

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER

**PRELIMINARY DECISION**  
**ADL 422162**

**Proposed Noncompetitive Sale to Preference Right Applicant**  
AS 38.05.035(b)(2), AS 38.05.035(e)

**PUBLIC COMMENT PERIOD ENDS 3:00 PM, TUESDAY, AUGUST 13, 2024**

**I. Proposed Actions**

*Preliminary Decision: Approval of Noncompetitive Preference Right Parcel Sale ADL 422162*

*Attachment A: Vicinity Map*

*Attachment B: Public Notice*

*Attachment C: ASLS 2023-34 Lot 6 Subdivision*

Proposed Action, Noncompetitive Sale: The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) has received an application from Kris Beeman to purchase a parcel of state-owned land pursuant to Alaska Statute (AS) 38.05.035(b)(2) Errors or Omissions. The proposed decision will allow the parcel to be sold through a noncompetitive sale to the applicant. The parcel is located approximately one mile south of Tok. The legal description for the parcel is Alaska State Land Survey No. 2023-34, Lot 6B, according to the plat recorded in the Fairbanks Recording District on March 28, 2024, as Plat No. 2024-21, containing 3.55 acres, more or less. See *Attachment A: Vicinity Map* for a depiction of the subject parcel.

AS 38.05.035(b)(2) Errors or Omissions, grants a preference right for purchase or lease in “order to correct errors or omissions of a state or federal administrative agency when inequitable detriment would otherwise result to a diligent claimant or applicant due to situations over which the claimant or applicant had no control.”

Proposed Related Actions: There are no proposed related actions.

Public Notice of Proposal: In accordance with AS 38.05.945 Notice, during a period of at least 30 consecutive days, the public will have the opportunity to submit written comment on this proposal.

See **Section XVI. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit a comment for consideration. If, after consideration of timely, written comments, LCS moves forward with the proposal, a Final Finding and Decision (FFD) will be issued.

**II. Authority**

DNR has the authority under AS 38.05.035(b)(2) Errors or Omissions to sell state-owned land if, on preparation and issuance of a written finding, it is determined to be in the best interest of the State, as required by AS 38.05.035(e) Powers and Duties of the Director. Article VIII, Section 1, of

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the Constitution of the State of Alaska states, "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest."

Under AS 38.05.035(b)(2)(A), the Commissioner of DNR must approve this preference right. This approval has been delegated down to the Director of DMLW, and redelegated down to the Section Chief of LCS. The Final Finding and Decision for this preference right will be signed by the Section Chief of LCS, meeting the terms of the statute thru delegations.

### **III. Administrative Record**

The project file for Alaska Division of Lands (ADL) 422162 constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Eastern Tanana Area Plan (ETAP, adopted August 2015) and associated land classification files;
- BLM case file FF015287-A; and
- State case files ADL 401113 and GS 108.

### **IV. Scope of the Proposal**

The scope of this proposal, under the statutes described in the preceding **Section II. Authority**, is limited and specific to determining the following: (1) if the applicant and subject parcel themselves qualify, (2) if it is in the State's best interest to sell the subject parcel, and (3) if it is in the State's best interest to sell the subject parcel to the applicant. The scope of this decision does not include the control of post-patent use and LCS does not intend to impose deed restrictions for this purpose. Restrictions regarding land use will be handled by the local zoning authority, if any.

### **V. Description**

- a. **Location:** Within DNR's Northern Region, the subject parcel is located approximately one mile south of Tok in Section 25, Township 18 North, Range 12 East, Copper River Meridian. See *Attachment A: Vicinity Map* for additional information.

*USGS Map Coverage:* Tanacross B-5

*Platting Authority:* Unorganized Borough

*Regional Corporation:* Doyon, Limited.

*Federally Recognized Tribe:* Native Village of Tetlin, Native Village of Tanacross

*Village Corporation:* Tetlin Native Corporation, Tanacross Incorporated

- b. **Legal Description:** Lot 6B, Alaska State Land Survey No. 2023-34 Lot 6 Subdivision, recorded in the Fairbanks Recording District on March 28, 2024, as Plat No. 2024-21, containing 3.55 acres, more or less. See *Attachment C: ASLS 2023-34 Lot 6 Subdivision*.

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### VI. Title

The State received title to the land on December 18, 1964, under Patent 50-65-0354. The state file is GS 108. Title Report 22753 was issued October 6, 2022. This preference right is to resolve the third-party interest of the Edward Sanford Native Allotment, BLM FF015278, Parcel A. No other third-party interests were identified. The parcel is subject to all valid existing rights, including the reservations, easements, and exceptions contained in the federal patent. An updated title report has been requested; if any concerns are discovered, they will be addressed in the final finding and decision.

#### *State Reservation of Title:*

*Retention of and Access to Mineral Estate:* In accordance with *Section 6 (i) of the Alaska Statehood Act* and AS 38.05.125 Reservation, the State retains ownership of all oil, gas, coal, ore, minerals, fissionable material, geothermal resources, and fossils that may be in or upon the land that it sells. This retention is for all minerals, including both locatable minerals (such as gold, copper, silver, etc.) and leasable minerals (such as oil, gas, coal, etc.)

The State and its successors reserve the right to enter onto the land for the purposes of exploring for, developing, and producing these reserved mineral resources. Access reserved to these retained interests is superior to any and all land uses. The State may also lease these retained interests to mineral developers or allow mining locations to be staked. However, AS 38.05.130 Damages and Posting of Bond also provides that the landowner will be compensated for damages resulting from mineral exploration and development.

*Navigable Waters:* Per AS 38.05.126(b) *Navigable and Public Waters*, "...the State has full power and control of all of the navigable or public water of the State, both meandered and unmeandered, and the State holds and controls all navigable or public water in trust for the use of the people of the State." This trust is in accordance with the principles of the Public Trust Doctrine, which are included in Article VIII, Section 14 of the Constitution of the State of Alaska and protected in the United States Constitution. It is vested in the title to this land, is not transferable, and the State's title to submerged lands under navigable waters cannot be relinquished by a transfer of the property. In holding with this concept, navigability determinations are made, and access will be reserved per AS 38.05.127 *Access To and Along Public and Navigable Water*. For more information, see **Section X. Access, including Access To and Along Public or Navigable Water** of this document.

*Native Interest:* The subject parcel is within the boundaries of Doyon, Limited, the regional ANCSA corporation. Tok, Tanacross, and Tetlin are within 25 miles of this proposed action and notice will be sent to the Tanacross Incorporated, Native Village of Tanacross, Native Village of Tetlin, Tetlin Native Corporation, and Tanana Chiefs Conference.

*Other Conflicts or Pending Interest:* None.

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### **VII. Background and Discussion**

On December 18, 1964, the State received patent to land within Section 25, Township 18 North, Range 12 East, Copper River Meridian. Edward Sanford submitted an application to the Bureau of Land Management (BLM) for his Native allotment on January 31, 1972, serialized as BLM FF015287-A. The application stated that Mr. Sanford's use and occupancy of the site started in March 1960. His application was rejected on July 7, 1972. In 1988, a reinstatement to reopen the case file was filed but was subsequently denied, and an appeal was filed. In July 2001, the decision was reversed, and the application was remanded back to BLM for the case file to be reopened in 2005. His allotment wasn't determined valid until November 23, 2021.

After the State received a patent for the land, it began developing parcels in the Tok area to sell through the State's land disposal program. Lot 6, Block 2, ASLS 79-21, serialized as ADL 401113, was first offered for sale in 1979. Over the next 38 years, the parcel would be sold and returned to the State several times before Kris Beeman bid on the parcel in DNR's 2017 land sale auction on June 15, 2017. Mr. Beeman was the highest bidder, and his application was ruled complete on September 19, 2017.

In preparation for the 2017 land sale auction, a title report for Lot 6, Block 2, ASLS 79-21, was completed. However, it did not list Mr. Sanford's Native allotment (NA) as a conflict or pending interest. Staff had failed to enter the Native allotment information into DNR's online case file information system (LAS). Therefore, any land research conducted by State staff would not find information on this NA or its location.

Mr. Beeman entered into a land sale contract to purchase the parcel, and the contract was issued November 24, 2017, and recorded December 20, 2017, as Document No. 2017-021453-0, Fairbanks Recording District. Mr. Beeman sent an email to the DNR Contract Initiation and Revenue Recovery Section (CIRR) in 2019 stating that he was a bona fide purchaser of Lot 6, which he had under contract. CIRR did not respond but is unfamiliar with Native allotments, their possible conflict with state land, and the impact of bona fide purchasers on allotments.

