

Platting Authority in the Unorganized Borough of Alaska

A Paper Presented at the

34th Annual Alaska Surveying and Mapping Conference



By

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ABSTRACT

The purpose of this paper is to familiarize the reader with the Department of Natural Resources platting authority in the Unorganized Borough, established August 18, 1998 under AS 40.15.

“An Act establishing the Department of Natural Resources as the Platting Authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date.”

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I. REVIEW STAFF

The Department of Natural Resources staff that will be involved with AS 40.15 plats:

John Shively, Commissioner for the Department of Natural Resources.

AS 40.15.305(b) requires that the Commissioner or the Commissioner's designee shall approve each plat in the Unorganized Borough before the plat can be recorded.

Gerald Jennings, P.L.S., Statewide Platting Supervisor.

Survey and Platting Manager for the Division of Land.

William S. Brown, P.L.S., Platting Officer for the Unorganized Borough.

Does final reviews and manages platting authority operations.

Eric Simons, P.L.S., Land Survey Tech I.

Reviews plats that are submitted under AS 40.15.

II. HISTORY

The Alaska State Constitution states "the entire state shall be divided into boroughs, organized or unorganized" [Article X, Section 3] and "The legislature shall provide for the performance of services it deems necessary or advisable in the unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough." [Article X, Section 6]

The 1961 legislature enacted a law providing that all areas not within the boundaries of an organized borough constitute a single unorganized borough. [AS 29.03.010]

Various attempts have been made to grant platting authority in the unorganized borough in past legislatures dating back to 1976.

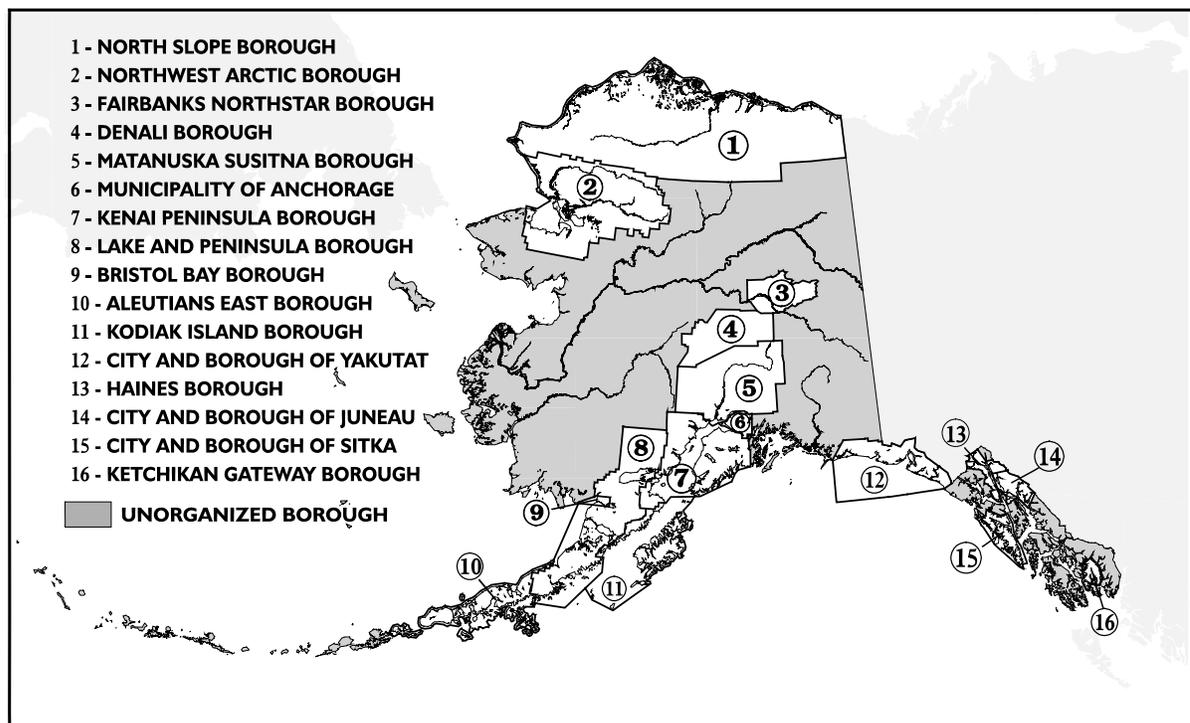
In the late 1980's, DNR Commissioner Judy Brady established the Alaska Survey and Mapping Advisory Board. Board members were selected from a wide range of private and public interests with a stake in the recommendation. The Board was made up of Nelda Warkentin, Peter Nagel, Robert Schweitzer, Patrick Kalen, Anthony Follett, Malcolm Menzies, G.S. Best, Henry Cole, Jeff Ottesen, Jerome Pape, Keith Jost and Paul Pinard. The Board was widely supported by the Alaska Society Professional Land Surveyors, Alaska Federation of Natives, Department of Community and Regional Affairs, Department of Transportation and Public Facilities, title companies, private surveying and private engineering companies.

