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INTRODUCTION

Extensive changes in land ownership and land management have occurred in Alaska over the past 20 years. Many areas, previously open to general public use, are now included in a federal conservation unit, state legislatively designated unit, or have been conveyed to a Native corporation or other private party. Public use of these areas may now be restricted or no longer available.

These recent changes in land ownership and management have resulted in a growing problem: the unauthorized use of land and resources. The purpose of this atlas is to aid the public and the land owners in dealing with this problem. Most unauthorized use has been inadvertent, resulting from a lack of readily available and easily understood land status information. This atlas provides current land ownership and public use information, including use restrictions on the date of publication.

This atlas is not a legal document. It is a representation of official federal, state, municipal and private land records. For complete information on land ownership, contact the State Recorders Office or the apparent land owner. Official land status records are also available at government offices listed in this atlas. You may need to contact several offices to obtain a complete picture of the area you are interested in.

All land owned by Native corporations is private land. Except as specifically noted, it is closed to public use, just like any other private land, unless the user obtains permission of the land owner. Certain lands, owned by Native corporations, are subject to specifically located easements, as described, in the atlas, that allow the public to use those identified Native corporation lands in limited ways.

In addition, some of the lands conveyed to Native corporations are open to sport hunting and fishing and other recreational uses by the public. These lands are specifically identified on the maps. Even these lands are subject to such reasonable restrictions as may be imposed by the Native corporation landowners, for the purposes of limiting or prohibiting such public uses in the immediate vicinity of logging or other commercial operations. Active timber harvesting operations are ongoing on Afognak Island. As a result, the Native corporation landowners may close portions of Afognak

Island to public use. Users should obey all signs or barricades.

This atlas tells who owns the land, who to contact, where public access easements are located, and the kinds of activities allowed on each easement. We recommend that readers, who are unfamiliar with land management terminology, review the Glossary before continuing.

Be aware that within state and federal parks, game refuges and sanctuaries, critical habitat areas, and "special use land" areas, there are additional restrictions on uses and activities allowed on the land. Permits or special authorizations may be required for certain uses in these areas.

For information on generally allowed uses and activities on state land, that is not in any special management category or status, contact the Public Information Office at the Department of Natural Resources listed in this atlas.

Except as provided for by a public access easement, private land is not open to public use without prior permission from the landowner. Use of private land or use of a public easement for an unauthorized purpose, without obtaining prior permission from the landowner may constitute trespass.

Contact the appropriate landowner if you have any questions concerning public use of an area. Obtain permission and any necessary permits in advance. A list of landowners is included in this atlas. Always contact the landowner for updated rules and regulations before conducting any activity.

Cabins and tent camps, used for trapping, fishing, hunting, mining, and other purposes, are essential to the livelihood of many rural residents. Only in a real emergency should the public use someone else's cabin or camp. A cabin or camp may appear abandoned but the owner probably will return and will need everything in the cabin or camp during the coming season. Alaska's pioneers established the honorable tradition of respecting cabins and campsites. Please continue with this tradition.

LAND OWNERSHIP and MANAGEMENT

When using this atlas, remember that land ownership in Alaska may fall into one of four categories: land owned by the federal government, land owned by the state government, land owned by a municipal government, and land owned by a private corporation or individual. Based on ownership, land is commonly referred to as **federal, state, municipal, or private** (ANCSA corporations).

Land owned by a government is usually managed by an agency of the government. Land owned by an ANCSA corporation is usually managed by the corporation itself. An agency or corporation responsible for managing land typically designates a land manager or contact person for purposes of dealing with the public on matters involving use of the land. This atlas lists agencies and ANCSA corporations responsible for managing land and the current contact person for each.

◆ FEDERAL:

Agency	Contact Person/Phone
Alaska Public Lands Information Center 605 W. 4th Avenue Anchorage, Alaska 99501	(907) 271-2737
Bureau of Land Management:	
Alaska State Office - Public Room 222 W. 7th Avenue Anchorage, AK 99513	(907) 271-5960
Anchorage District Office 6881 Abbott Loop Road Anchorage, AK 99507	Nicholas Douglas (907) 267-1248
Coast Guard Facilities Engineering Division Real Property management P.O. Box 5025 Kodiak, AK 99619	J. Wesley Campbell (907) 487-5372, ext. 228
Federal Aviation Administration 222 West 7th Avenue, #14 Anchorage, AK 99513-7587	Alice Salzman (907) 271-5876
Fish & Wildlife Service:	
Alaska Regional Office Realty Section 1011 East Tudor Road Anchorage, AK 99503	Sharon Janis (907) 786-3490
Alaska Maritime National Wildlife Refuge Headquarters Office 2355 Kachemak Drive, #101 Homer, AK 99603-8021	John Martin (907) 235-6546

