

**From:** [Hooyer, Patricia \(DOT\)](#)  
**To:** [John Bennett](#)  
**Subject:** RE: 14(c)(3) platting  
**Date:** Thursday, May 10, 2018 12:54:57 PM

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John:

My understanding is that "it depends".

- 1) \$ amount of improvements ??
- 2) Political climate, who is preparing the ILMA and what that agent has been told is happening. ???
- 3) ILMA or easement acquisition

I'm not sure that there is one answer, you just have to ask what is needed, and depending on the day, mood and parties involved you will get a response.

I copied an e-mail, dated 9/21/2012, from [Larry King](#). This was addressing a tideland acquisition for Chignik Lagoon Runway.

*On page 4, Item #6 Project Construction and Survey. "The Assignee is responsible for compliance with AS 38.95.160 ... and documented by a recorded plat."*

*Because this is a management agreement an ATS would not be required. The documentation can be done under a Record of Survey.*

*Another e-mail from Larry, dated 9/24/2012: Due to the permanent nature of the ILMA interest, which needs to be locatable for other disposals by the State for adjoining tidelands, the Record of Survey will require monumentation of the boundaries in a similar survey to what would be performed for an ATS. Examples are primary monuments, projecting along the boundary lines, located upland of MHW, and the documentation of the fixed and limiting boundary established when fill is placed on tidelands by reestablishing record meanders and the MHW at the time the fill is placed.*

*Survey instructions will be prepared by the Statewide Platting Unit ( my unit) upon the receipt of the Request for Instructions. The instruction fee is waived for State Agencies.*

In this case we prepared a plat, 2015-7 to comply with item number 6, on page 4 of the attached ILMA. As I recall this was because we made improvements into the tidelands which were over a certain amount. I don't remember what that amount was and can't seem to find it within my e-mails.

We have also acquired tidelands without any extra platting. See the Akutan Airport plat. We made improvements in Tract 4, which consisted of a landing area for the hover craft. The ILMA did not require DOT to create another plat other than the ROW acquisition plat and documents attached to the ILMA.

DOT has been preparing very substantial ROS's for DNR for easement acquisitions. See ADL 2017-96, 2017-14 plat as examples.

I'm not sure if I have been very helpful.

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**From:** John Bennett [mailto:JBennett@rmconsult.com]  
**Sent:** Thursday, May 10, 2018 11:04 AM  
**To:** Hooyer, Patricia (DOT)  
**Subject:** RE: 14(c)(3) platting

Thanks Louise, if I may ask one more somewhat related question. While Northern Region has a few coastal communities, for the most part our ROW surveys have primarily been inland. I remember talking with Rob Murphy several years back about DNR ROW permitting given that they have so many marine terminals that require transfer of DNR management to DOT for tidelands. I think he said that typically they would receive an ILMA for the ROW document and that they were required to do a full blown DNR tidelands survey as a part of that process. My Kivalina project will cross the Kivalina Lagoon and so will cross tidal boundaries twice. Just curious about your experience regarding tidal boundaries and DNR ROW acquisition process. Have you been doing full tidelands surveys for these DNR parcels or something less. Thanks again. JohnB

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**From:** Hooyer, Patricia (DOT) [mailto:louise.hooyer@alaska.gov]  
**Sent:** Wednesday, May 09, 2018 2:09 PM  
**To:** John Bennett  
**Subject:** RE: 14(c)(3) platting

John:

Sorry, we haven't had the opportunity to do that. The only thing close to a 14c3 conveyance that we have dealt with is Ouzinkie Airport. The road system along with Tracts, had already been platted and transferred to the Native Corp. The Native Corp, in turn, had agreed to transfer some of the land and road tracts to the City, with a long to-do list to go along with that transfer. At the time we got involved in relocating the airport, the road tracts had never been publically dedicated. We ended up buying some of that land and got the city to dedicate other portions. It took us a while to get it all accomplished. But in that case we had no involvement with BLM as they had already planned for a road system in the 14(c) survey.

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**From:** John Bennett [mailto:JBennett@rmconsult.com]  
**Sent:** Wednesday, May 09, 2018 11:27 AM  
**To:** Hooyer, Patricia (DOT)

**Subject:** FW: 14(c)(3) platting

Good morning Louise, I thought you might have done something with 14c3 reconveyances in the last several years and so I figured I should include you to see if you have any other info. Many years back in NR we had what we referred to as the "potty road" program. These were generally roads from a village to a landfill, sewage lagoon or water access. The design alignment would often be adjusted in the field and the ROW would be based on a 14c3 reconveyance from the Regional Corp to the City. Initially we would facilitate a right of entry or preliminary easement to allow access for construction to Regional Corp lands and then follow up with a ROS that would be referenced in final 14c3 reconveyance deeds. Just curious if you did anything like that or if you had another approach altogether. We are doing an evacuation road ROW plan set in Kivalina and most of it will be secured by 14c3 easement. Let me know if you have any thoughts. Thanks, JohnB

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**From:** Simons, Eric L (DNR) [<mailto:eric.simons@alaska.gov>]  
**Sent:** Wednesday, May 09, 2018 11:19 AM  
**To:** King, Galen L (DNR); John Bennett  
**Cc:** Brown, Stanley C (DNR); Gervelis, Gwen M (DNR)  
**Subject:** RE: 14(c)(3) platting

Larry / John,

Still in BLM hands.

DNR does not review anything regarding 14(c) surveys. (11 AAC 53.610(a)(3) and (4)) Usually existing R/W's and easements are taken into consideration for 14(c)s, especially airports.

Please contact BLM regarding any questions about 14(c)(3) reconveyances.

Thanks

Eric

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**From:** King, Galen L (DNR)  
**Sent:** Tuesday, May 08, 2018 2:05 PM  
**To:** Simons, Eric L (DNR) <[eric.simons@alaska.gov](mailto:eric.simons@alaska.gov)>; Brown, Stanley C (DNR) <[stanley.brown@alaska.gov](mailto:stanley.brown@alaska.gov)>  
**Cc:** John Bennett <[JBennett@rmconsult.com](mailto:JBennett@rmconsult.com)>  
**Subject:** FW: 14(c)(3) platting

Eric, can you assist John with this question.



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**From:** John Bennett [<mailto:JBennett@rmconsult.com>]

**Sent:** Tuesday, May 8, 2018 1:59 PM  
**To:** King, Galen L (DNR) <[larry.king@alaska.gov](mailto:larry.king@alaska.gov)>  
**Subject:** 14(c)(3) platting

Larry, this is just your day. We will be involved in a project where a large part of the road ROW will be by 14(C)(3) reconveyance from the Regional Corp to the City. Way back when we were transitioning into DNR Statewide Platting, we asked a question of Al Brietzmann about how to handle this. Typically BLM would produce 14c plats but could also accept those done by others as meeting their obligations including when DOT mapped the ROW. But today is today and I was wondering if you had any experience in how 14(C)(3) reconveyances were handled from a platting perspective now. Do they require the DNR platting process for ROW acquisition or something different. Just wondering if you have handled any in recent years. JohnB

**John F. Bennett, PLS, SR/WA** *Senior Land Surveyor – Right of Way Services*

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