The Board worked with the legislature attempting to enact Platting Authority legislation since 1988. It's version of this bill, (essentially the same) was introduced in April 1990 as SB 546. Since that time similar bills were introduced as SB 81, HB 352 and finally HB 17.

On May 20, 1998, the governor approved SCS CSHB 17 sponsored by Rep. Jeanette James. It amended AS 40.15 and added Article 4, "Platting in Areas Outside Certain Municipalities", which took affect on August 18, 1998. A copy of the current statute is included as Appendix A.

To date there are 16 organized boroughs with the remainder being the unorganized borough.

The Unorganized Borough within the State of Alaska



Before the passage of AS 40.15, subdivision's within the Unorganized Borough were not required to be surveyed, or recorded. This allowed for paper plat subdivisions and subdivision by deed, (without a field survey) which are prone to produce gaps, overlaps, and clouded boundaries, creating survey problems and title problems. These problems tend to be expensive and at times nearly impossible to fix.

III. PROVISIONS OF THE BILL

The most significant portions of the bill are:

- 1) The recorder may not accept a subdivision or dedication for filing without the platting authority approval.
- 2) Established DNR as platting authority in all areas of the state except within a municipality that has the power of land use regulation and that is exercising platting authority.
- 3) The definition of “subdivision” is standardized in various statutes.
- 4) Subdivisions now have to be field surveyed and monumented.
- 5) A subdivision plat is required for recording. The plat will have the owner’s signature, with notary certificate, and the surveyor’s signature and seal.
- 6) DNR has forty-five (45) days to approve or disapprove a plat.
- 7) DNR may not establish engineering or subdivision design standards.
- 8) Subdivisions created by state acquisition of a right-of-way, airport parcel or land for similar public purpose require DNR approval.

IV. APPLICABILITY

The provisions of AS 40.15.300 through AS 40.15.380 do not apply if:

- a) The subdivision is for the purpose of transferring a leasehold interest.
- b) Disposing of land by aliquot part descriptions of 40 acres or more within surveyed sections, pursuant to AS 40.15.360(2). The aliquot part shall not be less than a $\frac{1}{4}$ $\frac{1}{4}$ section.
- c) Plats are exempt if they are created by or on behalf of the U.S. Department of Interior, BLM pursuant to 40.15.900(5)(b).
- d) ANCSA 14 (c) surveys approved by BLM are exempt, if when sent to the District Recorder's office they are accompanied by a BLM approval document.

V. PLAT REVIEW PROCESS

Plats and submittals shall be made to:

The Platting Officer for the Unorganized Borough
Department of Natural Resources
3601 C Street, Suite 1110
Anchorage, Alaska 99503
Phone: (907) 269 8523
Fax: (907) 269 8904
Website: <http://www.dnr.state.ak.us/land/hb17.htm>

The requirements for plats submitted for review include the following:

- a) Two full sized copies of the plat.
- b) Plat review fees, \$200 for the first lot and \$50 per lot thereafter, per 11AAC05.010. (See Appendix B)
- c) A Certificate to Plat executed no more than 90 days before submittal date.
- d) Supporting documents, such as deeds, plats, legal access to the parent parcel, easements, etc.
- e) Lot summaries showing bearings, distances, area and precision that was used for computations.

If a submittal is substantially incomplete, it will be rejected. The surveyor will be notified and asked to submit the missing data. The 45-day review period, pursuant to AS 40.15.305(d), begins when the complete submittal is received by the Platting Officer.

After a complete submittal has been received, a Platting Authority (PA) number will be assigned to it and the number will be referred to in all DNR future correspondence.

The plat is then reviewed in accordance with Chap. 40.15 and the platting regulations. The plat is checked for names, addresses, record data, certificates, mathematical computations, scale, north arrow, vicinity map, etc.

