

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

FINAL FINDING AND DECISION

of a
Reconveyance of Alaska Native Allotment Case File
ADL 421231
BLM FF018439, Parcel C

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) for ADL 421231, issued on November 16, 2023.

I. Recommended Action

On November 16, 2023, the State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) proposed to voluntarily reconvey to the United States of America, a parcel containing 26.31 acres, more or less, of wrongfully conveyed state land described as Lot 1, U.S. Survey No. 5893 and is located within Section 1, Township 18 North, Range 12 East, Kateel River Meridian in the Kotzebue Recording District. The parcel is claimed by Joseph Harvey (deceased) as his Native Allotment. There are no changes to the stipulations outlined in the PD.

Attachment A: Preliminary Decision

II. Authority

This reconveyance is being adjudicated pursuant to Alaska Statute (AS) 38.05.020 Authority and Duties of the Commissioner, AS 38.05.035 Power and Duties of the Director, 11 Alaska Administrative Code (AAC) 67.930 Purpose and Procedure, and the settlement authority of the Attorney General in accordance with the Stipulated Procedures for Implementation of Order, *Ethel Aguilar v. United States of America*, 474 F. Supp. 840 (D. Alaska 1979) (herein cited as *Aguilar*). The authority to execute this Final Finding and Decision has been delegated to the Section Chief, LCS, DMLW, DNR, pursuant to AS 38.05.035(b)(1) Power and Duties of the Director.

III. Public Notice

Pursuant to AS 38.05.945 Notice, a public notice announcing the PD for the proposed Native allotment reconveyance along with the solicitation for public comment was published and distributed in compliance with the above statute in the following manner:

- Posted on the State of Alaska Online Public Notice and the LCS website from November 16, 2023, to December 21, 2023;
- Mailed, with a request to post for 30 days, to the postmaster in Kobuk per AS 38.05.945(c)(4) Notice;
- Mailed to the regional and village corporations per AS 38.05.945(c)(2)-(3) Notice (NANA Regional Corporation and Maniilaq Association); and
- Mailed to the heirs of Joseph Harvey (allottee), Alaska Legal Services Corporation, Bureau of Land Management, and Bureau of Indian Affairs.

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The public notice stated that written comments must be received by 3:00 p.m. Thursday, December 21, 2023, in order to ensure consideration and eligibility to appeal. For more information, refer to the attached PD.

IV. Comments Received

No written comments were received during the public comment period.

V. Traditional Use Finding

The parcel is located in the Northwest Arctic Borough. Therefore, a traditional use finding is not required. No additional information was received concerning traditional use during public comment.

VI. Modifications to Decision and Stipulations

The recommended action has not been modified from the original proposed action described in the PD of November 16, 2023. An updated title report was received on September 26, 2024. No new information was discovered.

DMLW would like to clarify that the total acreage for Joseph Harvey's Parcel C is 39.99 acres. However, the State only holds title to 26.31 acres, more or less. The remaining 13.68 acres are still in federal ownership. It is the responsibility of BLM to convey the remaining 13.68 acres to complete conveyance of the entire 39.99 acres to the heirs of Joseph Harvey.

This parcel is described as:

Lot 1, U.S. Survey No. 5893, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on February 8, 2023, and officially filed on June 30, 2023, Containing 26.31 acres, more or less.

Situated in the Kotzebue Recording District.

It is in the best interest of the State to reconvey the land to the United States subject to the reservations, exceptions, and restrictions, as stated below. This will allow the heirs to the Native Allottee to obtain title to the land while the State will retain public access on the property as prescribed by statute and thus avoid title recovery litigation by the federal government. The State may proceed with the reconveyance of this parcel to the United States of America subject to the following easements, reservations, exceptions, and restrictive covenants:

Subject to:

- (a) An easement fifty (50) feet in width along the westward side of the section line in common with Section 1, Township 18 North, Range 12 East, Kateel River Meridian, Alaska, pursuant to AS 19.10.010 Dedication of Land for Public Highways, 11 AAC 51.025 Section Line Easements, and AS 19.25.010 Use of Rights-of-way for Utilities;
- (b) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the ordinary high-water mark along Mauneluk River from the unnamed creek westward to the west boundary of Lot 1 of USS 5893 in Section 1, Township 18 North, Range 12 East, Kateel River Meridian, Alaska,

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pursuant to AS 38.05.127 Access to Navigable and Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water;

- (c) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the ordinary high-water mark along each side of the unnamed creek within Lot 1 of USS 5893 in Section 1, Township 18 North, Range 12 East, Kateel River Meridian, Alaska, pursuant to AS 38.05.127 Access to Navigable and Public Water, 11 AAC 51.045 Easements To and Along Navigable and Public Water; and
- (d) All other valid existing rights, if any.