◆ **FEDERAL, cont.**

Agency	Contact Person/Phone
Alaska Peninsula and Becharof National Wildlife Refuges P.O. Box 277 King Salmon, AK 99613	Ron Hood (907) 246-3339
Kodiak National Wildlife Refuge Headquarters Office 1390 Buskin River Road Kodiak, AK 99615	Jay Bellinger (907) 487-2600
Forest Service:	
Chugach National Forest 3301 C Street, Suite 300 Anchorage, AK 99503	Larry Hudson (907) 271-2500
National Park Service:	
Alaska System Support Office 2525 Gambell Street, Room 107 Anchorage, AK 99503-2892	Charles Gilbert (907) 257-2584
Katmai National Park and Preserve P.O. Box 27 King Salmon, AK 99613	Bill Pierce (907) 246-3305

◆ **STATE:**

Agency	Contact Person/Phone
Department of Fish & Game:	
Habitat & Restoration Division 333 Raspberry Road Anchorage, AK 99518-1599	Lance Trasky (907) 267-2342 FAX 267-2464
Wildlife Conservation & Sport Fish 211 Mission Road Kodiak, AK 9915-6399	Roger Smith Len Schwarz (907) 486-1880
Department of Natural Resources:	
Public Information Office 3601 C Street, Room 200 Anchorage, AK 99510-5929	(907) 269-8400 FAX 269-8901 TDD 269-8411
Division of Land Southcentral Regional Office 3601 C Street, Suite 1080 Anchorage, AK 99503-5937	Rick Thompson (907) 269-8559

◆ **STATE, cont.**

Agency	Contact Person/Phone
Division of Land Navigability and Access Project 3601 C Street, Suite 980 Anchorage, AK 99503-5947	Jim Culbertson (907) 269-8525
Division of Management, State Recorders Office: Kodiak Recording District 204 Mission Road, Room 16 Kodiak, AK 99615	Sandra Tucker (907) 86-9432
Division of Parks and Outdoor Recreation Kodiak District Office SR Box 3800 Kodiak, AK 99615	Claire Holland (907) 486-6339
Mental Health Trust Land Unit 3601 C Street, Suite 880 Anchorage, AK 99503-5936	Steve Planchon (907) 269-8656

Department of Transportation and Public Facilities:

Central Region, Planning Division 4111 Aviation Drive Anchorage, AK 99502 Mail: P.O. Box 196900 Anchorage, AK 99519-6900	Roger Maggard (907) 266-1653
Peninsula District - Kodiak Island Maintenance and Operations 1500 Anton Larsen Road Kodiak, AK 99615	John Chya (907) 487-4952
University of Alaska Office of Statewide Land Management 3890 University Lake Drive Anchorage, AK 99508	Martin Epstein (907) 786-7766

◆ **MUNICIPAL:**

City	Contact Person/Phone
Kodiak Island Borough Public Information Office 710 Mill Bay Road Kodiak, AK 99615	Bud Cassidy (907) 486-9376 FAX (907) 486-9376
City of Akhiok P.O. Box 5050 Akhiok, AK 99615	David Eluska, Sr., Mayor (907) 836-2229

◆ **STATE, CONT.**

Agency	Contact Person/phone
City of Kodiak P.O. Box 1397 Kodiak, AK 99615	Carolyn Floyd, Mayor (907) 836-2229
City of Larsen Bay P.O. Box 8 Larsen Bay, AK 99624	Frank Carlson, Mayor (907) 847-2211
City of Old Harbor P.O. Box 109 Old Harbor, AK 99643	Rick Berns, Mayor (907) 286-2204
City of Ouzinkie P.O. Box 109 Ouzinkie, AK 99550	Zack Chichenoff, Mayor (907) 680-2209
City of Port Lions P.O. Box 110 Port Lions, AK 99550	Pete Squartsoff, Mayor (907) 454-2332

◆ **PRIVATE:**

ANCSA Corporation	Contact Person/Phone
Afognak Joint Venture P.O. Box 1277 Anchorage, AK 99693	Howard Valley (907) 486-6014
Afognak Native Corporation P.O. Box 1277 Kodiak, AK 99615	Arnold Olsen (907) 486-6014
Akhiok-Kaguyak, Inc. 5028 Mills Drive Anchorage, AK 99508	Ralph Eluska (907) 337-2770
Ayakulik, Inc. P.O. Box 8801 Kodiak, AK 99615	Frank Peterson (907) 486-4349
Karluk IRA Council P.O. Box 22 Karluk, AK 99608	Alice Rift (907) 241-2218
Koniag, Inc. 4300 B Street, Suite 407 Kodiak, AK 99615	John Merrick (907) 561-2668