The Certificate to Plat is used to check for items that need to be shown on the plat such as verifying that the subdivider is the owner. It also is used to check for correct addresses, beneficiary interests, liens, utility easements, access easements and rights-of-way.

The surveyor is then asked either to make the corrections and resubmit two full sized copies of the plat or to submit the mylar and one blackline print with original signatures in black ink and recording fees.

VI. FIELD STANDARDS

The error of closure of field survey traverses shall not exceed 1:5000.

Subdivisions which are bounded by the mean high water line or the ordinary high water line of state owned navigable or public waters the boundary shall be determined as set forth in 11AAC53.310; .330.

Unsubdivided (unsurveyed) remainders will be allowed as long as the remaining parcel is 40 acres or larger.

VII. MONUMENTATION

- (1) In a subdivision with five or fewer lots, the monuments required to be set at controlling exterior corners include all angle points, points of curvature and any point which is greater than 1320 feet from a monument. Except that the distance between primary type monuments may extend to a nominal 2640 feet.

Monuments at controlling exterior corners shall consist of a minimum 5/8" x 24" rebar with a minimum 2" diameter aluminum cap. The cap shall be stamped with the corner identification, year set, and surveyor's registration number. This data must be orientated so that it may be read when the reader is facing north. If both the cap and the pipe are nonferrous metal, then additives with magnetic qualities must be permanently attached at both the top and bottom of the monument.

- (2) In a subdivision of more than five lots, each interior corner to be monumented includes all angle points, and all points of curvature in the boundary of each lot in the subdivision.

Interior corners shall be monumented with a minimum 5/8" x 24" rebar with a plastic cap or aluminum cap with the surveyor's registration number.

VIII. ISSUES

Major issues that have surfaced are:

- 1) Fees.
The current fee schedule would be excessive on large subdivisions. Currently the fees are, based on 11 AAC 05.010 (a) (13) (B), \$200 for the first parcel and \$50 for each additional parcel. The Department proposes reducing the review fees for subdivisions of 16 or more parcels. The review fee would decrease from \$50 to \$10 for subdivisions of 16 or more parcels.

- 2) Native Allotments in restrictive status.
Subdivision of a Native Allotment in restrictive status is technically not subject to state law. However, in order to record the plat, platting authority approval is required.
If the Native Allotment is in restrictive status at the time of subdivision, then a Bureau of Indian Affairs (BIA) approved Land Status Report will be accepted in lieu of a Certificate to Plat.

- 3) ANCSA 14 (c) surveys.
BLM has survey authority for ANCSA 14 (c) surveys for reconveyance. ANCSA 14 (c) survey plats approved by the BLM's Deputy State Director (DSD) for Cadastral Survey are not subject to AS 40.15 platting authority. In order to exempt, the plat must have the BLM DSD signature or be accompanied by a "Notice of Compliance" signed by the DSD. (See Appendix C)

- 4) RS 2477 Rights-of way.
RS 2477 Rights-of way will be addressed on a case by case basis. If they exist within the subdivision, then they will be shown on the plat and clearly labeled.

VII. LEGAL ACCESS

Sec. 40.15.300, Purposes of AS 40.15.300 – 40.15.380, states in part "...to ensure that provision has been made for access to those subdivisions."

The plat shall clearly show how access is provided to the subdivision and to each lot within the subdivision.

VIII. ACQUISITION PLATS

Subdivisions created by state acquisition of a right-of-way, airport parcel or land for similar purpose are subject to AS 40.15.

IX. REGULATIONS

1. Fees

The Department has proposed a change in the Regulations concerning plat review fees. (See Appendix B) What this proposal would do is reduce plat review fees for subdivisions, which create 16 lots or more. For the 16th and all additional lots, the plat review fee would decrease from \$50 per lot to \$10 per lot. This proposal also provides that there be no charge for the second review of plats submitted per AS 40.15 or for plats submitted per AS 38.05.045. The period for the public to submit written comments is open through February 19, 1999.

2. Survey and Platting.

The Department is preparing regulations for implementing AS 40.15.300 - 40.15.380. A sign up sheet is available for those that would like a copy when the draft is ready for distribution.

X. SUMMARY

With the passage of SCS CSHB 17, a change in the process to subdivide land in the Unorganized Borough of the State of Alaska has occurred.