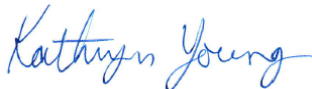
The Division of Oil and Gas and DMLW have determined that it is not in the State's best interest to retain the mineral estate. The mineral estate will not be retained pursuant to AS 38.05.035(e) Powers and Duties of the Director. The State will receive an acreage credit for the lands.

Any reservations in the patent the State received from BLM will merge with the title once the land is conveyed back to the United States.

Recommendation and approval of the Final Finding and Decision follow.

VII. Final Finding and Decision

LCS recommends proceeding with the proposed action as described in the Preliminary Decision. This action is undertaken pursuant to relevant authorities. Public notice has been accomplished in accordance with AS 38.05.945 Notice, and comments received were considered. The case file has been found to be complete and the requirements of all applicable statutes, regulations, and court orders have been satisfied.



October 3, 2024

Recommended by: Kathryn Young
Native Allotment Coordinator
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

Date

Under the authority of the applicable statutes and *Aguilar*, it is hereby found to be in the best interest of the State of Alaska to proceed with the recommended action as described and referenced herein.



October 3, 2024

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

Date

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Appeal Provision

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may appeal the decision to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

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

**Proposed Reconveyance of a
Alaska Native Allotment in the Northwest Arctic Borough**

**PRELIMINARY DECISION
ADL 421231
BLM No. FF018439, Parcel C**

PUBLIC COMMENT PERIOD ENDS 3:00 PM, THURSDAY, DECEMBER 21, 2023

I. Proposed Action

Preliminary Decision: Joseph Harvey – ADL 421231

Attachment A: Vicinity Map

Attachment B: Public Notice

Attachment C: U.S. Survey 5893

Attachment D: ASCS 2009-24, page 2

Proposed Action: The primary proposed action of this Preliminary Decision (PD) of the State of Alaska (State), Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) is to voluntarily reconvey to the United States of America, Lot 1, U.S. Survey No. 5893, containing 26.31 acres of wrongfully conveyed state land. See *Attachment A: Vicinity Map* for a depiction of the project area.

The subject parcel is an Alaska Native allotment, Bureau of Land Management (BLM) Serial No. FF018439, Parcel C claimed by Joseph Harvey (deceased). The claim is being settled in accordance with the Stipulated Procedures for Implementation of Order approved by the Court to implement the decision in Ethel Aguilar v. United States of America, 474 F. Supp. 840 (D. Alaska 1979) (herein cited as Aguilar) and *Alaska Statute (AS) 38.05.035(b)(9) Powers and Duties of the Director*.

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, DNR DMLW LCS moves forward with the proposal, a Final Finding and Decision (FFD) will be issued.

II. Authority

This reconveyance is being adjudicated pursuant to *AS 38.05.020 Authority and Duties of the Commissioner*, *AS 38.05.035 Power and Duties of the Director*, *11 Alaska Administrative Code (AAC) 67.930 Purpose and Procedure* and the settlement authority of the Attorney General in accordance with Aguilar. The authority to execute this PD has been delegated to the Section Chief, LCS, DMLW, DNR, pursuant to *AS 38.05.035(b)(1) Power and Duties of the Director*.

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III. Administrative Record

The DNR case file - ADL 421231 and BLM case file FF018439, Parcel C, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Northwest Area Plan for State Lands (NWAP, adopted October 2008) and associated land classification files; and
- DNR case files: GS 2293.

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 DNR DMLW's proposal to voluntarily reconvey this land to the United States of America in accordance with the Stipulated Procedures for Implementation of Order approved by the Court to implement the decision in Aguilar and *AS 38.05.035 Power and Duties of the Director*, and whether the reconveyance should be made subject to any stipulations to best serve the interests of the public and the State.

