

Seward Highway ROW State Section Line Easements

1. Section Line Easements
 - a. Are CSP lands subject to State SLEs?
 - i. Yes – CSP formed from state public domain lands. No SLE prohibition in LDA language (See AS 41.21.121-130 - § 1 ch 112 SLA 1979 – effective 8/6/1970)
 - ii. Yes – but most of the section lines in CSP are only protracted at this time. (See Editor’s note: 11 AAC 51.025 Section Line Easements “5. for any surveyed land owned by the Territory of Alaska or the state on or after March 26, 1951 through June 30 1960, the width identified in ch. 123, SLA 1951 for any section-line easement is 50 feet;” & ” 7. for surveyed or unsurveyed land owned by the state on or after July 1, 1960, the width, as identified in AS 19.10.010, is 50 feet.)
 - iii. If not, release of exchange lands from CSP & subsequent conveyance from MLW to ARRC in fee would create SLEs. (AS 19.10.010 “A tract 100 feet wide between each section of land owned by the state, or acquired from the state, ...” Also see “11 AAC 51.025”)
 - b. Review Mapping – how much land are we talking about? (I counted 13 sheets of the draft R&M ROW maps that indicated section lines running through CSP and ARRC lands.)
 - c. Pt. McKenzie – ARRC says they will not accept lands subject to SLE
 - i. Option 1 – vacate offending SLEs
 - ii. Option 2 - Can any public access across these SLEs be subject to DNR/MLW Permit requiring ARRC concurrence? If DNR is now “actively” managing all (not DOT) SLEs through LNOs or permits, this might be a solution. ARRC concurrence would be subject to resolution of safety concerns.
 - iii. This management resolution would apply both to “exchange” lands conveyed to ARRC lands w/ SLEs and assertion of existing SLEs across current ARRC corridor.