In 2019, DNR received notice that BLM was conducting a hearing on this NA. It was at this time that DNR discovered the error that Mr. Sanford's NA was not entered into LAS and that a conflict exists between Mr. Sanford's NA and Lot 6. The private landowners impacted by the NA also received notice of BLM's hearing on Mr. Sanford's NA. Mr. Beeman owns the lot just north of Lot 6. Mr. Beeman, his attorney, and the other private landowners affected by the NA sent information to BLM concerning their ownership of these conflicting lands. Based on the information received by BLM, Mr. Sanford conceded that the private landowners were bona fide purchasers, and the hearing was canceled. However, Mr. Beeman cannot effectively assert that he is a bona fide purchaser of Lot 6.

The Department of the Interior (DOI) issued a memo on January 27, 1986, concerning third-party purchasers of land claimed as a Native allotment. Page 2 of the memo covers what constitutes actual or constructive notice of the Native allotment that would undermine a bona fide purchaser defense. On page 3 of the DOI memo, it is clear that a bona fide purchaser must have title or patent to the land to be considered a bona fide purchaser. "No action by the government lies against bona fide purchasers of a patent." "The title of a bona fide purchaser of patented lands is superior to the equitable title of the government to avoid the patent and the underlying title for... mistake in its issuance."

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The federal documents in the Sanford NA file are unclear as to who the bona fide purchasers for state land within the NA are. DMLW policy, in alignment with DOI's memo, requires someone to have a patent to be considered a bona fide purchaser. The private individuals who purchased land and received a state patent for said lands are considered bona fide purchasers. However, Mr. Beeman only has a land sales contract for Lot 6, and a state patent has not been issued, even though the parcel was paid off in 2022. Therefore, the State is retaining that portion of Lot 6 that Mr. Sanford's NA encumbers. In 2023, DMLW had Lot 6 subdivided into Lots 6A and 6B, based on the location of the NA. Lot 6A is unencumbered by the NA, and Mr. Beeman can receive title for Lot 6A. Lot 6B will be held in State ownership until the Sanford NA is resolved. If the State retains ownership, Mr. Beeman will be offered the right of first refusal. If he refuses to purchase Lot 6B, then the State can put the lot up for sale.

If Mr. Sanford selects substitute lands for the total acreage of his allotment that sits on land conveyed to the State, this encumbrance will be lifted. If the encumbrance is lifted, Kris Beeman can recover the portion of Lot 6 denied him under AS 38.05.035(b)(2) if he chooses to. AS 38.05.035(b)(2) grants a preference right for the "...purchase of state land without a competitive bid in order to correct errors or omissions of a state or federal administrative agency when inequitable detriment would otherwise result to a diligent claimant or applicant due to situations over which the claimant or applicant had no control." The State erred 1) when it failed to enter the Sanford NA into LAS when they first received notice, 2) when it failed to inform Mr. Beeman of the conflict when the Sanford NA information was entered into the system in 2019, showing the conflict with the land sale contract, and 3) when it failed to respond to Mr. Beeman's statement that he was a bona fide purchaser for Lot 6.

Since Mr. Beeman will only receive 15.52 acres of the original 19.07 acres, he will receive a refund based on a prorated per-acre value minus the reduction in value due to the private access and utility easement. The refund calculation will include the interest Mr. Beeman paid during the life of the contract and the veteran's land discount he received as part of the purchase. See **Section XIV. Compensation/Appraisal** for more information.

Under AS 38.05.035(b)(2)(B), an application for the preference right must be filed within three years from the occurrence of the error or omission. DMLW became aware of the error with the issuance of an updated title report on October 6, 2022. Mr. Beeman was informed of the error on April 3, 2023. Later, Mr. Beeman was informed of his option to apply for a preference right and signed an application on July 12, 2023. Using October 6, 2022, as the date for the occurrence, Mr. Beeman applied for a preference right within 11 months, well before the 3-year deadline.

Mr. Beeman has been a diligent claimant by responding to BLM's inquiry for more information before the hearing, hiring an attorney to assist with this, and in informing the State that he believed he was a bona fide purchaser. Further, Mr. Beeman had no control over any of the errors made by the State. Therefore, this case qualifies for a preference right purchase as allowed under AS 38.05.035(b)(2).

## **VIII. Planning, Classification, and Mineral Orders**

- a. *Planning:* The subject parcel is located within Unit U-22 of the Eastern Tanana Area Plan, adopted August 28, 2015. Recommended land use within this management unit includes land disposal. The plan designates the subject parcel as Settlement which converts to a classification of Settlement Land.

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- b. *Land Classification Order*: The State classified the subject parcel as Settlement Land under Classification Order (CL) NC-10-004 based on the Eastern Tanana Area Plan adopted August 28, 2015.
- c. *Mineral Order*: The subject parcel is under Mineral Closing Order (MCO) 67A03. Mineral orders which close an area to mineral entry, close the area to new exploration and development of locatable minerals such as gold, copper, platinum, etc. Such mineral orders do not apply to leasable minerals (such as: oil, gas, coal, etc.), or exploration licensing for such, nor do they preclude reasonable surface access to these resources. However, AS 38.05.130 Damages and Posting of Bond stipulates that the land estate owner will be compensated for damages resulting from mineral exploration and development.
- d. *Local Planning*: There is no local planning for this area.
- e. *Flood Risk*: There are no FEMA flood maps available for this area.

### **IX. Traditional Use Findings**

The subject parcel is located within the Unorganized Borough and a traditional use finding is therefore required per AS 38.05.830 Land Disposal in the Unorganized Borough. There are no anticipated significant changes to traditional uses of the land and resources of this area as a result of the proposed action. Additional information on traditional use is welcome during the public comment period and if this proposal is approved, LCS will address the information received in a subsequent FFD, if one is issued. See the **Section XVI. Submittal of Public Comments** at the end of this documents and *Attachment B: Public Notice* for details on how to submit comment.

### **X. Access, including Access To and Along Public or Navigable Water**

*Public Access*: Access to this parcel is via the private and public easements shown on ASLS 2023-34, Plat 2024-21 and ASLS 79-21, Plat 79-63, both in the Fairbanks Recording District.

*Access To and Along Public or Navigable Waters*: In accordance with AS 38.05.127 Access To Navigable or Public Water, DNR will determine if a water body is navigable or public and establish easements or rights-of-way as necessary to ensure unobstructed access to and along the body of water. Regulations dictating the creation of easements or rights-of-way under this statute include 11 AAC 51.035 Determination of Navigable and Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water, and 11 AAC 53.450, Buffer Strips, Reserved Areas, and Public Easements.

There are no public or navigable waters within or around this parcel.

#### *Easements and Setbacks:*

Access to Lot 6B is through a 60-foot private access and utility easement on Lot 6A as depicted on ASLS 2023-34, Plat 2024-21, Fairbanks Recording District.

### **XI. Reservation of Mineral Estate**

In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125 *Reservation*, the State, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable

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access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 Damages and Posting of Bond, and other applicable statutes and regulations.

### **XII. Hazardous Materials and Potential Contaminants**

There is no known contamination of, or hazardous materials on, the subject parcel. The applicant is expected to inspect the subject parcel to ascertain the quality and condition of the land. The State makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land proposed for conveyance to the applicant. The State does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

DNR DMLW recognizes there are potential future environmental risks when previously vacant land is occupied. Many of the activities increasing these potential risks are regulated by other agencies, such as the regulation of septic system installation by the Department of Environmental Conservation. The risk is no greater than when private vacant land undergoes development. Given this land has been designated as commercial – settlement for transfer into private ownership and given the high degree of interest from both the legislature and citizens in transferring State-owned land into private ownership, DNR is of the opinion that the benefits outweigh the potential risks.

### **XIII. Survey**

This parcel is surveyed as Lot 6B, Alaska State Land Survey No. 2023-34 Lot 6 Subdivision, Plat 2024-21, Fairbanks Recording District containing 3.55 acres, more or less. See *Attachment C*: ASLS 2023-34 Lot 6 Subdivision.

### **XIV. Compensation/Appraisal**

Mr. Beeman's purchase price, or bid price, for Lot 6 was \$32,100.00. He received a veteran's land discount of \$8,024.00, so his adjusted purchase price was \$24,076.00. In addition to this, he paid \$6,622.81 in interest during the life of the land sales contract. In total, Mr. Beeman paid the State \$30,698.81. Lot 6 has now been subdivided into Lots 6A and 6B.