◆ **PRIVATE:**

ANCSA Corporation

Contact Person/Phone

Leisnoi, Inc.:

424 Marine Way, Suite 206
Kodiak, AK 99615

Dave Neshein
(907) 486-8191

4300 B Street, Suite 207
Anchorage, AK 99503

Ed Ward
(907) 562-1126

Natives of Kodiak, Inc.
215 Mission Rd., Suite 201
Kodiak, AK 99615

Tony Drabek
(907) 486-3606

Old Harbor Native Corporation.
P.O. Box 71
Kodiak, AK 99643

Emil Christiansen
(907) 286-2204

Ouzinkie Native Corporation
P.O. Box 89
Ouzinkie, AK 99644

William A. Anderson
(907) 680-2208

Uganik Native, Inc.
P.O. Box 2095
Kodiak, AK 99615

Richard Simeonoff

Uyak Native, Inc. .
P.O. Box 427
Kodiak, AK 99615

Gabriel McKilly
Summer (907) 749-2239
Winter (520) 680-6125

NAVIGABILITY

◆ OWNERSHIP OF LAND UNDER NAVIGABLE AND PUBLIC WATERS

In Alaska, the state owns the land under a waterbody that has been determined to be navigable under federal law. The state claims ownership of the land under a waterbody that meets the federal criteria for navigability but has not yet been officially determined navigable and, in addition, claims ownership of the land under a waterbody determined by the state to be navigable on the basis of the hydrologic character of the waterbody.

The land under a non-navigable public waterbody is owned by the state if the waterbody is on state land. On private land the land under a non-navigable waterbody may belong to the private land owner or, ownership having been reserved at the time of conveyance, it may belong to the federal or state government.

◆ USE OF NAVIGABLE AND PUBLIC WATER

The people of Alaska have a constitutional right to use and have free access to navigable and public water. Navigable and public water includes inland or coastal, fresh or salt water forming a river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet, straight, pas-

sage, sea or ocean or any other body of water or waterway. While the right to use and have free access to state waters is guaranteed by the Constitution, it is subject to valid existing rights and restrictions or limitations imposed by state or federal law. The right to use public waters is irrespective of streambed ownership. The navigability determinations illustrated in this atlas may be changed by revised administrative decisions or court decisions.

Private ownership of land bordering navigable or public waters does not grant the owner an exclusive right to use of the water. The public's right to use and have access to navigable and public waters, however, does not create any right or privilege to cross or enter private land. The boundary between public waters and private land is the ordinary high water mark.

The ordinary high water mark is the mark along the bank or shore of a waterbody where the presence and action of water is common and usual, continues in all ordinary years, and leaves a natural line impressed on the bank or shore. That line may be indicated by erosion, shelving, changes in soil character, destruction of terrestrial vegetation, or other distinctive physical characteristics.

EASEMENTS

State maintained highways and easements, which access public land, are shown on maps in this atlas. No attempt was made to identify section line easements, R.S. 2477 rights-of-way, or public rights-of-way dedicated by a filed plat or recorded grant of easement in the local recorders office.

An easement is an interest in land owned by another that entitles its holder to a specific limited use or enjoyment. Easements are reserved for specific purposes, typically trails, roads, campsites and airstrips. Easements are restricted in physical size and the use(s) allowed. The season and duration of use may also be restricted. Easements cannot be used for other purposes.

Easements may be used only for the specific purposes described. A trail easement gives the public a right to travel over lands to reach a public destination. It does not give users a right to sue adjacent lands or to use the easement for another purpose, such as hunting or camp-

ing on the easement. Similarly, a site easement permits camping for up to 24 hours as a staging area, but it does not give users a right to fish from the site easement in adjacent waters.

In this atlas, each easement has a written description giving its location and identifying any restrictions. Users must limit their use to the activities authorized for the easement. Be aware that easements are not always marked on the ground. When an easement is marked on the ground in a different location than shown in this atlas, use the marked location.

Access routes shown in this atlas may have "gaps" that do not appear to be covered by a reserved easement. Where a gap occurs, a search of the applicable state status plat, federal master title plat, and ANCSA 17(b) easement map has revealed no reserved easement. Additional research might reveal a reserved easement.

