

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES - Division of Land and Water Management

TO: Laura L. Davis
Assistant Attorney General, AGO-Juneau

DATE: October 10, 1983

FILE NO: 180.5

TELEPHONE NO: 265-4355

FROM: Tom Hawkins
Director

Tom Hawkins
Rick
JM
PTM

SUBJECT: Applicability of
Platting Procedures
to Native Allotments

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DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

Thank you for the recent correspondence concerning the applicability of state and local platting requirements to the subdivision of Native allotments. It is an interesting issue that is sure to arise more frequently as the pace of BLM allotment conveyance increases. At this time, we have not had much experience with allotment subdivisions. Clyde Duren of the Division of Technical Services expects future activity but reports little current action.

Your proposal to pursue an agreement with federal officials has merit. My personal experience in the past has been excellent in this regard. I was formerly the chairman of the Dillingham Planning Commission and we had an excellent working relationship with the Anchorage-based Bureau of Indian Affairs (BIA) Realty Chief responsible for our area. At that time, we stopped short of answering the "authority" question and agreed that for consistency purposes and downstream marketability reasons, it was in BIA's and the allottees' best interest to conform to local platting standards. The BIA agreed and offered all of its plats for commission review. The Dillingham Planning Commission then suggested, rather than required changes and BIA invariably responded. In sticky cases like existing power lines without formal easements, we only requested that they be shown on the plat rather than requiring dedication, preferring to leave the real property transactions to the BIA and the utility. In other cases, BIA judged dedication appropriate because the improvements proposed benefitted the property.

This approach fell short of the certainty of authority sought by the current planning director, but did allow for an amicable and mutually-useful process. It also saved the complex and litigation-prone issues for those with deeper pockets and more enthusiasm to explore the limits of the trust relationship between the Secretary and the allottees.

I will circulate your memo and supporting papers among my staff and also discuss the issue with Messrs. Anderson and Smith. We will contact you if legal assistance proves necessary. Again, thanks for bringing this matter to my attention.

TJH:kmb

- cc: ✓ Jeff Smith, Director, MRAD, Div. Community & Reg. Affairs
- Clyde Duren, DTS, (w/enclosures)
- District Managers (w/enclosures)
- ~~Charles Bunch, BIA Realty, Anchorage~~
- Bob Arnold, Deputy Commissioner, DNR

Ike -
For your info
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