The per acre cost for Lot 6 using the adjusted purchase price, which included the veteran's land discount, would be \$24,076.00 divided by 19.07 acres which comes to \$1,262.51 per acre. Lot 6A is 15.52 acres. Therefore, the adjusted purchase price of Lot 6A equals the price per acre multiplied by the number of acres, which comes to \$19,594.10.

In addition, the private access and utility easement that crosses Lot 6A for access to Lot 6B affects the value of Lot 6A. Since the easement denies Mr. Beeman use of this land, the value decrease is 100%. The square footage of the easement is 60-foot width times 648.16-foot length, which equals 38,889.60 square feet or 0.89 acres. Therefore, the value of the easement is 0.89 acres multiplied by the per acre value of \$1,262.51, equaling \$1,123.63.

The value of the easement is subtracted from the value of Lot 6A for a revised final value of \$18,470.47. The final value for Lot 6B is created by subtracting the final value of Lot 6A from the full adjusted purchase price of \$24,076.00, equaling \$5,605.53.

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If Mr. Beeman chooses to purchase Lot 6B, the price will be \$5,605.63, equal to what he would have paid the State under the 2017 land sales contract he had for Lot 6. It also retains the veterans land discount, keeping to the understanding that purchasing Lot 6B enables Mr. Beeman to complete the single purchase of Lot 6 he started in 2017. Should he choose to finance the purchase of Lot 6B with the State and enter into a land sales contract, the interest rate will be set according to law at the time the new land sales contract is issued.

Since Mr. Beeman financed his purchase of Lot 6 through a land sales contract in 2017, the interest paid also needs to be adjusted. With an adjusted purchase price of \$18,470.47 for Lot 6A, using an interest rate of 7.25% set in the 2017 contract, and the time payments were made (November 2017 through June 2022) the total interest owed to the State for Lot 6A is \$4,427.64. The total owed to the State for the purchase of Lot 6A is \$22,898.11. Since Mr. Beeman paid the State \$30,698.81, he will be refunded \$7,800.70.

## **XV. DMLW and Agency Review**

DMLW and agency review was conducted between October 2, 2023, through October 13, 2023. Comments pertinent to this proposed action received during DMLW and agency review have been considered and addressed below. Additional timely comments received during the Public Notice period will be considered and addressed in a subsequent Final Finding and Decision if one is issued.

DNR DMLW LCS received brief comments of non-objection from the following agencies:  
DNR Division of Oil and Gas, DNR Division of Parks and Outdoor Recreation,  
Department of Transportation and Public Facilities, and Department of Fish and Game.

*DNR DMLW LCS Response:* LCS appreciates your review of the proposal.

The following agencies or groups were included in the agency review, but no comment was received:

- DNR Division of Agriculture
- DNR Division of Forestry and Fire Protection
- DNR Division of Geological and Geophysical Surveys
- DNR State Historical Preservation Office
- Alaska Department of Environmental Conservation
- US Fish and Wildlife Service

## **XVI. Submittal of Public Comments**

**See Attachment B: Public Notice for specific dates and conditions.**

Pursuant to AS 38.05.945 Notice, LCS is issuing public notice inviting comment on this Preliminary Decision (PD).

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Notice, may hold a hearing within 30 days after receipt of the notice. If a hearing is held, the Commissioner (or representative) shall attend the hearing. The Commissioner has discretion whether or not to hold a public hearing.

LCS will consider all timely, written comments received. If analysis of such comments indicates the need for significant changes to the PD, additional public notice for the affected lands will be



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given. Reducing the amount of land offered and making minor changes to any of the proposals will not be considered significant changes requiring additional public notice.

If the proposal is approved and no significant change is required, the PD, including any deletions, minor changes, and summary of comments and LCS responses will be issued as a subsequent FFD without further notice.

Only persons from whom LCS receives timely, written comment during the identified comment period will be eligible to file a request for reconsideration of the FFD. Upon approval and issuance of a FFD, a copy of the decision will be made available online at <http://landsales.alaska.gov/> and sent with an explanation of the request for reconsideration process to any party who provides timely written comment.

LCS is prepared to accommodate individuals with disabilities by providing auxiliary aids, services, or special modifications in order to participate in this review. Individuals who may need such assistance should contact DNR's Public Information Center. For more information refer to *Attachment B: Public Notice*.

### **DEADLINE TO SUBMIT WRITTEN COMMENT IS 3:00 PM, TUESDAY, AUGUST 13, 2024**

## **XVII. Stipulations**

The applicant will be required to comply with the following stipulations to complete the proposed land sale:

1. In the event BLM issues of a Certificate of Native Allotment for the remaining acreage for the Sanford Native allotment, Parcel A through substitute lands, a notice to proceed to purchase will be issued to Mr. Beeman. Within the time period specified in the notice to proceed to purchase, Mr. Beeman must submit the following to LCS:
  - A completed and signed Declaration of Intent Form; and
  - Payoff amount plus patent application and recordation fees OR minimum 5% of the purchase price set in this decision as deposit plus land sales contract application and recordation fees. Fees are established under 11 AAC 05.100 Land Disposals and 11 AAC 05.200 Recorder's Office and are subject to change. Some fees have been reduced by Director's Order Number 3.
2. Prior to the completion of the purchase and issuance of a state conveyance document, the applicant must remain in good standing with respect to all terms of the Contract for the Sale of Real Property throughout its term, if such a contract is issued. The applicant must also remain in compliance with all applicable state and local ordinances and regulations, including all applicable taxes. Failure to do so may result in termination of the Contract for the Sale of Real Property.

If extenuating circumstances delay any of the stipulations listed above, the applicant is responsible for notifying LCS and receiving approval from LCS for the delay with new timeframes for completion to be given. Failure to do this could result in the closure of the purchase application. The purchase cannot be completed until all the above stipulations have been satisfied.

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### **XVIII. Discussion and Alternatives**

LCS is considering the following alternatives:

#### Alternative 1: Sell

Offer the subject parcel for sale as proposed in this decision in accordance with AS 38.05.035(b)(2) Error or Omission. If substitute lands are selected by Mr. Sanford for his Native allotment, Mr. Beeman receives right of first refusal for the purchase of Lot 6B. If Mr. Beeman refuses his right to purchase, the State will offer the parcel to the public to purchase under appropriate statutes. The State will receive revenue for the sale of the parcel and fulfilled its mandate to offer land to the public.

#### Alternative 2: Retain

DNR will take no action. If Mr. Sanford selects substitute lands, DNR will retain ownership of Lot 6B. This creates an isolated parcel of State land, requiring the expenditure of resources to manage while forgoing the revenue of a sale.

Alternative 1 can correct an error committed by DNR against Mr. Beeman in the event that Mr. Sanford selects substitute lands. It will also provide settlement land to the private sector and generate revenue for the State. Therefore, it is in the best interest of the State to sell the parcel as proposed in this decision. This is the preferred alternative.

Please note that if the State reconveys Lot 6B to the federal government so Mr. Sanford receives Lot 6B as part of his Native allotment, neither alternative applies.

For the reasons outlined above, Alternative 1 is the preferred alternative. Recommendation follows.

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**XIX. Recommendation and Preliminary Decision**

This Preliminary Decision for the proposed disposal of State lands described throughout this document and its attachments are consistent with the overall management intent for State-owned lands. Alternative 1 is the preferred alternative because it is the maximum best use of state land and addresses a land claim under preference right statutes. The PD described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed disposal of State lands.



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Prepared by: Kathryn Young  
Natural Resource Specialist 3  
Land Conveyance Section  
Division of Mining, Land, and Water  
Department of Natural Resources  
State of Alaska

July 11, 2024  
Date of Signature



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Approved by: Hannah Uher-Koch  
Section Chief  
Land Conveyance Section  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska

July 11, 2024  
Date of Signature



# Attachment A: Vicinity Map Kris Beeman Preference Rights under AS 38.05.035(b)(2), ADL 422162

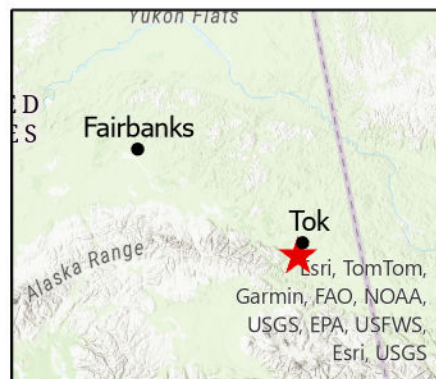
This map is for graphic representation only. It is intended to be used only as a guide and may not show the exact location of existing survey parcels or show all easements and reservations. Source documents remain the official record.