V. Location

The subject parcel is located in DNR's Northern Region, within the Northwest Arctic Borough, on the north shore of the Mauneluk River, approximately 47 miles east of Ambler and approximately 21 miles northeasterly of Kobuk, and within Section 1, Township 18 North, Range 12 East, Kateel River Meridian. The subject parcel consists of approximately 26.31 acres identified for reconveyance by this proposed action. See *Attachment A: Vicinity Map* for a depiction of the subject parcel.

USGS Map Coverage: Shungnak D-1

Borough/Municipality: Northwest Arctic Borough

Native Councils and Corporations: The subject parcel is within the boundaries of the NANA Regional Corporation. The village of Kobuk is within 25 miles of this proposed action. Notice will be sent to the NANA Regional Corporation and Maniilaq Association.

VI. Legal Description

Lot 1, U.S. Survey No. 5893, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on February 8, 2023, and officially filed on June 30, 2023, Containing 26.31 acres, more or less.

Situated in the Kotzebue Recording District.

VII. Title

The State received title to the land on January 29, 1981, under a Tentative Approval. Patent 50-87-0316 was issued on September 29, 1987. The State file is GS 2293. Title Report No. 21452 was issued on January 12, 2021. No third-party interests were identified. The parcel is subject to the reservations, easements, and exceptions contained in Patent 50-87-0316 dated September 29, 1987. An updated title report has been requested; if any concerns are discovered, they will be addressed in the FFD.

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Acquisition: The State filed selection application GS 2293 (BLM Serial No. F-021024) for Township 18 North, Range 12 East, Kateel River Meridian on March 22, 1974.

Restrictions: The Patent contains a reservation for a right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

VIII. Background

The following events for this case are:

- Joseph Harvey began his use and occupancy of the subject lands in May of 1923 according to documentation in DNR case file ADL 421231.
- His Native allotment application was signed on June 24, 1971, and filed on April 17, 1972.
- The State filed selection application GS 2293 for Township 18 North, Range 12 East, Kateel River Meridian on March 22, 1974, and received title by Tentative Approval on January 29, 1981, and Patent on September 29, 1987.
- BLM determined Native Allotment application FF018439, Parcel C, valid on August 18, 2004.
- The State received a request for reconveyance on December 1, 2004.
- BLM surveyed the 26.31-acre parcel and issued U.S. Survey No. 5893 on June 30, 2023.

IX. Planning, Classification, and Mineral Orders

1. *Planning:* The subject parcel is located within Unit U-05 in the Kobuk Region of the Northwest Area Plan (NWAP) adopted on October 2008. Unit U-05's recommended land use includes habitat management and harvest values. The NWAP designation of the subject parcel is Habitat and Harvest. These designations convert to the classification of Wildlife Habitat Land.
2. *Land Use Classification:* The State classified the subject parcel as Wildlife Habitat Land under Classification Order CL NC-08-001 based on NWAP.
3. *Mineral Order:* The parcel is not subject to a mineral order.
4. *Local Planning:* This parcel is within the Northwest Arctic Borough 2030 Comprehensive Plan and zoned Subsistence Conservation.

X. Traditional Use Finding

In accordance with AS 38.05.830, a traditional use finding is required if the subject parcel is within the Unorganized Borough. This parcel is in Northwest Arctic Borough (NWAB); therefore, a traditional use finding is unnecessary. However, 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. See the **Section XVI. Submittal of Public Comments** at the end of this document and *Attachment B: Public Notice* for details on how to submit comment.

XI. Access, including Access To and Along Public or Navigable Water

Public Access: The subject parcel sits on the Mauneluk River with public access via the river.

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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*.

The subject parcel sits on the Mauneluk River, which has been determined to be navigable. Normally, a 50-foot public access easement under *AS 38.05.127 Access To Navigable or Public Water* would be reserved along the river. A review of the subject parcel, the surrounding area, and land ownership shows that land status prevents a continuous easement. The land east of the subject parcel along the river is federal land and the remainder of the allottee's parcel. The federal land has no easements along the river, nor will any be placed when the parcel is conveyed to the allottee.

The NWAB owns the surrounding land, which was surveyed prior to patent issuance and made subject to a 50-foot public access easement under *AS 38.05.127 Access To Navigable or Public Water* where applicable. Alaska State Cadastral Survey (ASCS) 2009-24 shows the *AS 38.05.127* 50-foot public access easement reserved on NWAB land. See *Attachment D: ASCS 2009-24* for a depiction of these easements.