- The State Recorder may not accept a subdivision or dedication without platting authority approval.
- Established DNR as platting authority.
- Standardized the definition of “subdivision” throughout the Alaska Statutes.
- Required subdivisions to be field surveyed and monumented.
- Required the surveyor to record a subdivision plat.
- Gave DNR forty-five (45) days to approve or disapprove a plat.
- DNR can not establish engineering or subdivision design standards.

The department will be proposing regulations implementing AS 40.15. They still have to go through Department of Law, other agency and public review process before being finalized and adopted as regulation.

APPENDIX A

Title 40. PUBLIC RECORDS AND RECORDERS

Chapter 40.15. SUBDIVISIONS AND DEDICATIONS

Article 01. RECORDING OF PLATS

Sec. 40.15.010. Approval, filing, and recording of subdivisions.

Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be approved by the authority having jurisdiction, as prescribed in this chapter and shall be filed and recorded in the office of the recorder. The recorder may not accept a subdivision or dedication for filing and recording unless it shows this approval.

Sec. 40.15.020. Plats to be acknowledged and contain certificate that taxes and assessments are paid.

Every plat shall be acknowledged before an officer authorized to take acknowledgment of deeds. A certificate of acknowledgment shall be endorsed on or annexed to the plat and recorded with it. A person filing and recording a plat, map, subdivision, or replat of property, or vacating the whole or any portion of an existing plat, map, subdivision, or replat shall file and record with it a certificate from the tax-collecting official or officials of the area in which the land is located that all taxes levied against the property at that date are paid.

Sec. 40.15.030. Dedication of streets, alleys and thoroughfares.

When an area is subdivided and a plat of the subdivision is approved, filed, and recorded, all streets, alleys, thoroughfares, parks and other public areas shown on the plat are considered to be dedicated to public use.

Sec. 40.15.040. Certified copy of plat as evidence.

A copy of a plat certified by the recorder of the recording district in which it is filed or recorded as a true and complete copy of the original filed or recorded in the recording office for the district is admissible in evidence in all courts in the state with the same effect as the original.

Sec. 40.15.050. Plats legalized.

All plats filed or recorded with the recorder before March 30, 1953, whether executed and acknowledged in accordance with this chapter or not, are validated and all streets, alleys or public thoroughfares shown on these plats are considered to be dedicated to

public use. The last plat of the area of record on March 30, 1953, is the official plat of the area as of that date, and the streets, alleys, or thoroughfares shown on it are considered to be dedicated to public use. The streets, alleys or thoroughfares shown on an earlier plat of the same area or any part of it which is in conflict with those shown on the official plat are considered to be abandoned and vacated.

Sec. 40.15.060. Missing plats.

When a filed or recorded plat is missing and a present record is not available except by reference to the missing plat, a counterpart copy, approved by the platting authority, may be filed and recorded as of the original date of the missing plat and after filing and recording has the same legal effect and notice as the original missing plat.

Sec. 40.15.070. Platting authority.

(a) If land proposed to be subdivided or dedicated is situated within a municipality that has the power of land use regulation and that is exercising platting authority, the proposed subdivision or dedication shall be submitted to the municipal platting authority for approval. A subdivision may not be filed and recorded until it is approved by the platting authority.

(b) The Department of Natural Resources is the platting authority in the areas of the state not described in (a) of this section.

Sec. 40.15.075. Authority in the unorganized borough and third class boroughs.
[Repealed, Sec. 12 ch 40 SLA 1998].

Repealed or Renumbered

Sec. 40.15.080. , 40.15.090 Procedure on plats; waiver. [Repealed, Sec. 69 ch 69 SLA 1970].

Repealed or Renumbered

Sec. 40.15.100. - 40.15.180 Information required; penalties; vacation and change of plats and streets. [Repealed, Sec. 1 ch 118 SLA 1972].

Repealed or Renumbered

Article 03. APPLICABILITY

Sec. 40.15.190. [Renumbered as AS 40.15.290].

Repealed or Renumbered

Sec. 40.15.200. Application to state and political subdivisions.

All subdivisions of land made by the state, its agencies, instrumentalities, and political subdivisions are subject to the provisions of AS 40.15.010 - 40.15.200 and AS 29.40.070 - 29.40.160, or home rule ordinances or regulations governing subdivisions, and shall comply with ordinances and other local regulations adopted under AS 40.15.010 - 40.15.200 and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home rule authority, in the same manner and to the same extent as subdivisions made by other landowners.