## Section 25, Township 18 North, Range 12 East, Copper River Meridian

USGS Quad 1:63,360 Tanacross B-5

For more information contact:  
Kathryn Young  
Department of Natural Resources  
Division of Mining, Land and Water  
Land Conveyance Section  
Phone: 907-269-8574  
Fax: 907-269-8916  
Email: [kathryn.young@alaska.gov](mailto:kathryn.young@alaska.gov)



**STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND, & WATER**

**ATTACHMENT B: PUBLIC NOTICE**

Requesting Input for Proposed Non-competitive Sale to  
Preference Right Applicant, Kris Beeman, ADL 422162  
PRELIMINARY DECISION

**COMMENT PERIOD ENDS 3:00 P.M., TUESDAY, AUGUST 13, 2024**

The Alaska Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), is conducting a public notice for a noncompetitive land sale 1 mile south of Tok, Alaska. The legal description is Lot 6B, Alaska State Land Survey No. 2023-34 Lot 6 Subdivision, recorded in the Fairbanks Recording District on March 28, 2024, as Plat No. 2024-21, containing 3.55 acres, more or less.

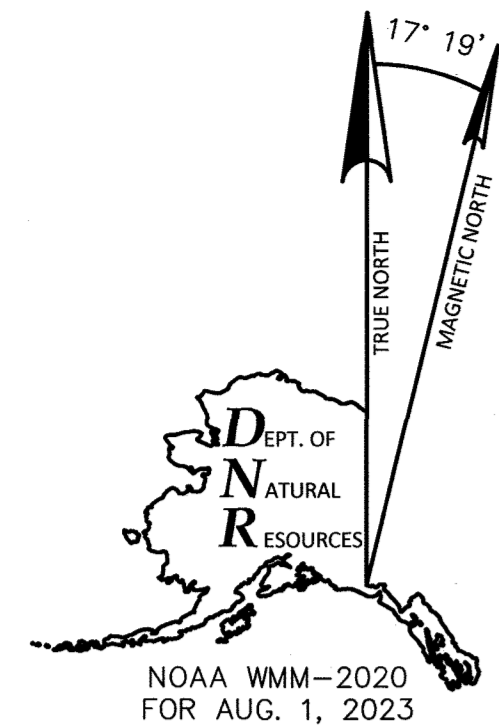
To obtain the notice, Preliminary Decision, or instructions on submitting comment, go to <http://dnr.alaska.gov/mlw/landsale/> or <http://aws.state.ak.us/OnlinePublicNotices/>. For assistance in obtaining the documents by an alternative method, to request auxiliary aids, services, or special accommodations, contact DNR's Public Information Centers on State work days, Monday through Friday, between 8:30 a.m. and 4:00 p.m. in Anchorage at (907) 269-8400 or Fairbanks at (907) 451-2705 or the Southeast Land Office in Juneau at (907) 465-3400 or TTY: 711 for Alaska Relay or 1-800-770-8973 or go to <http://dnr.alaska.gov/commis/pic/> for additional contact information. Individuals who require special assistance must request assistance from the Public Information Center in Anchorage no later than 4:00 p.m., Tuesday, August 6, 2024.

Pursuant to *AS 38.05.945 Notice*, the public is invited to submit comment on the Preliminary Decision. If commenting on more than one proposed action, separate comments should be submitted for each. **The deadline for public comment is 3:00 p.m., Tuesday, August 13, 2024.** Only persons from whom DNR DMLW LSS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Preliminary Decision. Written comment may be received by fax, email or postal mail. To submit comments or for direct inquiries, contact Kathryn Young by mail at 550 West 7<sup>th</sup> Ave, Suite 640, Anchorage, AK 99501 or by fax at (907) 269-8916 or by email at [kathryn.young@alaska.gov](mailto:kathryn.young@alaska.gov). If you have questions, call Kathryn Young at (907) 269-8574.

If no significant change is required, the Preliminary Decision including any minor changes and a summary of comments and responses, will be issued as the Final Finding and Decision without further notice. A copy of the Final Finding and Decision will be sent to any persons who commented timely on the Preliminary Decision.

DNR reserves the right to waive technical defects in this notice.

# Attachment C: ASLS 2023-34



## CERTIFICATE OF OWNERSHIP

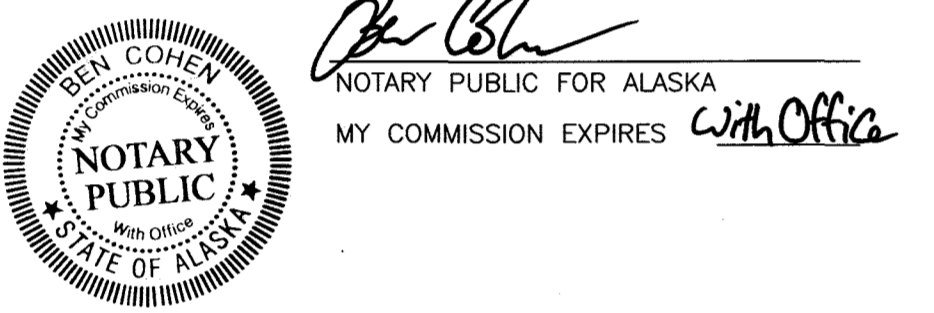
I, THE UNDERSIGNED, CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER AND THAT THE STATE OF ALASKA IS THE OWNER OF ASLS No. 2023-34, AS SHOWN HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE OR RESERVE FOR THE PUBLIC OR PRIVATE USE AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED HEREON.

*Cwendolyn M. Demelis*  
DIRECTOR, DIVISION OF MINING, LAND, AND WATER

## NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 20<sup>th</sup> DAY OF March, 2024.

*Cwendolyn M. Demelis*  
PERSONALLY APPEARING BEFORE ME,



## PLAT APPROVAL

THIS PLAT IS APPROVED BY THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, OR THE COMMISSIONER'S DESIGNEE, IN ACCORDANCE WITH AS 40.15.

*Cwendolyn M. Demelis*  
COMMISSIONER

BY APPROVAL OF THIS PLAT, THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES HEREBY ACCEPTS FOR PUBLIC USE AND PUBLIC PURPOSES THE REAL PROPERTY DEDICATED TO THE PUBLIC HEREON, INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND ROADWAYS. THE ACCEPTANCE OF SUCH DEDICATED AREAS FOR PUBLIC USE AND PUBLIC PURPOSES DOES NOT OBLIGATE THE DEPARTMENT, ANY GOVERNING BODY, OR THE PUBLIC TO CONSTRUCT, OPERATE, MAINTAIN, OR MANAGE IMPROVEMENTS.

