4) failure to brush the boundaries of the land within 90 days after issuance of the homestead entry permit;

(5) failure to clear and either put into production or prepare for cultivation 25 percent of the land classified for agricultural use within five years after the issuance of the permit.

[(b) IF THE COMMISSIONER DETERMINES THAT A PERMIT HOLDER HAS MADE A GOOD FAITH EFFORT TO OBTAIN A PLAT OF SURVEY, THE COMMISSIONER MAY

EXTEND THE TIME REQUIRED FOR COMPLETION OF THE PLAT OF SURVEY FOR NOT MORE THAN THREE YEARS AFTER THE ISSUANCE OF THE PERMIT.]

(c) If a homestead entry permit is revoked under (a) of this section, improvements or personal property upon the land shall be managed under AS 38.05.090 and the state land remains available for homestead entry under this chapter.

AS 38.09.050 is amended to read:

Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall issue a patent to homestead entry land if the permit holder

(1) resides and lives on the homestead entry land for not less than 25 months within five years after the issuance of the homestead entry permit;

(2) [COMPLETES AN APPROVED SURVEY] submits an aliquot parts description of the land within two years after the issuance of the permit or under AS 38.09.040(b);

(3) erects a habitable, permanent dwelling on the homestead within three years after the issuance of the homestead entry permit;

(4) brushes the boundaries of the land within 90 days after the issuance of the permit;

(5) clears and either puts into production or prepares for cultivation either 25 percent of the land classified for agricultural use or 50 percent of the land having class II or III soils, whichever is less, within five years after issuance of the permit.

(b) Nothing in this chapter prohibits a homestead entry permit holder from residing in a temporary dwelling on the homestead before erection of the permanent dwelling.

SYNOPSIS OF RESULTS OF PROPOSED AMENDMENTS TO AS 38

RE: AS 38.04.045(b), rectangular survey section corner positions will be monumented and shown on a plat prior to conveyance of surface rights to state lands. Metes and bounds surveys tied to control monuments will no longer be allowed.

RE: AS 38.09.010, homestead entry parcels will be aliquot parts of sections monumented in accordance with AS 38.04.045(b), except when practical and legal access exists adjoining a boundary or through a designated route. Such access would include public roads and roads created in platted subdivisions. Access to aliquot parts parcels is insured by AS 38.04.050.

RE: AS 38.09.020. since section corner positions will be monumented and platted prior to conveyance (AS 38.04.045(b)). and homestead entry parcels will a aliquot parts of those section (AS 38.09.010), the State should not require an applicant to survey the land. The aliquot parts description of the monumented section provides a complete description of each unique parcel, with no encumbrance of surrounding lands.

RE: AS 38.09.040(a)(2), an aliquot parts description of the homestead entry. along with the plat prepared in accordance with AS 38.04.045(b), will eliminate the need for a plat of survey prepared by the permit holder.

RE: AS 38.09.040(b), since a plat of survey would not be required, the need for time extensions to complete the plat of survey is eliminated.

RE: AS 38.09.050(a)(2), again, the aliquot parts description of a parcel within a monumented and platted section eliminates the need for an applicant to obtain an approved survey for issuance of a patent.

FEB 19 1985

February 12, 1985 ADC NO 8590C

Honorable Arliss Sturgulewski
Alaska State Senate
Pouch V
Room 508, State Capitol Building
Juneau, Alaska 99811

Dear Senator Sturgulewski:

We are pleased that Senate Bill 135 has been introduced but as you are aware, this bill leaves much to be desired from our point of view. House Bill 170 is much preferred.

We strongly believe that Title 38 can and should be re-written to provide for a sustained cadastral survey program to properly manage and dispose of state lands. We also feel this can be accomplished without a budget increase for DNR. There will be no more appropriate time to implement this legislation for the benefit of all residents of Alaska.

It was a sincere pleasure to meet with you in Juneau several weeks ago. Thank you for making time in your busy schedule to listen to our presentation.