An unnamed creek flows from NWAB land through the subject parcel to the Mauneluk River. A 50-foot public access easement along the creek where it runs through the subject parcel is required to prevent a discontinuous easement. It also follows that there needs to be a 50-foot public access easement from the mouth of the unnamed creek westward along the Mauneluk River to the parcel's western edge, where it joins the 50-foot public access easement on NWAB land.

As allowed by *11 AAC 51.045 Easements To and Along Navigable and Public Water* in these circumstances, the *AS 38.05.127 Access To Navigable or Public Water* easement will be limited to the unnamed creek that runs through the parcel to the Mauneluk River and along the Mauneluk River from the unnamed creek west to the parcel's west boundary. There will not be a 50-foot public access easement along the Mauneluk River from the unnamed creek eastward to the parcel's east boundary. See *Attachment A: Vicinity Map* for a depiction of the subject parcel's easements.

Easements and Setbacks: Under *AS 19.10.010 Dedication of Land for Public Highways*, the application of a 50-foot section line easement is required on all protracted or surveyed section or township lines on State land. There are no provisions under the law to exclude this 50' section line easement dedication at conveyance or reconveyance back to the federal government. However, an affected landowner may, under *11 AAC 51.065 Vacation of Easements*, file a request with DNR to vacate, modify, or relocate a section line easement.

The NWAB land is also subject to *AS 19.10.010* and the 50-foot section line easements are shown on ASCS 2009-24. See *Attachment A: Vicinity Map* and *Attachment D: ASCS 2009-24* for a depiction of these easements.

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The reconveyance will except, reserve, or be subject to the reservations brought forth by the public notice, if any, and the following:

Subject to:

- (a) An easement fifty (50) feet in width along the westward side of the section line in common with Section 1, Township 18 North, Range 12 East, Kateel River Meridian, pursuant to *AS 19.10.010 Dedication of Land for Public Highways*, *11 AAC 51.025 Section Line Easements*, and *AS 19.25.010 Use of Rights-of-way for Utilities*; and
- (b) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the ordinary high-water mark along Mauneluk River from the unnamed creek westward to the west boundary of Lot 1 of USS 5893 in Section 1, Township 18 North, Range 12 East, Katell River Meridian, Alaska, pursuant to *AS 38.05.127 Access to Navigable and Public Water*, *11 AAC 51.045 Easements To and Along Navigable and Public Water*;
- (c) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the ordinary high-water mark along each side of the unnamed creek within Lot 1 of USS 5893 in Section 1, Township 18 North, Range 12 East, Katell River Meridian, Alaska, pursuant to *AS 38.05.127 Access to Navigable and Public Water*, *11 AAC 51.045 Easements To and Along Navigable and Public Water*;
- (d) All other valid existing rights, if any.

XII. Reservation of the Mineral Estate

The Division of Oil and Gas (DOG) and DMLW have determined that it is not in the State's best interest to retain the mineral estate. The mineral estate will not be retained pursuant to *AS 38.05.035(e) Powers and Duties of the Director*. The State will receive an acreage credit for the lands.

XIII. Hazardous Materials and Potential Contaminants

The Department of the Interior, BLM, is expected to inspect the parcel and familiarize itself with the condition and quality 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 here proposed for reconveyance. 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.

XIV. Survey

The parcel is adequately surveyed for reconveyance to the United States of America. See *Attachment C: U.S. Survey 5893*.

XV. DMLW and Agency Review

Information and comments received from multiple sections within DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from September 6, 2023, to September 28, 2023.

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Comments pertinent to this proposed action received during 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 FFD.

DNR DMLW LCS received brief comments of non-objection or no comment from the following agencies:

Alaska Department of Environmental Conservation and Alaska Department of Transportation and Public Facilities.

Comments from DNR Division of Oil and Gas: DOG has no objection. There are no third-party interests. DOG does not request reservation of the mineral estate.

DNR DMLW LCS response: Thank you for the information.