## TAX CERTIFICATE

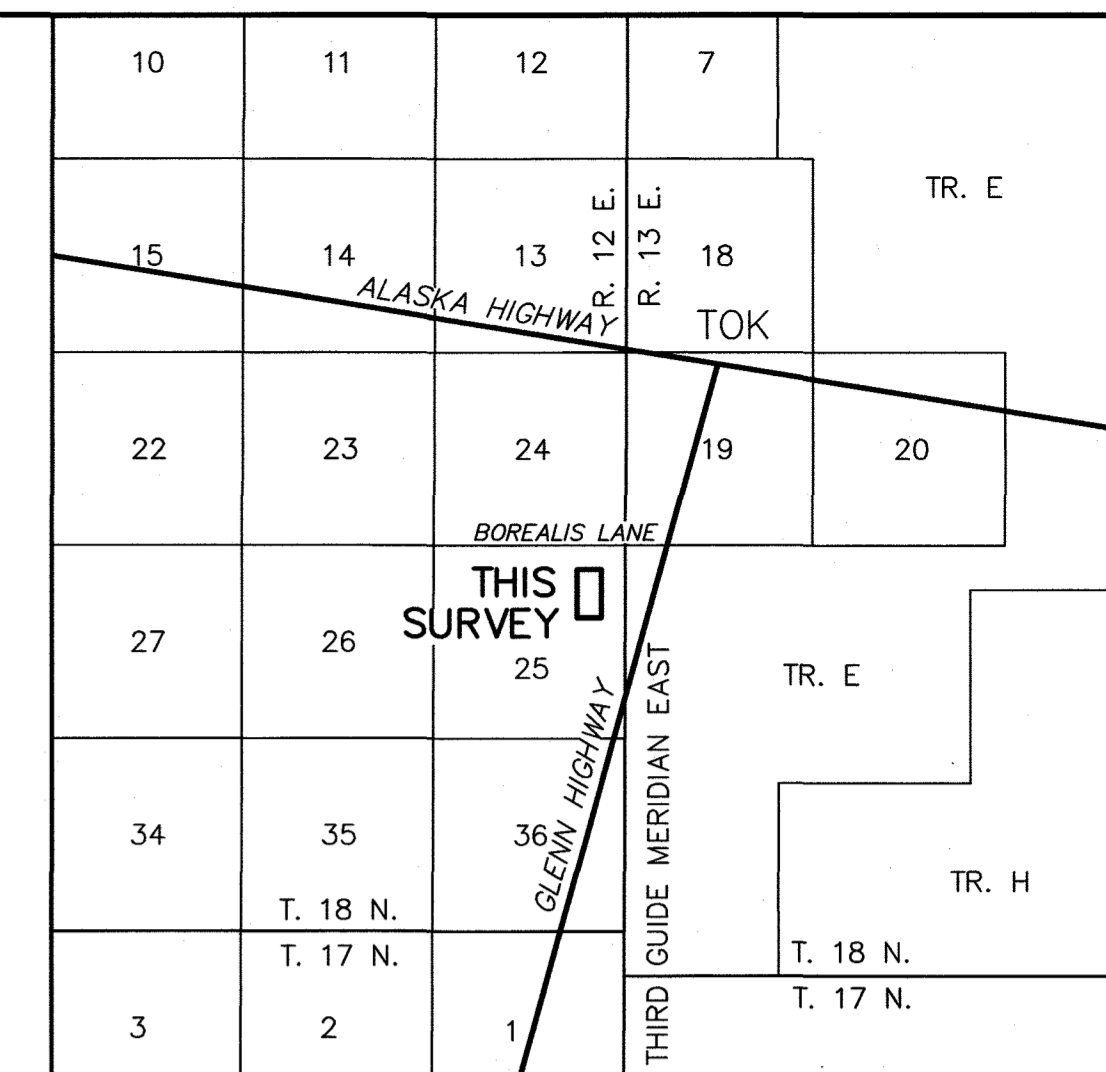
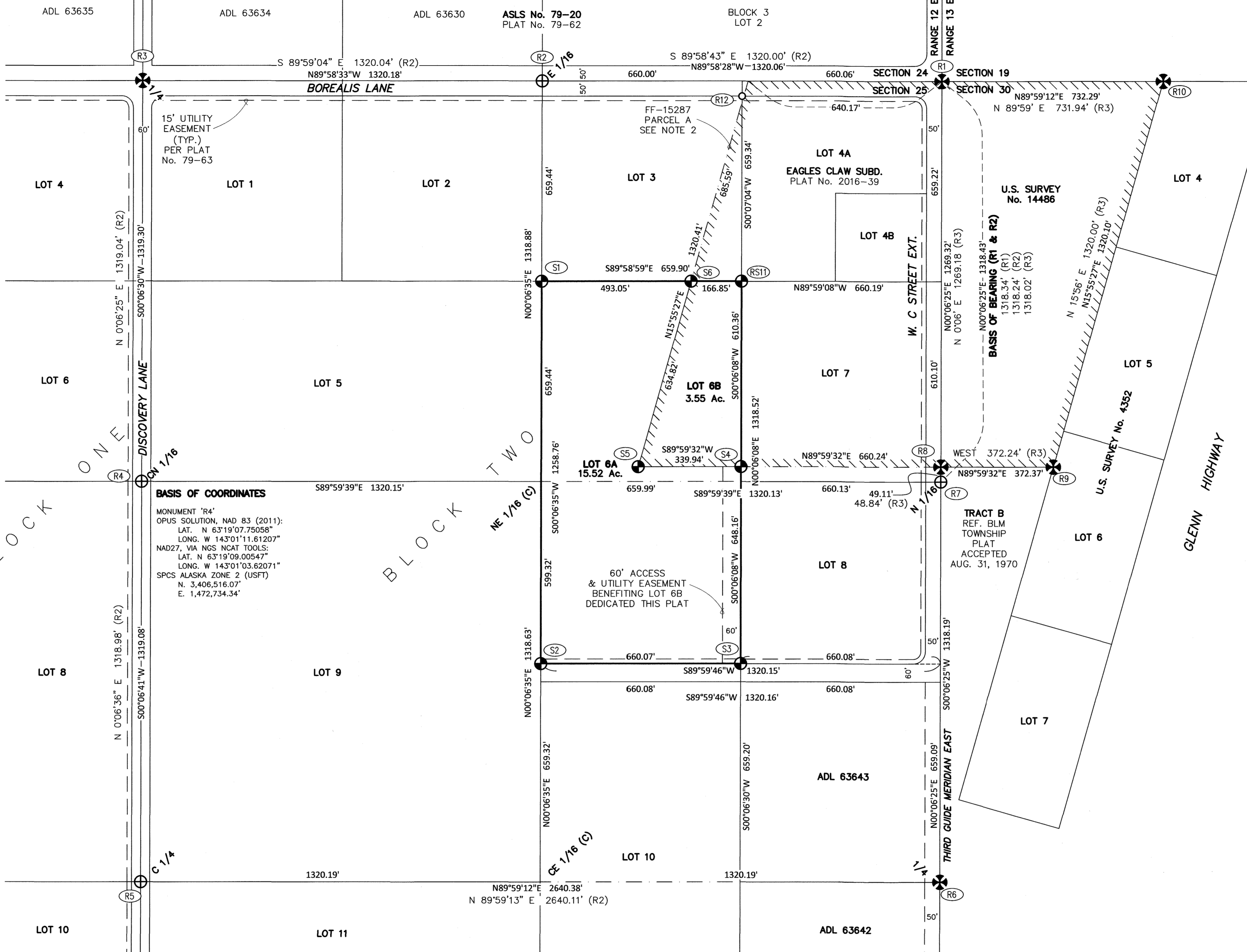
THIS SUBDIVISION IS NOT SUBJECT TO TAXATION AT THE TIME OF FILING.

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

March 28, 2024  
DATE

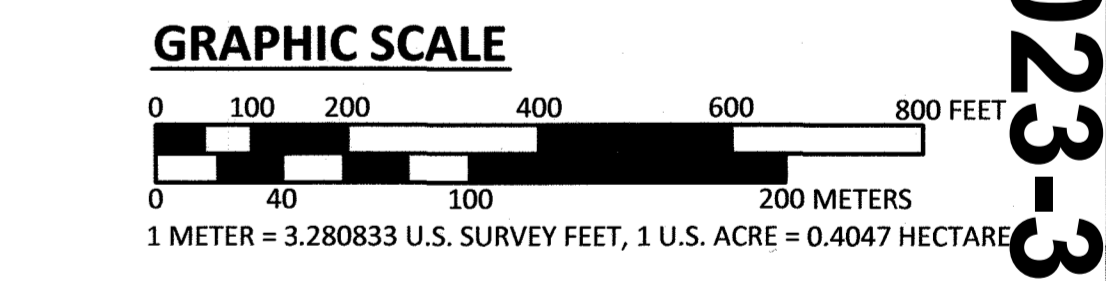
*David N. Ciampa*  
PROFESSIONAL LAND SURVEYOR, LS-11649



VICINITY MAP  
Scale: 1"=1 Mile  
Source: BLM SDMS (RETRIEVED 2024)  
USGS QUADS TANACROSS B4 & B5 (2016)

### LEGEND

- BLM/GLO MONUMENT RECOVERED
- SET PRIMARY MONUMENT - 3/8" DIA. ALUM. CAP ON 30" LONG 2 1/2" DIA. ALUM POST WITH MAGNET
- PRIMARY MONUMENT RECOVERED
- SECONDARY MONUMENT RECOVERED
- EASEMENT
- SURVEYED
- SURVEY TIE (NOT A BOUNDARY LINE)
- CLAIM OF NATIVE ALLOTMENT FF-15287 PARCEL A
- RECOVERED MONUMENT IDENTIFIER
- SET MONUMENT IDENTIFIER
- COMPUTED
- RECORD PER A.S.L.S. No. 79-21, PLAT No. 79-63 FRD
- RECORD PER PLAT No. 2016-39
- RECORD PER U.S. SURVEY No. 14486



