



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
NORTHER REGIONAL LAND OFFICE

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September 8, 2017

ADL 420873

John F. Bennett
OBO City of North Pole
212 Front Street #150
Fairbanks, AK 99701
via email: jbennett@rmconsult.com

RE: Non-Objection to placement of a utility within a section line easement

Mr. Bennett,

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Northern Regional Land Office (NRO) has received your request for non-objection to construct a drinking water utility pipeline within a State-managed section line easement (SLE) that you conclude to be present in the following locations:

Legal Description:

1. Section line between Sections 5 and 6, Township 2 South, Range 2 East, Fairbanks Meridian, at the southwest corner of Lot B in Section 5.
2. Section line between Section 32, Township 1 South, Range 2 West, Fairbanks Meridian, and Section 5, Township 2 South, Range 2 West, Fairbanks Meridian, at the southwest corner of Lot 4, Block 5, White Meadow East Subdivision, within Section 32.
3. Section line between Section 33, Township 1 South, Range 2 West, Fairbanks Meridian, and Section 4, Township 2 South, Range 2 West, at the southern boundary of Lots 1, 2, and 3, Block J, Wrangell Subdivision, within Section 33.
4. Section line between Sections 32 and 33, Township 1 South, Range 2 West, Fairbanks Meridian, at the Chena River Slough crossing.
5. Section line between Sections 31 and 32, Township 1 South, Range 2 West, Fairbanks Meridian, at Tax Lot 3205 within Section 32.

Alaska Statute 19.10.010 provides for the appropriate development of a SLE for access purposes. Additionally, the Alaska Supreme Court has stated in *Fisher v. Golden Valley Elec. Ass'n, Inc.* 658 P.2d 127 (1983) that the construction of utilities within these easements is an acceptable secondary use if the utility does not interfere with use of the SLE for access purposes. However, pursuant to 11 AAC 51.100(j), DNR does not issue permits for secondary uses of SLEs on non-State lands. Therefore, as lands along this section line are not owned by the State of Alaska nor are access improvements proposed, DNR-DMLW does not verify the location and width of any SLEs that may impact your project. However, NRO does not object to the placement of the proposed infrastructure if SLEs have attached as you conclude.

Please note that as the primary purpose of a SLE is for access, you may be required to relocate your infrastructure at your own expense if the area you occupy is reasonably needed for future access

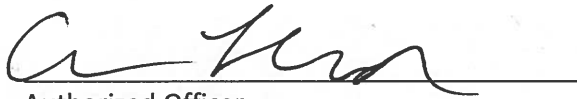
development. Thus it is recommended that you place your utilities along the outer edge of the SLE to minimize the potential for future conflict.

Public access along any SLE may not be blocked through physical obstruction, signage, or other means, including by alterations to the topography of the easement that will obstruct additional use of the easement. Please also be advised that any materials such as trees that are disturbed in the course of development are the property of the underlying land owner.

It is the your responsibility to protect all corner markers, witness corners, reference monuments, mining claim posts, bearing trees and other monuments of record against damage, destruction, or obliteration. You are required to notify this office of any damaged, destroyed, or obliterated markers and will be responsible for reestablishing the markers at your own expense in accordance with DMLW survey practices.

Because this letter of non-objection is based on an analysis of current conditions, **this letter is valid for a period of 3 years from the date of signature below.** The administrative record for this non-objection is the casefile for ADL 420873. Questions concerning this letter may be directed to Adam Leland via email to adam.leland@alaska.gov or via phone at (907) 451-2722.

Sincerely,



Authorized Officer
DNR Division of Mining, Land and Water

9/8/2017
Date