

STATE OF ALASKA

DEPARTMENT OF LAW OFFICE OF THE ATTORNEY GENERAL

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February 12, 2010

Dennis J. Hopewell
Deputy Regional Solicitor
U.S. Department of the Interior
Office of the Solicitor, Alaska Region
4230 University Drive, Suite 300
Anchorage, Alaska 99508-4626

Re: Creation of section line easements

Dear Dennis:


This is in response to your inquiry of February 8, asking for clarification of the State of Alaska's position regarding the attachment of section line easements where the section is unsurveyed. The State's position is that section line easements, dedicated under AS 19.10.010 "between each section of land owned by the state," come into existence either by approval of a survey creating the section lines or by approval of a protraction diagram creating the section lines. Under 11 AAC 51.025, section line easements are to be reserved prior to disposal of either a surveyed or unsurveyed State land estate.

The State's interpretation of the law is that a protracted section line easement is a surveyable, legally cognizable land interest based upon the latitude and longitude derived from the approved protraction diagram. As a practical necessity, the easement must be surveyed before it can be used. The survey can be accomplished by any land surveyor registered in Alaska.

I hope this will clarify the State's position regarding the attachment of section line easements.

Sincerely,

DANIEL S. SULLIVAN
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "John T. Baker", written over the printed name.

By: John T. Baker
Sr. Assistant Attorney General

Cc: DNR distribution