

From: Bennett, John F (DOT)
To: [Cole, Rodney W \(DOT\)](#)
Cc: [Smith, Kevin L \(DOT\)](#); [Shurr, Martin D \(DOT\)](#); [Jackson, Melanie L \(DOT\)](#); [Kelley, Kathleen A \(DOT\)](#)
Subject: RE: Tanacross Roads
Date: Friday, April 06, 2012 12:07:00 PM

Bill, I was hoping to run into some of the Tanacross representatives at the Tribal Transportation forum that has been taking place this week in town but it appears that Tanacross is not a participant in the Indian roads program. What is not in the schedule is ROW acquisition once we get a maintenance agreement and final scope of work put together. I don't mean acquisition in the classical sense but before we can enter onto the site, any documents that will be with the tribe including maintenance agreement or use of the apparent ROW that they hold title to will have to be resolved including the waiver of sovereign immunity. A waiver will involve the AGO and likely a vote of the tribal membership. The tracts that are "apparent" street rights of way but held in title by the DCED Municipal Trustee will require a permit or dedication issued by their office. They will want to see the design and maintenance agreement and they cannot take action without a vote of the "AVE" (Appropriate Village Entity) which includes 30 days public notice. The third unknown is the type of permit and effort that will be required to improve the road on the Tanacross airport which is held by BLM. Generally if we require a ROW from BLM on a non FHWA project that does not include a NEPA document, they will have to perform their own NEPA process before they issue a permit. I have not yet received a response to my email to BLM asking them about these issues so I will need to prod them again.

I agree we need to get the public meeting fired up soon because my understanding so far is that the tribe may not be very clear about our intent to walk away from maintenance and leaving it with them. That in itself could cause a bit of delay. So as you can see we still have a significant ROW burden including the Tribal lands, DCED Trust lands and BLM lands and we really can't get started on those until we have a scope of work, a draft maintenance agreement and the base map. I now see that Construction is in 13, but if the intention is to obligate this year and certify ROW, that may be an optimistic schedule. JohnB

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From: Cole, Rodney W (DOT)
Sent: Friday, April 06, 2012 11:52 AM
To: Bennett, John F (DOT)
Cc: Smith, Kevin L (DOT); Shurr, Martin D (DOT); Jackson, Melanie L (DOT)
Subject: RE: Tanacross Roads

John,

We are preparing public notice flier and mailing list for a public meeting next month (1st or 2nd week of May). Hopefully, we can establish terms of the Maintenance Agreement soon after the meeting. We have a defined scope to apply dust palliative to the Village roads and Tanacross Airport Rd (see attached). This plan does not include improvements to New Tanacross Road, mainly due to funding and title conflicts. We plan to make improvements within the existing ROW using the Final basemap that your consultant (Loundsbury) will eventually produce as our template. We realize that in order to meet our ATP through construction milestone for this FY, we need to move this project along. Below is our milestone schedule.

Public Meeting
Finalize ROW Base Map

5/10/2012
6/1/2012

CE Document Approved	5/31/2012
Design Study Report Approved	6/15/2012
PS&E Review	6/30/2012
Final PS&E	7/31/2012
ATP through Construction	8/15/2012
Construction	6/1/2013 to 8/1/2013

We will let you know the actual date of public meeting. Hopefully, when all things shake out , you'll be O.K. with certifying the roads for advertising.

Bill

From: Bennett, John F (DOT)
Sent: Monday, March 19, 2012 1:28 PM
To: Cole, Rodney W (DOT)
Cc: Smith, Kevin L (DOT)
Subject: FW: Tanacross Roads

Bill, here's a follow-up to our Tanacross meeting. It appears that once we meet with the Tanacross village and establish the terms of a maintenance agreement and the scope of the project, we should have little problem obtaining the necessary permit from DCED to perform work in the 14c3 portions of the road. I also sent an email to BLM asking both about permit to upgrade the Tanacross Airport road and for their opinion as to the title conflict at the intersection of the New Tanacross road and the Alaska Highway. It is apparent that an attempt was initiated to resolve the overlapping parcels between the native allotment and Warbelow subdivision. Equivalent strips to the overlap were defined by BLM survey and conveyed to the Allotment owner and the owners of the east boundary of Warbelow subdivision to account for the area of conflict at the road intersection. But I can't see that anything was done to clear title of the overlapping parcels at the intersection itself. So it might still be a work in progress. So at some point when you believe it is appropriate for a meeting with the Tanacross Village council, ROW would like to be involved. JohnB