## GENERAL NOTES

- THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 38.04.045 AND REPRESENTS THE SURVEY OF ADL 401113 AND ADL 422162.
- THE PURPOSE OF THIS SURVEY IS TO SEGREGATE THAT PORTION OF LOT 6 WHICH IS OVERLAIN BY THE CLAIM OF NATIVE ALLOTMENT FF-15287 PARCEL A. THE BOUNDARY OF FF-15287 PARCEL A WAS LOCATED IN ACCORDANCE WITH THE SURVEY INSTRUCTIONS CONTAINED IN THE BLM NATIVE ALLOTMENT FIELD REPORT DATED JANUARY 18, 2008. 2.A. THE WESTERLY BOUNDARY WAS MADE PARALLEL TO THE EASTERLY BOUNDARY OF U.S. SURVEY No. 14486. 2.B. THE BEARING OF THE SOUTHERLY BOUNDARY OF U.S. SURVEY No. 14486 WAS HELD AND THE LINE WAS EXTENDED. 2.C. THE NORTHERLY BOUNDARY WAS MADE COINCIDENT WITH THE SECTION LINE BETWEEN SECTIONS 24 AND 25. 2.D. THE SIZE OF THE PARCEL WAS THEN ADJUSTED TO 39.999 ACRES.
- THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000, AND/OR CORNER POSITIONS HAVE A RELATIVE POSITIONAL ACCURACY AT THE 95 PERCENT CONFIDENCE LEVEL OF 0.13 FEET PLUS 100 PPM.
- ALL PARCELS OF LAND OWNED BY THE STATE OF ALASKA, LOCATED WITHIN 50.00 FEET OF, OR BISECTED BY A SURVEYED OR PROTRACTED SECTION LINE, ARE SUBJECT TO A FIFTY FOOT (50') EASEMENT, EACH SIDE OF THE SECTION LINE, WHICH IS RESERVED TO THE STATE OF ALASKA FOR PUBLIC HIGHWAYS UNDER A.S. 19.10.010.
- BEARINGS AND DISTANCES ARE BASED ON A HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM SURVEY USING TRIMBLE R12 & R12i RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER, VERSION 5.90 SOFTWARE. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- THE BASIS OF COORDINATES IS THE AVERAGE OF TWO NGS OPUS SOLUTIONS (EPOCH 2010:0000) AT "R4" PERFORMED ON AUGUST 1 AND 2, 2023, WHICH WERE CONSTRAINED TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING CORS STATIONS AC61, AC63, AND AC78 ON DAY 1 AND AC61, AC63, AND AC72 ON DAY 2.
- PARCELS MAY CONTAIN WETLANDS. A U.S. ARMY CORPS OF ENGINEERS WETLAND PERMIT MAY BE REQUIRED TO DEVELOP ANY WETLAND AREAS.

## HISTORY OF SURVEYS

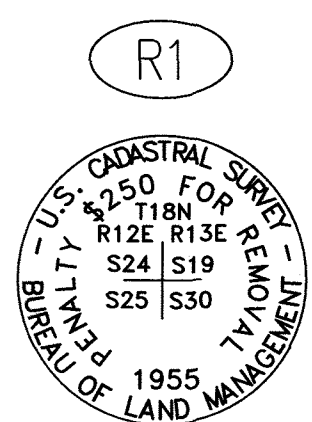
THE GLO SURVEY OF THE THIRD GUIDE MERIDIAN EAST WAS APPROVED JANUARY 25, 1908.  
THE BLM SURVEY OF THE SUBDIVISIONAL LINES OF TOWNSHIP 18 NORTH, RANGE 12 EAST, COPPER RIVER MERIDIAN WAS ACCEPTED DECEMBER 16, 1959.  
THE DNR SUPPLEMENTAL CADASTRAL SURVEY ASCS 77-17 WAS FILED DECEMBER 15, 1977 AS PLAT No. 77-211, FRD.  
ASLS No. 79-21 WAS FILED APRIL 6, 1979 AS PLAT No. 79-63, FRD.  
EAGLES CLAW SUBDIVISION WAS FILED JUNE 2, 2016 AS PLAT No. 2016-39.  
U.S. SURVEY No. 14486 WAS FILED APRIL 2, 2020.

DATE OF SURVEY: BEGINNING: AUGUST 1, 2023 ENDING: AUGUST 2, 2023		SURVEYOR: DNR, DMLW, SURVEY SECTION 550 W. 7TH AVE, SUITE 650 ANCHORAGE, AK 99501-3576	
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER ANCHORAGE, ALASKA			
ALASKA STATE LAND SURVEY No. 2023-34 LOT 6 SUBDIVISION A SUBDIVISION OF LOT 6, BLOCK 2, A.S.L.S. No. 79-21 (PLAT No. 79-63 F.R.D.) LOCATED IN SECTION 25 T. 18 N., R. 12 E. COPPER RIVER MERIDIAN, ALASKA CREATING LOTS 6A AND 6B CONTAINING 19.07 ACRES, MORE OR LESS FAIRBANKS RECORDING DISTRICT			
DRAWN BY: DNC	DNR APPROVAL RECOMMENDED		
DATE: 03/06/2024	<i>Karin Dow</i> 3/19/2024 STATEWIDE PLATTING SUPERVISOR DATE		
SCALE: 1"=200'	CHECKED BY: KB	SHEET: 1 OF 2	FILE No. ASLS 20230034

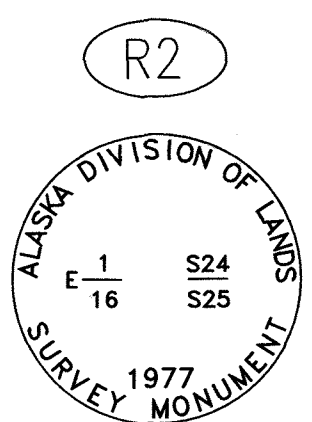
Fairbanks Recording District PLAT 2024-21

Attachment C: ASLS 2023-34

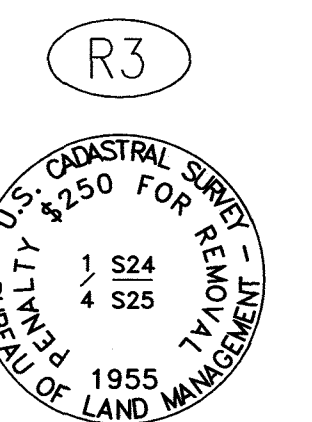
**MONUMENTS RECOVERED**



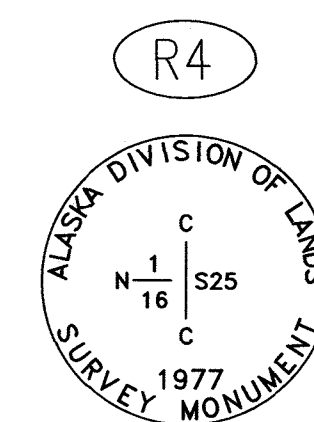
**R1**  
 FOUND  
 BRASS CAP IN CASE IN ROAD  
 MARKED AS SHOWN  
 FOUND TWO ORIGINAL BEARING TREES  
 14" SPRUCE N 34° E 75.0'  
 14" SPRUCE S 46° E 75.3'  
 ADD ONE NEW BEARING TREE  
 11" SPRUCE S 72 1/2° W 81.8'



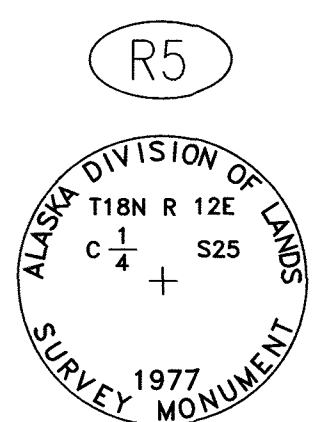
**R2**  
 FOUND  
 ALUM. CAP IN CASE IN ROAD  
 MARKED AS SHOWN  
 FOUND TWO ORIGINAL BEARING TREES  
 7" SPRUCE N 46 1/2° E 74.8'  
 13" SPRUCE S 24 1/2° E 77.4'  
 ADD ONE NEW BEARING TREE  
 6" SPRUCE S 42° W 41.0'