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

(Agency review list – excludes DMLW sections)

- DNR Division of Agriculture
- DNR Division of Forestry and Fire Protection
- DNR Division of Geological and Geophysical Surveys
- DNR Division of Parks and Outdoor Recreation
- DNR State Historical Preservation Office
- Alaska Department of Fish and Game
- 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.

In accordance with AS 38.05.946(a) *Hearings*, a municipality or corporation entitled to receive notice under AS 38.05.945(c) 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 Preliminary Decision, additional public notice for the affected lands will be 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 Preliminary Decision, 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 DNR DMLW LCS receives timely, written comment during the identified comment period will be eligible to file an appeal 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/> or <https://aws.state.ak.us/OnlinePublicNotices/> and sent with an explanation of the appeal process to any party who provides timely written comment.

Preliminary Decision

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DNR 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, THURSDAY, DECEMBER 21, 2023

XVII. Alternatives

The following alternatives were considered:

Alternative 1: Reconvey

Reconvey the land to the United States subject to the reservations, exceptions, and restrictions as stipulated in **Section XI. Access, Including Access To and Along Public or Navigable Water, Easements and Setbacks**. This will allow the Native allottee to obtain title to the land while the State will retain public access on the property as prescribed by statute and thus avoid title recovery litigation by the federal government. Therefore, it is in the best interest of the State to reconvey the parcel as proposed in this decision, and this is the preferred alternative.

Alternative 2: Retain

Retain ownership and withhold reconveyance. DNR currently does not have a persuasive reason to pursue this option. This alternative may lead to title recovery litigation brought by the United States on behalf of the Native Allottee, thus subjecting the State to an uncertain expenditure of resources and an uncertain result of litigation. This alternative is not preferred.

In accordance with the Stipulated Procedures for Implementation of Order in Aguilar, BLM reviewed and determined Mr. Harvey's Native Allotment application to be valid on August 18, 2004. Based on documentation within BLM's case file and subsequent comments received from agency review, LCS has found no legal reason for denying this reconveyance subject to public notice and a final decision.

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

Recommendation follows.

Preliminary Decision


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XVIII. Recommendation

This Preliminary Decision for the proposed reconveyance of state lands described throughout this document and its attachments may be within the State's best interest. Reconveyance under the conditions in Alternative 1 is preferable to title recovery litigation. The State's reconveyance will allow the BLM to transfer title of the land to the Native Allottee and will eliminate any further title recovery action. As represented by the preferred alternative, the PD described above 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 reconveyance of state lands. If the decision is approved, a Final Finding and Decision may be issued.



Recommended by: Kathryn Young
Native Allotment Coordinator
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