Very truly yours,

Robert M. Schweitzer, L.S.
Representative for
American Society of Photogrammetry,
Alaska Region

RMS/mf

14-0522
Bradley
2/1/85.

DRAFT

REFERRED:
RESOURCES
FINANCE

IN THE SENATE

BY FAHRENK
BY REQUEST

SENATE BILL NO. 135

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to land surveys; and providing f an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 34 is amended by adding a new chapter to read:

CHAPTER 65. LAND SURVEYS.

Sec. 34.65.010. PURPOSE. The purpose of this chapter is authorize right of entry on land for certain survey purposes, and provide a method for preserving evidence of land surveys by fili records of survey and monument records.

Sec. 34.65.020. ENTRY UPON LAND BY PROFESSIONAL LAND SURVEYOR: (a) After giving notice, a land surveyor or an employee of a la surveyor may enter public or private land or water in the state on to occupy, locate, relocate, install, or replace survey monuments the process of locating real estate boundaries and determining geo detic positions.

(b) This section does not permit entry on public or private lar or water to perform an engineering, design, or topographic survey.

(c) This section does not authorize any unnecessary interferenc with private rights.

(d) A land surveyor or an employee of a land surveyor is liabl to the landowner only for actual damages.

(e) The attorney general may bring an action in the name of th state to restrain and prevent the obstruction of entry under (a) o this section.

(f) As used in this section, "notice" means written notice ~~the time and date of~~ entry to

~~(1) the landowner of record postmarked not later than hours before entry; and~~

(2) an occupant of the land at any time before entry.

Sec. 34.65.030. RECORDS OF SURVEY. After making a survey in conformity with the practice and definition of land surveying, a la surveyor shall file with the district recorder a record of the surv if the survey discloses

(1) material evidence or physical change that in whole o in part does not appear on a plat of record previously filed in th office of the district recorder or in the records of the Bureau o Land Management;

(2) a material discrepancy with a plat of record previousl filed in the office of the district recorder or in the records of th Bureau of Land Management; or

(3) evidence that by reasonable analysis might result i alternate positions of boundaries from those of record.

Sec. 34.65.040. RECORDS OF MONUMENT. (a) A land surveyor wh in the course of a survey establishes, reestablishes, uses as control or restores a monument to make it readily identifiable or reasonabl durable shall file a monument record, unless the monument and it accessories are substantially as described in a monument record file under this chapter or on a survey plat of record.

(b) A person or agency whose activities will disturb or destro a monument or its accessories shall have a land surveyor

(1) file a monument record before the monument or it accessories are disturbed or destroyed;

(2) restore or replace the monument and its accesscrie

after the activities have ceased; and

(3) file a new monument record after restoring or replaci the monument or its accessories.

(c) A land surveyor may file a monument record for any monumen

(d) A land surveyor who is required to file a monument reco under this section shall do so within 90 days of the completion of t survey or of the establishment, reestablishment, or rehabilitation a monument.

(e) A monument record shall be signed and sealed by the la surveyor responsible for the survey.

Sec. 34.65.050. WHEN RECORD OF SURVEY IS NOT REQUIRED. A reco of survey is not required when a plat of the survey has been filed will be filed within 18 months after the field survey is completed.

Sec. 34.65.060. DUTIES OF THE COMMISSIONER. (a) The commis sioner shall adopt regulations to implement this chapter.

(b) The commissioner shall provided a standard form for a [redacted] monument record.

Sec. 34.65.070. DUTIES OF THE DISTRICT RECORDER. (a) Upo request the district recorder shall provide a copy of a monumen record or a copy of a record of survey to the municipal clerk for th municipality in which the monument or survey is located.

(b) The district recorder shall keep a proper index of monumen records and records of survey.

(c) The commissioner may establish a fee for services provide by a district recorder under this section.