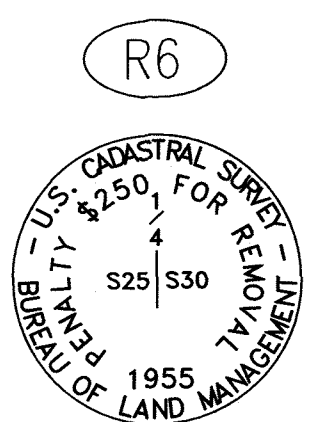
**R3**  
 FOUND  
 BRASS CAP IN CASE IN ROAD  
 MARKED AS SHOWN.  
 ORIGINAL BEARING TREES DESTROYED  
 ADD THREE NEW BEARING TREES  
 9" SPRUCE S 51° E 75.6'  
 13" SPRUCE S 56 1/2° W 69.9'  
 6" SPRUCE N 63° W 66.2'



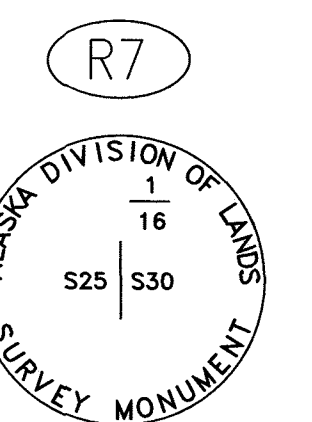
**R4**  
 FOUND  
 BRASS CAP BURIED 0.5' IN GRAVEL  
 ROADWAY, MARKED AS SHOWN  
 FOUND ONE ORIGINAL BEARING TREE  
 8" SPRUCE S 85° E 48.2'  
 ADD TWO NEW BEARING TREES  
 5" SPRUCE N 25° E 68.0'  
 6" SPRUCE S 77° W 51.4'



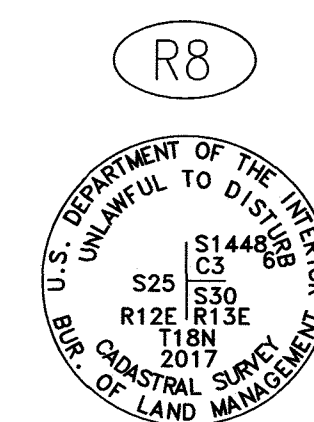
**R5**  
 FOUND  
 BRASS CAP FLUSH  
 WITH GRAVEL ROADWAY  
 MARKED AS SHOWN  
 FOUND TWO ORIGINAL BEARING TREES  
 6" SPRUCE N 79 1/2° E 54.2'  
 7" SPRUCE S 65° W 58.7'  
 ADD ONE NEW BEARING TREE  
 8" SPRUCE N 37 1/2° W 81.3'



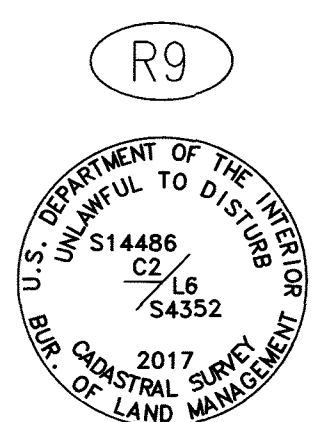
**R6**  
 FOUND  
 BRASS CAP BURIED 1.4' IN GRAVEL  
 ROADWAY, MARKED AS SHOWN  
 FOUND ONE ORIGINAL BEARING TREE  
 12" SPRUCE S 35 1/2° W 74.1'  
 ADD TWO NEW BEARING TREES  
 6" SPRUCE S 88 1/2° E 33.3'  
 5" SPRUCE N 25° W 111.7'



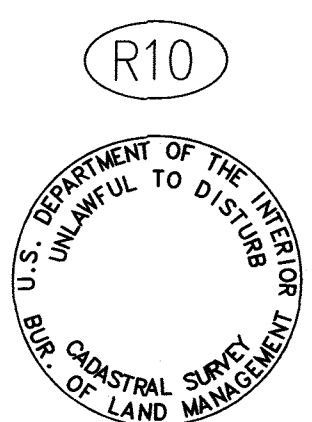
**R7**  
 FOUND  
 BRASS CAP BURIED 1.0' IN GRAVEL  
 ROADWAY, MARKS OBSCURED EXCEPT  
 AS SHOWN  
 FOUND TWO ORIGINAL BEARING TREES  
 7" SPRUCE N 69 1/2° E 59.5'  
 7" SPRUCE S 55 1/2° E 46.2'



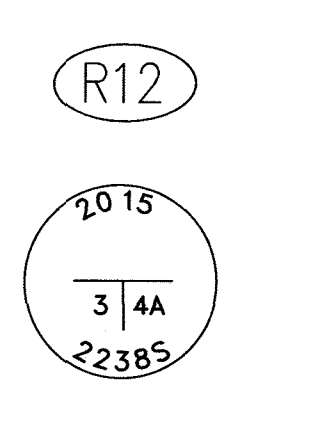
**R8**  
 FOUND  
 BRASS CAP BURIED 0.4' IN GRAVEL  
 ROADWAY, MARKED AS SHOWN  
 FOUND TWO ORIGINAL BEARING TREES  
 6" SPRUCE N 38° E 62.6'  
 5" SPRUCE S 42 1/2° E 52.1'



**R9**  
 FOUND  
 BRASS CAP FLUSH WITH GROUND  
 MARKED AS SHOWN  
 ORIGINAL BEARING TREES DESTROYED  
 ADD ONE BEARING OBJECT  
 SOUTH CORNER OF 3'X3' CONCRETE PAD  
 N 37 1/2° W 8.8'

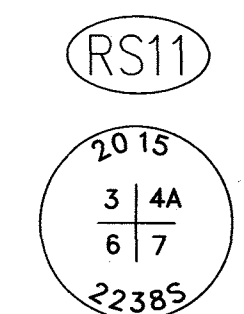


**R10**  
 FOUND  
 BRASS CAP BURIED 0.7' IN ASPHALT  
 ROADWAY, MARKS OBSCURED EXCEPT  
 AS SHOWN  
 FOUND TWO ORIGINAL BEARING TREES  
 5" SPRUCE S 52° E 73.5'  
 5" SPRUCE S 58° W 101.8'

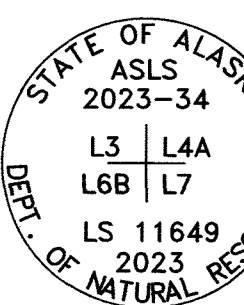


**R12**  
 FOUND  
 5/8" REBAR WITH 2" ALUM. CAP  
 FLUSH WITH GROUND  
 MARKED AS SHOWN

**MONUMENT RECOVERED  
 RESET WITH NEW PRIMARY  
 MONUMENT**



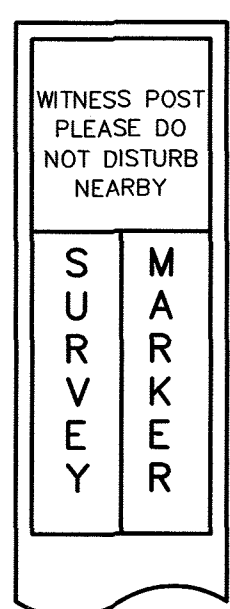
**RS11**  
 FOUND  
 5/8" REBAR WITH 2" ALUM. CAP  
 PROJECTING 0.1' ABOVE GROUND  
 MARKED AS SHOWN  
 REMOVED AND SET A NEW PRIMARY  
 MONUMENT IN PLACE



6" SPRUCE N 61° E 19.8'  
 7" SPRUCE S 23° W 12.3'  
 6" SPRUCE N 39° W 24.4'

