

From: Jennings, Gerald D (DNR)
To: [Bennett, John F \(DOT\)](#)
Subject: RE: Department Order #111
Date: Thursday, November 1, 2007 2:58:32 PM

John, I've forwarded a draft reply for concurrence upstairs. This type of thing typically takes some time.

Gerald,
269-8516

-----Original Message-----

From: Bennett, John F (DOT)
Sent: Monday, October 29, 2007 11:12 AM
To: Jennings, Gerald D (DNR)
Subject: RE: Department Order #111

Gerald, the note on the Richardson Hwy MP 148-173 plans was taken from the previous Tok Cutoff MP 110-124 plans. At that time, Larry King was administering a contract for ROW plan production with ASCG (Karen Tilton). Larry's emails indicate that he conferred with Joe Kemmerer on March 21, 2003 regarding the status of SLE's for protracted sections. Joes opinion at the time was that the SLE's existed as per the 1969 AGO Opinion subject to the location at the time of the survey. Larry's email then said that he spoke with you on April 1, 2003 and that your opinion was that the SLE's do not exist for protracted section until either the line is surveyed or until a reservation of the easement is make at the time of conveyance form the state. This was consistent with the never officially approved November 19, 1986 Department Order #111. So it appears that the conclusion Larry reached from his conversation with you was that DNR was holding the Departmental Order as an appropriate statement, but it had just never been formalized. In that respect we do need to change our note to delete the reference to the Order #111 and refer to the statement as DNR's informal policy on that matter. Do you agree with that or have some language that would appropriately get across what DNR's position is with regard to the protracted SLE's? Thanks, JohnB

-----Original Message-----

From: Jennings, Gerald D (DNR)
Sent: Monday, October 29, 2007 9:42 AM
To: Bennett, John F (DOT)
Subject: FW: Department Order #111

-----Original Message-----

From: Menefee, Wyn (DNR)
Sent: Wednesday, October 24, 2007 4:47 PM
To: Johnson, Kathleen C (DNR); Mylius, Richard H (DNR); Fries, Carol A (DNR); Jennings, Gerald D (DNR); Joyner, Joseph M (DNR)

Cc: Means, Robert S (DNR)
Subject: RE: Department Order #111

This one is a continually challenging topic. The protraction is a location and therefore the line exists but we inform the public not to develop it until surveyed. Gerald continually gets into issues on this with platting authority questions and such. Though we have told surveyors to put Protracted section lines on the surveys, I do not think we have to come up with a department order. It appears that there was a draft document that some surveyor used in appropriately. Gerald should follow up with John Bennet to insure we are not mistaken on the non-existence of a signed order.

Wyn

-----Original Message-----

From: Johnson, Kathleen C (DNR)
Sent: Tuesday, October 23, 2007 4:16 PM
To: Mylius, Richard H (DNR); Menefee, Wyn (DNR); Fries, Carol A (DNR)
Cc: Means, Robert S (DNR)
Subject: FW: Department Order #111

Here's Mr. Hart's response to my e-mail...

Sam - I'll forward you the other e-mail that initiated these questions, but thought you needed to see this response too.

kj

-----Original Message-----

From: Joseph_Hart@ak.blm.gov [mailto:Joseph_Hart@ak.blm.gov]
Sent: Tuesday, October 23, 2007 3:44 PM
To: Johnson, Kathleen C (DNR)
Subject: Re: Department Order #111

I came across it while reviewing a project plan for the ADOT on the Richardson highway. RICH HWY MP 148-173 F-071-3(10) is the Alaska project number through ADOT, John Bennett is the right-of-way person listed on the project cover sheet. Within the General notes for the surveyor, item #12, addresses section line easements through protracted sections of State lands, and it states that the DNR issued the order #111. It simply states that a section line easement does not exist until it is either located by survey or is reserved in a conveyance document when in a protracted section of state land.

Might want to talk to John Bennett at ADOT right-of-way section, and make sure he has the correct status of such an order. Thanks for the answer, was just wanting the information for personal knowledge, but might have saved you all some trouble in the future if it has never been issued.

Could you please let me know if there is any changes to this, thanks.

Joseph Hart
GFO/BLM
Realty Specialist

"Johnson,
Kathleen C (DNR)"
<kathy.johnson@alaska.gov> To
Joseph_Hart@ak.blm.gov
cc
10/23/2007 03:10 PM "Sullivan, Doreen (DNR)"
<doreen.sullivan@alaska.gov>,
"Mylius, Richard H (DNR)"
<dick.mylius@alaska.gov>, "Menefee,
Wyn (DNR)"
<wyn.menefee@alaska.gov>, "Fries,
Carol A (DNR)"
<carol.fries@alaska.gov>
Subject

Department Order #111

Hello Joseph.

Doreen Sullivan forwarded me your e-mail and I have done a little investigation on DO #111.

Carol Fries from the Division of Mining, Land & Water sent me the following information:

There is no DO 111. There was a draft DO 111 but it was never adopted.

There is no digital copy of it and no hard copy in the binder. I'm not quite sure why a project plan would refer to a Department Order that was never adopted or was cancelled. The time frame was 1994.

Carol

Kathy Johnson

DNR Public Information Center

269-8400 (Dial 0 after 10:00 to reach Center Staff) kathy.johnson@alaska.gov