Sec. 40.15.290. Definitions. [Repealed, Sec. 12 ch 40 SLA 1998].
Repealed or Renumbered

Article 04. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES

Sec. 40.15.300. Purposes of AS 40.15.300 - 40.15.380.

The purposes of AS 40.15.300 - 40.15.380 are to provide the public with an improved mechanism for the recording of plats for subdivisions in areas of the state identified in AS 40.15.305 (a) and to ensure that provision has been made for access to those subdivisions. AS 40.15.300 - 40.15.380 are not intended to provide the state with any authority to establish engineering or other standards for subdivisions beyond those expressly set out in AS 40.15.300 - 40.15.380.

Sec. 40.15.305. Examination of plats before recording.

- (a) The commissioner shall exercise the platting authority for the state except within a municipality that has the power of land use regulation and that is exercising platting authority.
- (b) The commissioner shall review and approve each plat under AS 40.15.300 - 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner shall be affixed to the plat in the form of the following statement:

PLAT APPROVAL

This plat is approved by the commissioner of natural resources, or the commissioner's designee, in accordance with AS 40.15.

Commissioner

Date

- (c) The recorder may not accept for filing and recording a plat for which the commissioner's approval is required under this section without the approval of the commissioner endorsed on the plat.

- (d) Within 45 days after a plat is filed, the commissioner shall approve the plat or return it to the applicant for modification or correction. Unless the applicant for plat approval consents to an extension of time, the plat is approved and a certificate of approval shall be issued by the commissioner if the commissioner fails to act within that period. The commissioner shall state in writing reasons for disapproval of a plat.
- (e) A recorded plat may not be altered or replatted except on petition of the state, a municipality, a public utility, or the owner of a majority of the land affected by the proposed alteration or replat. The petition shall be filed with the commissioner and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat. The provisions of AS 29.40.130 and 29.40.140(a) apply to an alteration or replat submitted under this subsection. The provisions of (d) of this section do not apply to an alteration or replat petition, but the commissioner shall state in writing reasons for disapproval of the petition.
- (f) In the case of a vacation of a street, right-of-way, or other public area, the provisions of AS 29.40.140 (b) and 29.40.160(a) and (b) apply. When applying these provisions to land outside a municipality, the word "municipality" should be read as "state" when the context requires.
- (g) Notwithstanding another provision of AS 40.15.300 - 40.15.380, the commissioner shall approve, without review under AS 40.15.300 - 40.15.380, a plat under AS 38.04.045 that consists solely of land owned by the state. The commissioner may not charge a fee for the approval under this subsection.

Sec. 40.15.310. Requirements for plat approval.

- (a) Each plat must show on its face a certificate of ownership, with the names and addresses of each owner listed. Each owner of record shall sign the certificate, and the signatures shall be acknowledged.
- (b) The surveyor preparing the plat shall sign and affix the seal of the surveyor.

Sec. 40.15.320. Monuments.

- (a) In a subdivision with five or fewer lots, the existence of at least a 5/8 inch by 24 inch rebar and cap monument at controlling exterior corners of the subdivision shall be established by the surveyor.
- (b) In a subdivision of more than five lots, each interior corner shall be monumented with at least a 5/8 inch by 24 inch rebar and cap.
- (c) If a monument of record does not lie on the parcel or tract boundary, the plat shall reflect a boundary survey and tie to a monument of record.

Sec. 40.15.330. Plat standards.

The commissioner shall establish plat standards by regulation.

Sec. 40.15.340. Engineering standards.

Except for subdivisions of state land, the commissioner may not establish engineering standards for subdivisions.

Sec. 40.15.350. Certified copy of plat as evidence.

A copy of a plat certified by the recorder of the recording district in which it is filed or recorded as a true and complete copy of the original filed or recorded in the recording office for the district is admissible in evidence in all courts in the state with the same effect as the original.

Sec. 40.15.360. Applicability.

The provisions of AS 40.15.300 - 40.15.380 do not apply to maps, site plans, or other graphic representations prepared for

- (1) the purpose of transferring a leasehold interest; the extraction of natural resources; or solely for the issuance of licenses or permits; or
- (2) disposing of land by aliquot part descriptions of 40 acres or more within surveyed sections provided that the least aliquot part unit shall be not less than a 1/4 1/4 section.

Sec. 40.15.370. Regulations.