November 16, 2023

Date



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

November 16, 2023

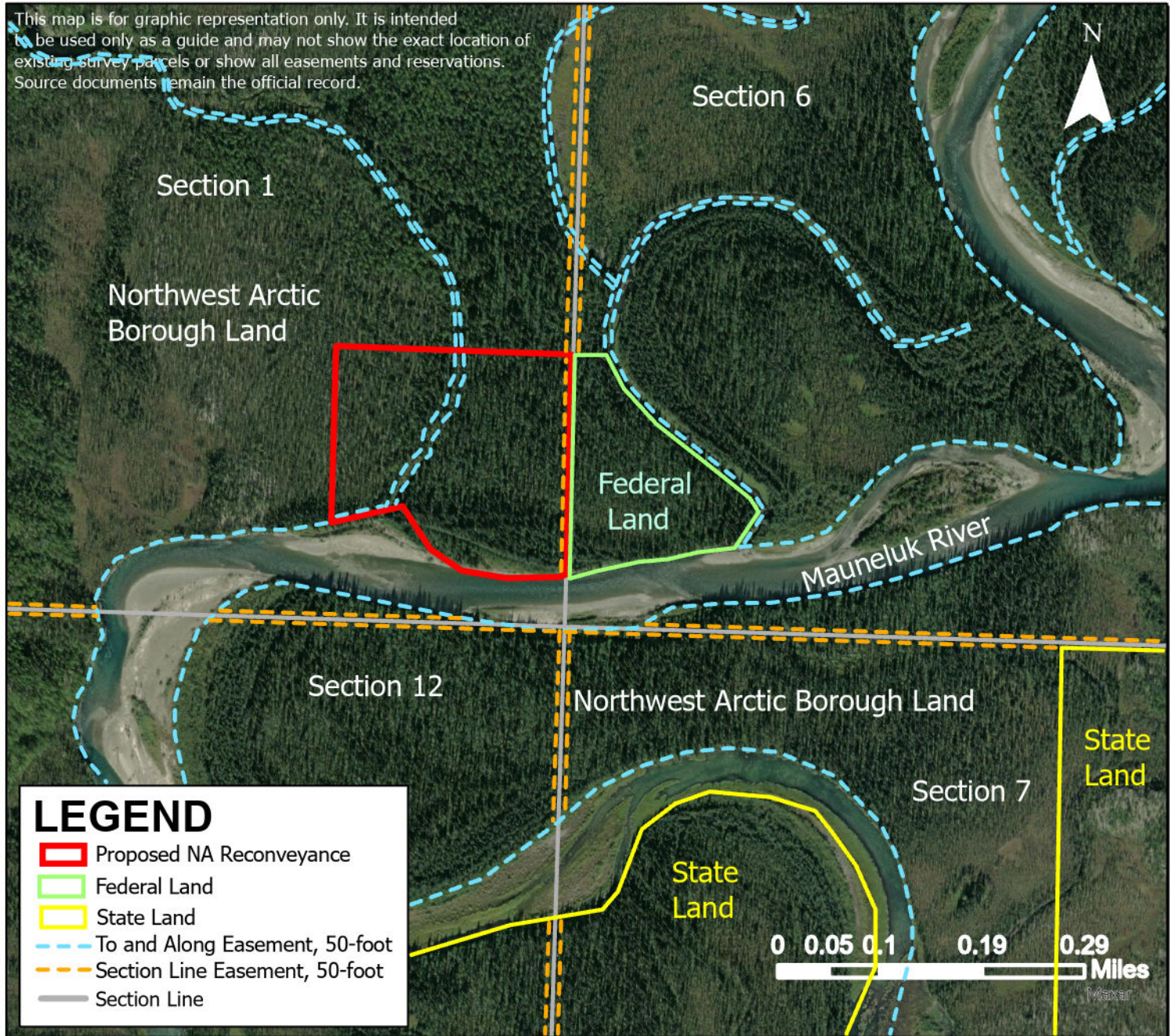
Date



Attachment A: Vicinity Map

Joseph Harvey, ADL 421231 / BLM FF018439-C

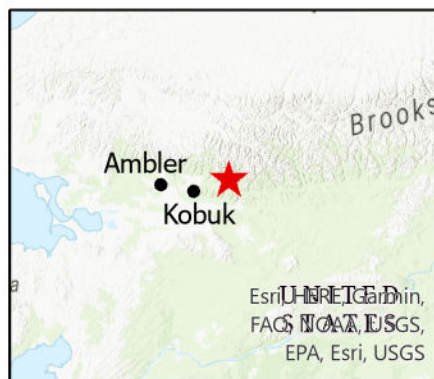
This map is for graphic representation only. It is intended to be used only as a guide and may not show the exact location of existing survey parcels or show all easements and reservations. Source documents remain the official record.



Section 1, Township 18 North, Range 12 East, Kateel River Meridian

USGS Quad 1:63,360 Shungnak D-1

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



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

ATTACHMENT B: PUBLIC NOTICE

**Requesting Input for Proposed
Native Allotment Reconveyance - ADL 421231
AS 38.05.035**

COMMENT PERIOD ENDS 3:00 PM, THURSDAY, DECEMBER 21, 2023

The Alaska Department of Natural Resources (DNR), Division of Mining Land and Water (DMLW), Land Conveyance Section (LCS) is conducting a public notice to reconvey the following erroneously conveyed State land to the United States of America for conveyance to the Native allotment applicant. The parcel of land is located on the north shore of the Mauneluk River, approximately 47 miles east of Ambler and approximately 21 miles northeasterly of Kobuk. The legal description for the parcel is Lot 1, U.S. Survey No. 5893, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on February 8, 2023, and officially filed on June 30, 2023, containing 26.31 acres, more or less.

To obtain the notice, Preliminary Decision (PD), 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 10:00 AM and 5:00 PM 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 PM, Thursday, December 14, 2023.