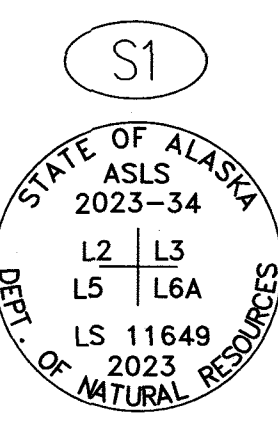
**TYPICAL WITNESS POST SET**

AN ORANGE FIBERGLASS REINFORCED  
 CARSONITE POST, 6 FT. LONG  
 SET WITHIN 1 FT. OF ALL  
 PRIMARY MONUMENTS

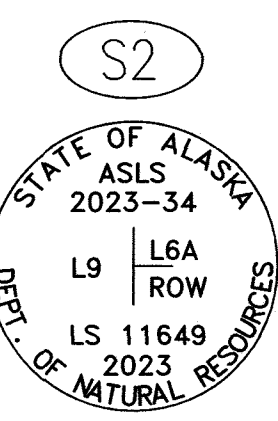


**PRIMARY MONUMENTS SET**

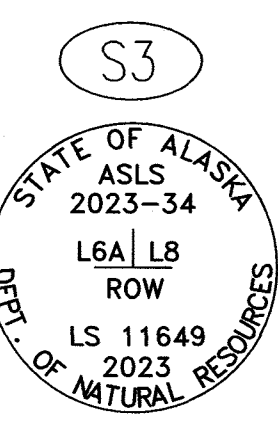
ALL PRIMARY MONUMENTS SET THIS SURVEY ARE  
 3.25" DIAMETER ALUMINUM CAPS ON 2.5" DIAMETER  
 ALUMINUM PIPE, 30" LONG, SET 28" TO 30" IN THE  
 GROUND WITH A DEEP 1 MAGNET AT THE BASE AND  
 A CARSONITE POST ADJACENT TO THE MONUMENT



**S1**  
 6" SPRUCE N 2° E 9.3'  
 7" SPRUCE S 70 1/2° E 26.4'  
 6" SPRUCE S 21° W 8.2'

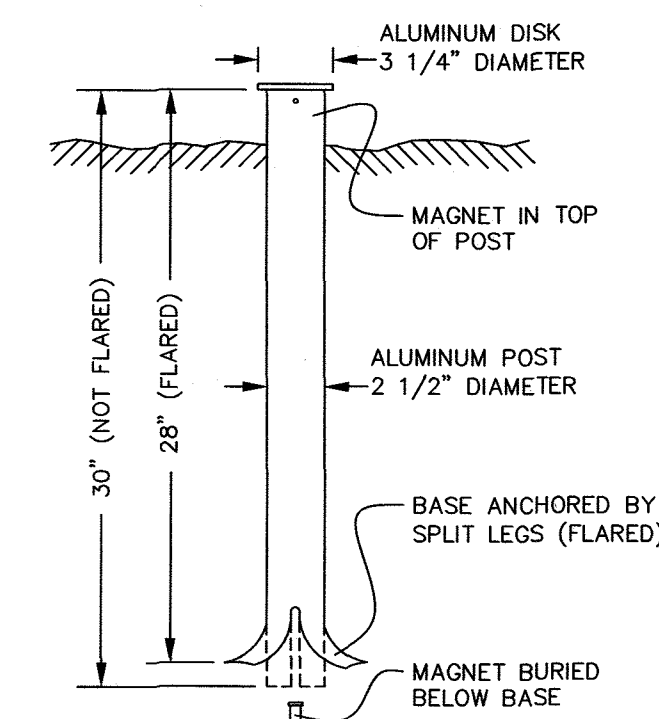


**S2**  
 11" SPRUCE N 34 1/2° E 14.3'  
 7" SPRUCE S 51 1/2° E 23.7'  
 6" SPRUCE S 80 1/2° W 10.5'



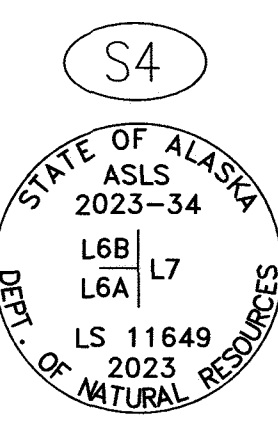
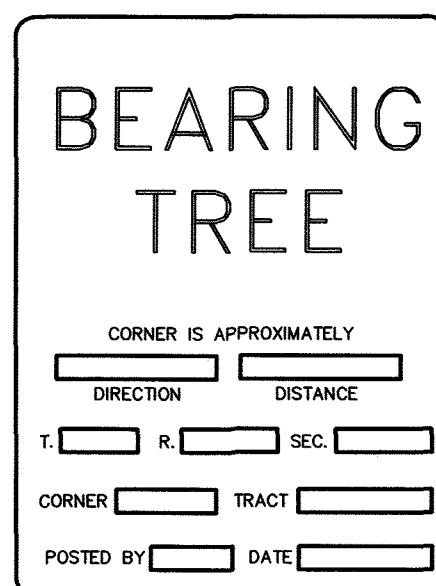
**S3**  
 5" SPRUCE N 25° E 14.9'  
 7" SPRUCE S 13 1/2° E 11.0'  
 5" SPRUCE N 81° W 14.4'

**TYPICAL PRIMARY  
 MONUMENT SET**

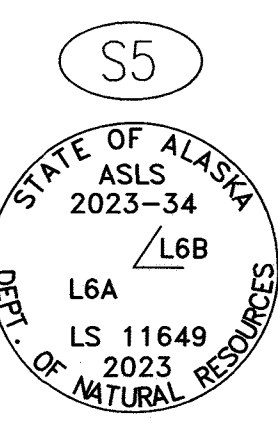


**TYPICAL BEARING TREE TAG SET**

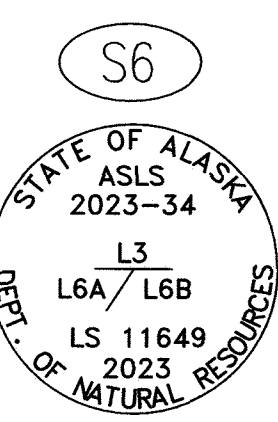
A YELLOW ALUMINUM TAG,  
 4 1/2 X 6 IN., WITH MARKINGS AS SHOWN,  
 NAILED TO THE BEARING TREE AT HEAD HEIGHT,  
 TREES SCRIBED X BT



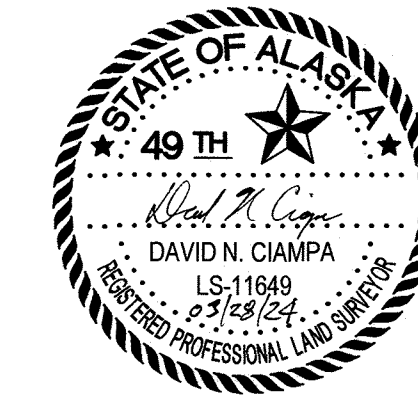
**S4**  
 7" SPRUCE N 4° E 24.2'  
 6" SPRUCE S 86° E 27.6'  
 6" SPRUCE N 83 1/2° W 19.1'



**S5**  
 9" SPRUCE S 61° E 16.5'  
 7" SPRUCE N 84 1/2° W 17.9'  
 6" SPRUCE N 15° W 25.5'



**S6**  
 7" SPRUCE N 70° E 19.3'  
 6" SPRUCE S 20 1/2° W 12.5'  
 10" SPRUCE N 69 1/2° W 13.8'



DATE OF SURVEY: BEGINNING: AUGUST 1, 2023 ENDING: AUGUST 2, 2023		SURVEYOR: DNR, DMLW, SURVEY SECTION 550 W. 7TH AVE, SUITE 650 ANCHORAGE, AK 99501-3576	
<b>STATE OF ALASKA</b> <b>DEPARTMENT OF MINING, LAND AND WATER</b> <b>ANCHORAGE, ALASKA</b>			
<b>ALASKA STATE LAND SURVEY No. 2023-34</b> <b>LOT 6 SUBDIVISION</b> A SUBDIVISION OF LOT 6, BLOCK 2, A.S.L.S. No. 79-21 (PLAT No. 79-63 F.R.D.) LOCATED IN SECTION 25 T. 18 N., R. 12 E. COPPER RIVER MERIDIAN, ALASKA CREATING LOTS 6A AND 6B CONTAINING 19.07 ACRES, MORE OR LESS <b>FAIRBANKS RECORDING DISTRICT</b>			
DRAWN BY: DNC DATE: 03/06/2024		DNR APPROVAL RECOMMENDED <i>Karin Bauer</i> STATEWIDE PLATTING SUPERVISOR DATE: 3/19/2024	
SCALE: N/A	CHECKED BY: KB	SHEET: 2 OF 2	FILE NO.: ASLS 20230034

2024-21  
 Plat #  
 Fairbanks  
 Rec Dist  
 Date 03/28 2024  
 Time 3:20 P.M.