From: Bennett, John F (DOT)
Sent: Monday, March 19, 2012 1:21 PM
To: Jost, Keith R (CED)
Subject: RE: Tanacross Roads

Keith, Thanks for the quick response. We have the 2010 digital files which are very helpful. One thing we may not be able to unsnarl is an overlap between a native allotment and a private tract that overlays the new Tanacross road at its intersection with the ROW. Our alternative is to upgrade the Tanacross airport road and we are talking to BLM about that right now. Once we get a better handle on the scope of our project I will get back with you regarding use of the street tracts. Thanks again. JohnB

From: Jost, Keith R (CED)
Sent: Friday, March 16, 2012 6:57 PM
To: Bennett, John F (DOT)
Subject: RE: Tanacross Roads

Hi John,

The temporary use permit for the DOT&PF proposed construction is a fairly straight forward process. We would seek out concurrence from the Village Council, the "appropriate village entity" or AVE for Tanacross before issuing it. Depending upon the document it may require a public notice. There may need to be an exhibit prepared by DOT&PF that identifies the lands that will be improved that could be attached to the permit. When you reach a point where you have worked out an

agreement with the council we can provide the appropriate interest in land. This part would require approval by the AVE, approval by our Director and public notice. DOT&PF or the Council would need to handle the publishing of the public notice and an exhibit would need to be attached to the document we issue. The most important thing is to develop a good relationship with the Village Council as to what lands need to get improved so that when we provide them with a sample resolution they approve it and we can issue the documentation and the work can proceed. Regarding your question about tracts of ANCSA 14(c)(3) lands we would work with the locals to either issue a road/utility easement or make a public dedication. For most villages this works well. Occasionally we have a problem such as what you are aware of in Manley. We do have some public dedications in our villages that are like subdivision streets. We also have some easement agreements with tribal councils. Usually we are responding to what someone has proposed for a subdivision or some sort of project at which time we address what is needed and what is appropriate for the situation. Whether or not the corridor is surveyed or as a part of the process the applicant can survey and plat it, enters into the picture at this time. I also should mention that last summer we completed community profile mapping of Tanacross that you might consider using for displaying your survey data. In our distribution of the map product we do send the Right of Way Engineering section with DOT&PF the digital Auto CAD drawings and imagery for your use. Please let me know if you have any questions or need the contact person that was sent the map files. –Keith

From: Bennett, John F (DOT)
Sent: Friday, March 16, 2012 3:08 PM
To: Jost, Keith R (CED)
Subject: Tanacross Roads

Keith, we have a project titled “Tanacross Road Improvements” with a scope to “Place high float surface on approximately 3 miles of village access roads to reduce dust and overall maintenance costs.” DOT has performed light maintenance for many years such as grading and snow removal. Attached is a very preliminary plan of what we are looking at. This Denali Commission funded project intends to improve the access roads and ultimately turn future maintenance over to Tanacross Village. When we looked at this project last year we realized that we had no decent mapping of the existing rights of way and that there might be a variety of title conflicts. Last season we had DOT surveyors as-built the existing roads and tie monuments that would control the boundaries. We are still in the process of turning that information into a map. For the most part, other than the Alaska Highway there are no real dedicated public rights of way for the road network in the Tanacross area. Many of the roads have been defined by the BLM 14c3 maps and then conveyed as “tracts” from Tanacross Inc to the State Municipal Trustee. We recognize that to initiate a project to upgrade those roads, most of which are within the new Tanacross townsite or the New Tanacross access road, we may need to obtain some kind of a permit from the State Municipal Trustee. The purpose of this email is to start a conversation as to what kind of permit would be required and what kind of information you will require from DOT. As I stated above, our intent is that DOT will no longer maintain these roads once the Denali Commission funds have been used to upgrade them. So for the purposes of construction, the permit for DOT and our contractor need only be a temporary use permit. We are not far along enough in our discussions with the Village to know what form of agreement will take place for them to take on the maintenance responsibility. I suppose it is always possible that they will not willingly sign an agreement. But if they do and the project moves forward, I would assume that your shop might require a permit for them to maintain the roads.

This is one thing that I am not real clear on when DCED takes 14c3 road rights of way as tracts. Will DCED eventually “dedicate” them to the public so they could be used like any subdivision street without a permit or will you wait until there is a municipality that can accept them? I will appreciate any help you can offer on this issue and let me know if you need more info from DOT on this project. Thanks in advance. JohnB

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