

From: [Jost, Keith R \(CED\)](#)
To: [Bennett, John F \(DOT\)](#)
Subject: RE: Tribal Transportation Symposium
Date: Monday, April 09, 2012 5:18:13 PM

John,

It might not be a bad idea to have the City carry out a dedication where a tract exists on an ANCSA 14(c) plat. –Keith

From: Bennett, John F (DOT)
Sent: Friday, April 06, 2012 9:39 AM
To: Jost, Keith R (CED)
Subject: RE: Tribal Transportation Symposium

Keith, I think it is getting a bit clearer for me. I did a random viewing of several 14c plats and for the most part the areas that appear to be intended for use as streets or roads are tracted out. There must have been a break point because it appeared in several early '90's 14c plats (Noorvik, Copper Center, Chenega, Alakunuk) that they appeared to be merely designated as ROW and not tracted. I'm wondering if the lack of a certificate of dedication is a significant impediment as the 14c plats are prepared under federal law as opposed to state law. Although I might be wrong about that, they are kind of in transition with the platting being done under federal law but once the lands were conveyed to the ANCSA corporation they are generally under state law. I was thinking more of federal townsite plats which also don't have dedications although the streets and alleys are considered to be dedicated to the public. Now that I understand the tracting of future ROW corridors that are conveyed to the Municipal Trustee, what about the incorporated municipalities that get the 14c reconveyances directly. If the proposed streets and roads are defined as tracts, I suppose it would be up to the municipality to subsequently dedicate these to the public. That would be important for any project that would involve state or federal funds. So I'm glad we have had this conversation because this concept of tracts has not been clear in the past and I hope we didn't forge ahead with too many projects with the assumption that we were in fact constructing a project on public ROW. Thanks, JohnB

From: Jost, Keith R (CED)
Sent: Thursday, April 05, 2012 5:58 PM
To: Bennett, John F (DOT)
Subject: RE: Tribal Transportation Symposium

Hi John,

It was nice to visit with you yesterday. I enjoyed your presentation. While I have taken a good deal of the IRWA classes there is nothing better than to get an overview of the right of way acquisition process from a practical "here is how it works perspective". DOT& PF might be one of the few organizations that really understands the Federal requirements and carefully goes through all of the steps. This might be a useful one day seminar on the overall process from start to finish. Some of the agencies could learn a good deal that they currently may not be up to speed on. Regarding ANCSA 14(c), many of the groups have done it so long ago or not done it at all that the newer staff people do not know that it exists. Additionally with so much of the rural \$ flowing through tribes it seems that site control is not being consistently included as a part of project development. I'm glad that they included a site control section in the Symposium. It was a good awareness session for many of the participants. On your question about the ANCSA 14(c) surveys, BLM's regulations and policy calls for surveying just the exterior boundaries of each of the different types of claims. Such as ANCSA 14(c)(1), ANCSA(c)(2) etc. BLM is not permitted to break out lots within larger tracts of 14(c)(3) land unless they are parcels retained by the corporation, so most of the subdivisions under

ANCSA 14(c) don't look much like a proper subdivision at all. In Manley many of the roads and trails were able to be broke out on their own because they were not part of a larger tract of 14(c)(3) land. We may have had the benefit of the locals Richard and Elaine Gray doing the survey which broke out more tracts than what we might have ordinarily received. The BLM process also is not like a subdivision process in that BLM does not have the authority to dedicate lands for specific use. There are never any dedication statements by the owner on the plats even on those 14(c) survey plats that actually call a road segment a road instead of a tract. Generally most believe that each of the categories within 14(c) is to be conveyed in fee. Only after the fee transfers can the new landowners dedicate uses of those lands. Our statute and regs don't permit us to make a transfer of real property rights without local approval, public notice etc. When we are asked to sign a plat with a dedication on it I make sure that we have gotten local approval from the AVE before we proceed. All of these things a side sometimes we also have communities that are on the road system in which locals may be quite sensitive to the extent of public use near the community. In Manley the dog mushers want to call out the level of use of each of the trails so that they don't have dog mushing trails turn into snow machine trails. Because they have all of the tract designations we should be able to issue dog mushing trail easement agreements to the dog mushing group and preserve what they want to carry out. I would like the community to update its Advisory Land Use plan to set out how trails and roads should be used so that we could issue easement agreements, public dedications etc. now before they become the next political issue. –Keith

From: Bennett, John F (DOT)
Sent: Thursday, April 05, 2012 2:18 PM
To: Jost, Keith R (CED)
Subject: Tribal Transportation Symposium

Keith, thanks for taking the pressure off of us yesterday. It appears as if you could have done a full day presentation. What surprised me was that I would have thought that 14c was old hat and that most of the attendees would already have a working knowledge of the subject. Oh well. At about 2:30 in the afternoon I got snagged by Byron Bluehorse to put on a presentation on researching title for ROW. I asked when,...and he said "right now". So after the initial ROW session ended at 3:30 with the BLM Realty guy, I ended up doing another 45 minutes off the cuff. Maybe that's best. No time to get stage fright.

One thing I did want to ask about is your comment that you will be doing a spring 14c training with BLM in Fairbanks. I was wondering if there was a chance that a couple of my staff could participate in that to build up their knowledge base. My other question was related to the poking you got from Larry Biederman. I had to field quite a few questions from him in my afternoon session also. But going back to the policy whereby the streets and roads are now tracted and conveyed to the municipal trustee instead of dedicated by the 14c plat...was the intention that it just provides the trustee a bit more control over land use until a municipality is incorporated and that public dedications might allow for too much of a free for all in the interim? Just curious as to the reasoning for that direction. Anyway, good to see you and just wanted to note that your presentation was very informative. Thanks, JohnB

John F. Bennett, PLS, SR/WA | Chief, Right of Way | Alaska Department of Transportation, Northern Region
2301 Peger Road; Fairbanks, AK 99709-5399 | 📞: 907.451.5423 | 📠: 907.451.5411 | ✉: johnf.bennett@alaska.gov