The commissioner may adopt regulations to implement the provisions of AS 40.15.300 - 40.15.380, but only those that are necessary and that are in accordance with the purposes stated in AS 40.15.300.

Sec. 40.15.380. Applicability to governmental bodies; right-of-way acquisition plats.

- (a) Except as provided in this section and AS 40.15.300 (g), AS 40.15.300 - 40.15.380 apply to the state, its agencies, instrumentalities, and political subdivisions in the same manner and to the same extent that they apply to other landowners.
- (b) A plat for a subdivision created by the acquisition by the state, its agencies, instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a similar public purpose in an area outside a municipality that has the power of land use regulation and that is exercising platting authority, is subject only to the approval provisions of this section and any provision of AS 40.15.300 - 40.15.380 not in conflict with this section.

- (c) A right-of-way acquisition plat must contain the
 - (1) location and name of the acquisition project;
 - (2) approximate timetable for the acquisition and construction;
 - (3) dimensions and area of the proposed tract, parcel, or parcels to be acquired and the remainder of the parcel or parcels;
 - (4) name of the record owner or owners of the subject parcels;
 - (5) signature and seal of the surveyor preparing the plat.

- (d) The commissioner shall review each right-of-way acquisition plat for compliance with this section. If the plat does not meet the requirements of this section, it shall be returned to the submitting agency with an explanation of the deficiencies. A plat for which the commissioner's approval is required under AS 40.15.305 may not be recorded under AS 40.17 without the commissioner's approval endorsed on the plat.

- (e) After approval by the commissioner, the original plat shall be filed with the appropriate district recorder within 30 days by the submitting agency.

- (f) The minimum monumentation requirements for
 - (1) right-of-way acquisition subdivisions are a 5/8 inch by 24 inch reinforcement bar with appropriate identification cap set points from which the right-of-way may be defined, not exceeding 1,320 feet or, when line of sight permits, 2,640 feet; all recovered monumented property corners of records, the lines of which are intersected by a right-of-way acquisition, shall be monumented as part of the right-of-way plat, either on the right-of-way line or at the original monument position;

 - (2) an airport parcel and land for a similar public purpose subdivision not defined by centerline shall be as provided in AS 40.15.320.

- (g) If construction of improvements is scheduled to follow the right-of-way acquisition, the placement of the centerline monuments may be delayed until the improvements have been completed, in which case a statement designating the schedule for placing the monuments must be included on the plat.

- (h) The state, its agencies, instrumentalities, or political subdivisions may acquire or obtain conveyances, including dedication of lots or tracts of a right-of-way acquisition plat, before submittal of a right-of-way acquisition plat for approval by the commissioner. A right-of-way acquisition conveyance may be recorded before approval and recording of the right-of-way acquisition plat.

Sec. 40.15.900. Definitions.

In this chapter,

- (1) "commissioner" means the commissioner of natural resources;
- (2) "monument" means a fixed physical object marking a point on the surface of the earth used to commence or control a survey or to establish a lot corner;
- (3) "plat" means a map or delineated representation of a tract or parcel of land showing the subdivision of land into lots, blocks, streets, or other divisions;
- (4) "street" means an access way in common use including all of the land lying within a dedicated right-of-way as delineated on a plat showing streets, whether improved or unimproved;
- (5) "subdivision"
 - (A) means the division of a tract or parcel of land into two or more lots by the landowner or by the creation of public access, excluding common carrier and public utility access;
 - (B) does not include cadastral plats or cadastral control plats created by or on behalf of the United States Department of the Interior, Bureau of Land Management, regardless of whether these plats include easements or other public dedications;
- (6) "surveyor" means an individual licensed to practice land surveying in the state under AS 08.48.

APPENDIX B

PROPOSED FEE REGULATIONS

January 12, 1999

Dear Alaskan:

Enclosed are proposed regulations of the Alaska Department of Natural Resources on plat review fees for surveys submitted pursuant to AS 40.15.300-380 (new legislation enacted as HB17, now known as ch. 40, SLA 1998) which established the Department of Natural Resources as platting authority in areas of the state not under a local platting authority. The department is seeking written comments on these proposed regulations by mail through February 19, 1999. Please see the enclosed public notice for more information on how, when, and where you can comment on the proposed regulations.

These regulations only address a change in the existing fee schedule to make the cost of plat reviews more equitable, particularly for large subdivisions. New survey and platting regulations implementing the department's new platting authority are currently being drafted.