Generally the most direct means of obtaining legal access where there is no reserved easement shown is simply to obtain permission from the land owner. Public access around or across a gap may also be gained by use of a section line easement, a R.S. 2477 right-of-way, use of public land, or use of navigable or public waters.

◆ SECTION LINE EASEMENTS

A section line easement is an easement for a public highway granted under Alaska Statute (A.S.) 19.10.010 which has not been vacated. Section line easements on federal land or land conveyed by the federal government are also granted by R.S. 2477.

Alaska Attorney General Opinion No. 7 (1969) summarized the State's position on section line easements: Each surveyed section line in the state is subject to a section-line right-of-way for the construction of highways if: 1) It was owned by or acquired from the territory (or State) of Alaska at any time between April 6, 1923, and January 18, 1949, or at any time after March 26, 1951, or; 2) It was unreserved public land at any time between April 6, 1923, and January 18, 1949, or at any time after March 21, 1953.

Many section line easements in Alaska have been vacated and, therefore, no longer exist. Some research is clearly required to determine, for a specific section line, whether or not a valid easement exists. DNR public information office personnel are available to assist persons wishing to perform the required research. In some cases the answer may be readily available, in others the required research may be time consuming.

◆ R.S. 2477 RIGHTS OF WAY

An R.S. 2477 right-of-way is a right-of-way granted under Revised Statute 2477, formerly codified as 43 U.S.C. 932. R.S. 2477 is an historic federal statute that granted rights-of-way over unreserved public land. These right-of-ways were established by public use or construction.

Passed in 1866, it granted states and territories rights-of-way over federal land wherever roads, trails, paths or other common routes existed. The law remained in effect until its repeal in 1976.

Today, the State of Alaska has a program for nomination and assertion of R.S. 2477 rights-of-way. The program is administered under 11 AAC 51. A \$100 application fee is required. For information on R.S. 2477 rights-of-way and how to file an application, contact the DNR public information office.

◆ ESTABLISHING RIGHTS-OF-WAY BY PRESCRIPTION

In the absence of any reserved easement, or reasonable alternate access, and where established public use for a period of ten or more years has created a trail or road across private land, it may be possible to establish an easement by prescription (adverse possession). Prescription means the acquirement of the title or right to something through its continued use or possession over a long period. Alaska law provides for establishment of public rights-of-way by prescription. Prescriptive easements cannot be obtained against federal, state, or municipal land. Undeveloped Native land, including timber harvest areas, is also protected. A lawsuit is necessary to establish the presence and nature of a prescriptive easement.

◆ CONSTRUCTION ON EASEMENTS

Be aware that the existence of a public access easement does not mean that a trail, road or other improvement can be constructed on the easement. Before any construction can be undertaken, the land owner and easement holder must be consulted. Permission or additional right-of-way may be required by law.

◆ ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA), 17(b) EASEMENTS

The easement type designation is enclosed in parentheses at the end of the description. To determine the activities allowed on an easement, look up the designation in this section of the atlas.

25-Foot Trail: Uses allowed on a 25-foot wide trail easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (under 3,000 lbs. gross vehicle weight).

50-Foot Trail: Uses allowed on a 50-foot wide trail easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

60-Foot Road: Uses allowed on a 60-foot wide road easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One-Acre Site: Uses allowed on a one-acre site easement are vehicle parking (cars, trucks, snowmobiles,

all-terrain vehicles, boats, aircraft), and temporary camping, loading or unloading. Temporary camping, loading, or unloading is limited to 24-hours.

Airstrip Site: The uses allowed on an airstrip site are aircraft landing, vehicle parking (i.e., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading is limited to 24-hours.

Winter use only: Use of the easement is limited to times when the easement is covered by adequate snow or ice to allow customary winter modes of travel without appreciable surface disturbance or damage.

Right bank (or left bank): The bank of a stream or lake on the right (or left) hand of an observer positioned facing down stream.

◆ ANILCA 1427(b)(5) EASEMENTS

Certain lands on Afognak island conveyed to the Afognak Joint Venture (AJV) are subject to Sec. 1427(b)(5) of the Alaska National Interest lands Conservation Act (ANILCA). Afognak Joint Venture land is open and available to sport hunting and fishing and other recreational uses by the public subject only to reasonable restrictions necessary to ensure the public safety and minimize conflicts between those persons recreating and ongoing logging or other commercial operations. This land is identified on the map in light pink combined with the identifiers AJV or OUZ. The corporations conducting the logging disclaim any liability except for willful acts to any user. Since active timber harvesting operations are ongoing, users should obey all signs or barricades.