Sec. 34.65.100. DEFINITIONS. In this chapter

(1) "accessory" means physical evidence adjacent to monument used for the future identification and restoration of monument;

(2) "commissioner" means the commissioner of natural r
sources;

(3) "land surveyor" means a professional land survey
licensed under AS 08.48;

4) "monument" means

(A) a United States public land survey monument;

(B) an Alaska state land survey primary monument;

(C) an exterior primary monument controlling a r
corded survey;

(5) "United States public land survey monument"

(A) means a survey monument established in a cadastra
survey by the Bureau of Land Management or its predecessor;

(B) includes a monument in a United States specia
survey and United States mineral survey that is a part of th
public land records of the Bureau of Land Management.

* Sec. 2. This Act takes effect July 1, 1985.

Introduced: 2/4/85
Referred: Labor & Commerce and Judiciary

PASSED, NO CHANGE

BY KOPONEN, SUND, NAVARRE, UEHLING, JENKINS, RINGSTAD AND PEARCE

IN THE HOUSE

HOUSE BILL NO. 170

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to land surveys."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 34 is amended by adding a new chapter to read:

CHAPTER 65. LAND SURVEYS.

Sec. 34.65.010. PURPOSE. The purpose of this chapter is to authorize right of entry on land for survey purposes, and to provide a method for preserving evidence of land surveys by filing records of survey and monument records. The provisions of this chapter supplement laws relating to land survey platting and subdivision surveys.

Sec. 34.65.020. ENTRY UPON LAND BY PROFESSIONAL LAND SURVEYORS. (a) A land surveyor or an employee of a land surveyor may enter public or private land or water in the state only to occupy, locate, relocate, install, or replace survey monuments, to locate boundaries, determine geodetic positions, and to make surveys and maps.

(b) A land surveyor or an employee of a land surveyor is liable to the landowner only for actual damages.

(c) The attorney general may bring an action in the name of the state to restrain and prevent the obstruction of entry under (a) of this section.

Sec. 34.65.030. RECORDS OF SURVEY. (a) After making a survey in conformity with the practice and definition of land surveying, a land surveyor shall file with the district recorder a record of the survey within 90 days if the survey discloses

(1) material evidence or physical change that in whole or

in part does not appear on a plat of record previously filed in the office of the district recorder or in the records of the Bureau of Land Management;

(2) a material discrepancy with a plat of record previously filed in the office of the district recorder or in the records of the Bureau of Land Management; or

(3) evidence that by reasonable analysis might result in alternate positions of boundaries from those of record.

(b) A land surveyor who in the course of a survey establishes, reestablishes, uses as control, or restores a monument to make it readily identifiable or reasonably durable shall file a monument record, unless the monument and its accessories are substantially as described in a monument record filed under this chapter or on a survey plat of record.

(c) A person or agency whose activities will disturb or destroy a monument or its accessories shall have a land surveyor

(1) file a monument record before the monument or its accessories are disturbed or destroyed;

(2) restore or replace the monument and its accessories after the activities have ceased; and

(3) file a new monument record after restoring or replacing the monument or its accessories.

(d) A land surveyor may file a monument record for any monument.

(e) A land surveyor who is required to file a monument record under this section shall do so within 90 days of the completion of the survey or of the establishment, reestablishment, or rehabilitation of a monument.

(f) A monument record shall be signed and sealed by the land surveyor responsible for the survey.

Sec. 34.65.040. WHEN RECORD OF SURVEY IS NOT REQUIRED. A record of survey is not required for a survey

(1) made by the Bureau of Land Management;

(2) when a plat of the survey has been filed or will be filed within 18 months of the field survey.

Sec. 34.65.050. DUTIES OF THE COMMISSIONER. (a) The commissioner shall adopt regulations to implement this chapter.

(b) The commissioner shall provided a standard form for a record of survey.