Origin of this proposal The implementation of Chapter 40, SLA 1998 has raised many questions, particularly about application of fees. Since the department reviews plats of state lands, the review fees were already in place at the effective date of this legislation. The fees set out in 11 AAC 05.010(13) "survey and platting" are applicable to surveys submitted for review under Chapter 40, SLA 1998. However, by establishing a separate fee schedule for plat reviews in the unorganized borough, the department is currently proposing to reduce fees for large subdivisions of 16 lots or more.

What this proposal would do Reduce plat review fees for subdivisions which create 16 lots or more. For the 16th and all additional lots, the plat review fee would decrease from \$50 per lot to \$10 per lot. This proposal also provides that there be no charge for the second review of plats submitted per AS. 40.15 or for plats submitted per AS 38.05.045.

Technical details The Department of Natural Resources welcomes your comments on the draft regulations. As you review them, you will notice some underlined wording, which indicates new material that the department is proposing to add to an existing regulation. Other wording is capitalized and bracketed [AS IN THIS EXAMPLE], which means that it is currently in effect but that it is proposed to be repealed. To make it easier to read, one completely new subsection that the department proposes to adopt is printed without underlining. It is identified as new material by a lead-in line.

Agency contacts A department employee who can answer your questions about this proposal is Gerald Jennings at 269-8516, e-mail: Gerald_Jennings@dnr.state.ak.us

We at the Department of Natural Resources thank you for your time and interest in this matter.

Sincerely,

Richard A. LeFebvre
Acting Director

Attachment

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

Notice is given that the Department of Natural Resources, under the authority of AS 38.05.020 and 40.15.370, proposes to adopt and amend regulations in Title 11 of the Alaska Administrative Code, dealing with survey and platting plat review fees, to implement AS 38.04.045 and AS 40.15.300-.380, including:

11 AAC 05.010(a)(13)(B) is proposed to be amended to provide for the second review of plats reviewed under AS 38.04.045 (plats of state owned land) at no charge.

11 AAC 05.010(a)(13) is proposed to be amended by adding a new subparagraph (E) for subdivision plats reviewed under AS 40.15.300-.380 (plats of any land owner in the unorganized borough). This regulation provides for a reduction in fees for subdivision plats encompassing 16 or more lots; and provides for the second review of plats reviewed under AS 40.15.300-.380 at no charge.

Notice is also given that any interested person may present written comments on the proposed action, including the potential costs to private persons of complying with the proposed action. Written comments must be received no later than February 19, 1999 at State of Alaska, Division of Land, 3601 C Street Suite 1110, Anchorage, Alaska, 99503.

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the Statewide Platting Supervisor, Division of Land, Department of Natural Resources, 3601 C St., Suite 1110, Anchorage, Alaska 99503-5947, or in person from the department's Public Information Center in Anchorage, 3601 C Street, Suite 200; from the Public Information Center in Division of Land office in Fairbanks, 3700 Airport Way; or from the Division of Land office in Juneau, 400 Willoughby Avenue, Fourth Floor.

After the close of the comment period, the Department of Natural Resources will either adopt these or other proposals dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may vary from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

Date: 1/12/99

Richard A. LeFebvre, Acting Director
Division of Land

FORM FOR ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: survey and platting plat review fees
3. Citation of regulation: 11 AAC 05.010(a)(13)
4. Reason for the proposed action:
 - compliance with federal law
 - compliance with new, or changed, state statute
 - compliance with court order
 - development of program standards
 - other: equitable fee schedule
5. Program category and BRU affected: Component - Land Development and BRU - Resource Development
6. Cost of implementation to the state agency and available funding (in thousands of dollars)

	Initial Year FY 99	Subsequent Years
Total Cost	\$ <u>1.5</u>	\$ <u>0.0</u>
General funds	\$ <u>1.5</u>	\$ <u>0.0</u>
Federal funds	\$ <u>0.0</u>	\$ <u>0.0</u>
Other funds (specify:)	\$ <u>0.0</u>	\$ <u>0.0</u>

(Note: First-year cost of \$1.5 is the estimated direct costs of drafting, printing, advertising, and mailing the proposed regulations.)

7. The name of the contact person for the regulations:
 - Name Gerald Jennings
 - Title Statewide Platting Supervisor
 - Address 3601 C Street, Suite 1110
Anchorage, Alaska 99503
 - Telephone 907-269-8516
8. The origin of the proposed action:
 - staff of state agency
 - federal government
 - general public
 - petition for regulation change
 - other (please list)
9. Date: 1/12/99 Prepared by:
 - Name Gerald Jennings
 - Title Statewide Platting Supervisor
 - Phone 907-269-8516

11 AAC 05.010(a)(13)(B) is amended to read:

11 AAC 05.010. FEES. (a) Non-refundable fees to apply for authorizations, and fees to obtain publications or services from the department, are as follows:

...

(13) survey and platting

...

(B) plat review under AS 38.04.045,

(i) first [AND SECOND] review of first parcel or tract per plat, \$200 [EACH], and \$50 for each additional parcel or tract per plat, with the second review at no charge; and

(ii) third and each additional review of first parcel or tract per plat, \$300 each, and \$100 for each additional parcel or tract per plat;

11 AAC 05.010(a)(13) is amended by adding a new subparagraph to read:

(E) plat review under AS 40.15.305,

(i) first review of a plat depicting 15 or fewer parcels or tracts, \$200 for the first parcel or tract per plat, and \$50 for each additional parcel or tract per plat;

(ii) first review of a plat depicting 16 or more parcels or tracts, \$910 for the first 16 parcels or tracts per plat, and \$10 for each additional parcel or tract per plat;

(iii) second review of a plat, no charge;

(iv) third and each additional review of a plat, the fee set out in (i) or (ii) of this subparagraph, depending on the number of parcels shown on the plat;

...

(Eff. 1/1/86, Register 96; am 8/10/86, Register 99; am 9/28/86, Register 99; am 8/23/87, Register 103; am 1/28/88, Register 105; am 7/1/89, Register 110; addt'l am 7/1/89, Register 110; am 8/16/89, Register 111; am 12/9/89, Register 112; am 1/17/90, Register 113; am 3/16/91, Register 117; am 12/25/91, Register 120; am 5/14/92, Register 122; am 9/16/92, Register 123; am 4/18/93, Register 126; am 5/5/93, Register 126; am 10/1/94, Register 131; am 12/13/95, Register 136; am 2/16/96, Register 137; am 5/24/96, Register 138; am 5/18/97, Register 142; am 2/21/98, Register 145; am 8/26/98, Register 147; am 8/30/98, Register 147; am / /99, Register)

Authority:	AS 03.10.020	AS 38.50.160
	AS 09.25.110	AS 38.95.240
	AS 27.21.030	<u>AS 40.15.370</u>
	AS 27.21.940	AS 40.17.030
	AS 38.05.020	AS 41.06.020
	AS 38.05.035	AS 41.21.020
	AS 38.05.057	AS 41.21.026
	AS 38.05.082	AS 44.23.440
	AS 38.05.180	AS 44.37.020
	AS 38.05.295	AS 44.37.025

AS 38.05.850
AS 38.08.110
AS 38.09.110
AS 38.35.020
AS 38.35.050

AS 45.50.315
AS 46.15.020
AS 46.15.035
AS 46.15.037

APPENDIX C

MEMORANDUM

DEPT. NATURAL RESOURCES

State of Alaska

DIVISION OF LAND

Cadastral Survey Unit

TO:	Sharon Young State Recorder	DATE:	September 21, 1998
		FILE:	535-1
		PHONE:	269-8516
FROM:	Gerald Jennings Statewide Platting Supervisor	SUBJ:	Recommended Policy ANCSA 14(c) surveys

AS 40.15.010 requires that the recorder may not accept a subdivision or dedication for filing and recording unless it shows platting authority approval. AS 40.15.900 (5) provides that "cadastral plats or cadastral control plats created by or on behalf of the United States Department of the Interior, Bureau of Land Management..." are not included in the definition of subdivision.

This provision will affect lands which are under the jurisdiction of state law and for which a survey is approved by the BLM Deputy State Director.

The ANCSA surveys do not bear this approval on the plat, but when they have been reviewed and approved by the BLM, a letter of compliance is prepared by the DSD and accompanies the plat to the Recorder's Office for recording.

It is the DNR Survey Unit's policy that such plats are cadastral plats created on behalf of the BLM and thus are not included within the definition of subdivision and thus do not require the platting authority certificate.

The key for the recorder to watch for is the DSD signature, either on the plat or letter of compliance.