Sec. 34.65.060. DUTIES OF THE DISTRICT RECORDER. (a) The district recorder shall provide a copy of a monument record or a copy of a record of survey to the municipal clerk for the municipality in which the monument or survey is located.

(b) The district recorder shall keep a proper index of monument records and records of survey by the survey name, tract designation, subdivision designation, or United States public land designation.

Sec. 34.65.070. DEFINITIONS. In this chapter

(1) "accessory" means physical evidence adjacent to a monument used for the future identification and restoration of a monument;

(2) "commissioner" means the commissioner of natural resources;

(3) "land surveyor" means a professional land surveyor licensed under AS 08.48;

(4) "monument" means

(A) a United States public land survey monument;

(B) an Alaska state land survey primary monument;

(C) an exterior primary monument controlling a recorded survey;

(5) "United States public land survey monument"

(A) means a survey monument established in a cadastral survey by the Bureau of Land Management or its predecessor;

(B) includes a monument in a United States special survey and United States mineral survey that is a part of the public land records of the Bureau of Land Management.

Subject

SENATOR
ARLISS STURGULEWSKI

2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99508
SENATE DISTRICT F, SEAT A

Alaska State Legislature

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

January 21, 1985

Mr. C.A. (Bud) Herschbach
Chairman, Alaska Section
American Congress on Surveying and Mapping
P.O. Box 376
Anchorage, Alaska 99510

Dear Bud:

Thank you for your letter and the copy of draft legislation. I'll look forward to seeing you on Thursday the 24th at 8:00 a.m. in my office.

As you have had numerous discussions with Senator Fahrenkamp re this legislation, I'll check regarding her interest in the legislation.

Kindest personal regards,

Arliss

Senator Arliss Sturgulewski, Chairman
Senate Resources Committee

JAN 16 1985

LANDS

Surveying

Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING
P. O. BOX 376
ANCHORAGE, ALASKA 99510

Dear Arliss,

Enclosed is a copy of the correspondence and proposed bills we sent to Senator Fahrenkamp. I would appreciate it if you would keep an eye that it is introduced, and if not, gave us guidance as to how to introduce it. It surely will be assigned to your committee and if a public hearing could be held we can marshall a great deal of testimony from our members, the boroughs, and other affected citizens. Our members have a number of vivid graphic examples of problems they have encountered as a result of the state's past disposal actions.

We will have a group representing our societies in Juneau on the 23rd and 24th of January which I will likely accompany. I would like to stop by to discuss these bills at that time.

Hope you had a good vacation. We certainly had at the lake.

Best of luck at Juneau this year. Will be in touch.

Bud

Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING
P. O. BOX 376
ANCHORAGE, ALASKA 99510

January 12, 1985

Senator Bettye Fahrenkamp
Alaska State Senate
Pouch V
Room 125, State Capitol Bldg.
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

Enclosed herewith are drafts of two items of proposed legislation that the members of the Alaska Section, American Congress on Surveying and Mapping and our fellow professional organizations, The Alaska Section, American Society of Photogrammetrists, and the Alaska Society of Professional Land Surveyors feel to be of extreme importance if surveying and mapping in Alaska is to proceed in orderly manner. The drafts are accompanied by justification statements, plus some general comments relative to the surveying of State lands. We respectfully request that you carefully review this proposed legislation, sponsor its introduction, and support its passage during the upcoming legislative session. We have also requested Representative Koponen to introduce this legislation in the House of Representatives.

Upon introduction, our societies would be pleased to contact other legislators in person and by mail, testify at public hearings or assist in any other respect in its passage. Representatives from the three societies plan to be in Juneau the 23rd and 24th of January. We would be pleased to meet with you or your staff at that time to further discuss any aspects of the proposed bills. In the meantime, any questions may be addressed by phone or mail to the following:

Mr. Ray Niemi, President
Alaska Society of Professional Land Surveyors
P. O. Box 2106
Anchorage, Alaska 99510
Telephone 745-9657