Pursuant to AS 38.05.945 Notice, the public is invited to submit comments on the Preliminary Decision. **The deadline for public comment is 3:00 PM, THURSDAY, DECEMBER 21, 2023.** Only persons from whom DNR DMLW LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision (FFD). 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 7th Ave, Suite 640, Anchorage, AK 99501 or by fax at (907) 269-8916 or by email at kathryn.young@alaska.gov. If you have questions, call Kathryn Young at (907) 269-8574.

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

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

Attachment C

U.S. SURVEY No. 5893

SUPPLEMENTAL PLAT

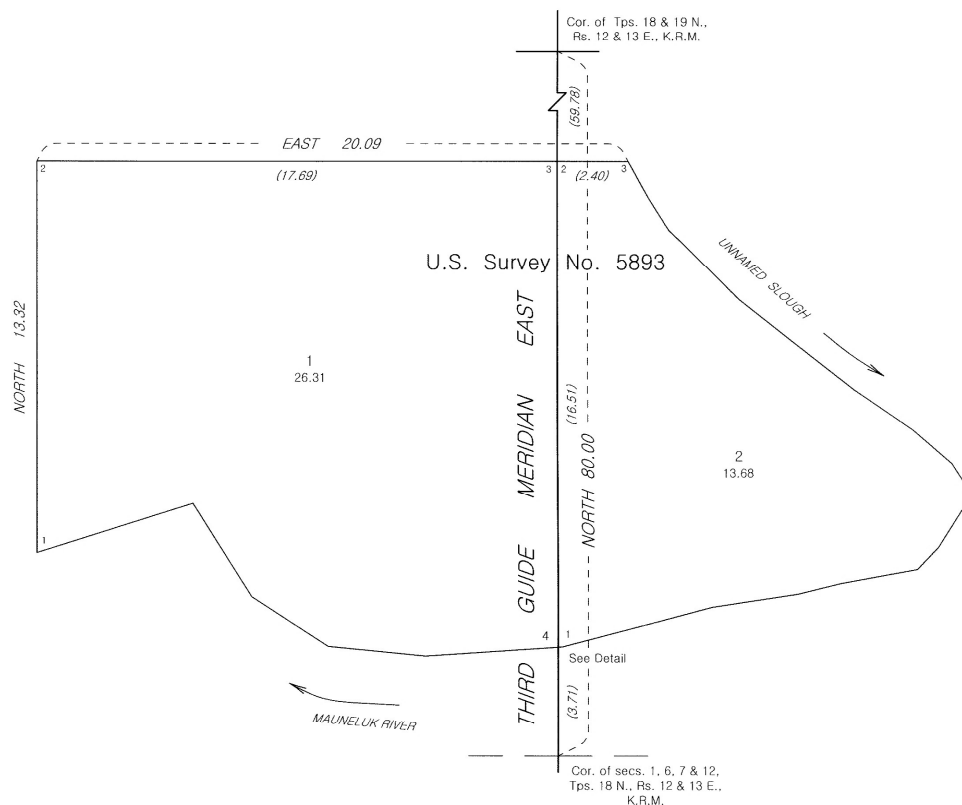
This supplemental plat shows the subdivision of U.S. Survey No. 5893 into Lots 1 and 2.

This survey was conducted under The Stipulated Procedures for Implementation of Order, Ethel Aguilar, et al v. United States of America, 474 F. Supp. 840(D. Alaska 1979), and by authority of the Memorandum of Understanding between the United States Department of the Interior, Bureau of Land Management, and the State of Alaska, Department of Natural Resources dated September 5, 2000.

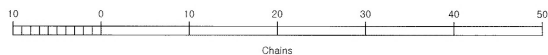
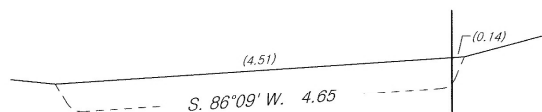
This plat was prepared by Blair C. Parker, Cadastral Surveyor, on March 12, 2020, pursuant to Supplemental Special Instructions No. 1 dated January 29, 2020, and approved February 21, 2020, and Assignment Instructions dated March 12, 2020.

This plat is based upon the official survey records: the plat of T. 18 N., R. 12 E., K.R.M., Alaska, accepted July 17, 1987 and the plat of U.S. Survey No. 5893, Alaska, accepted October 18, 1991.

Attachment C



DETAIL



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

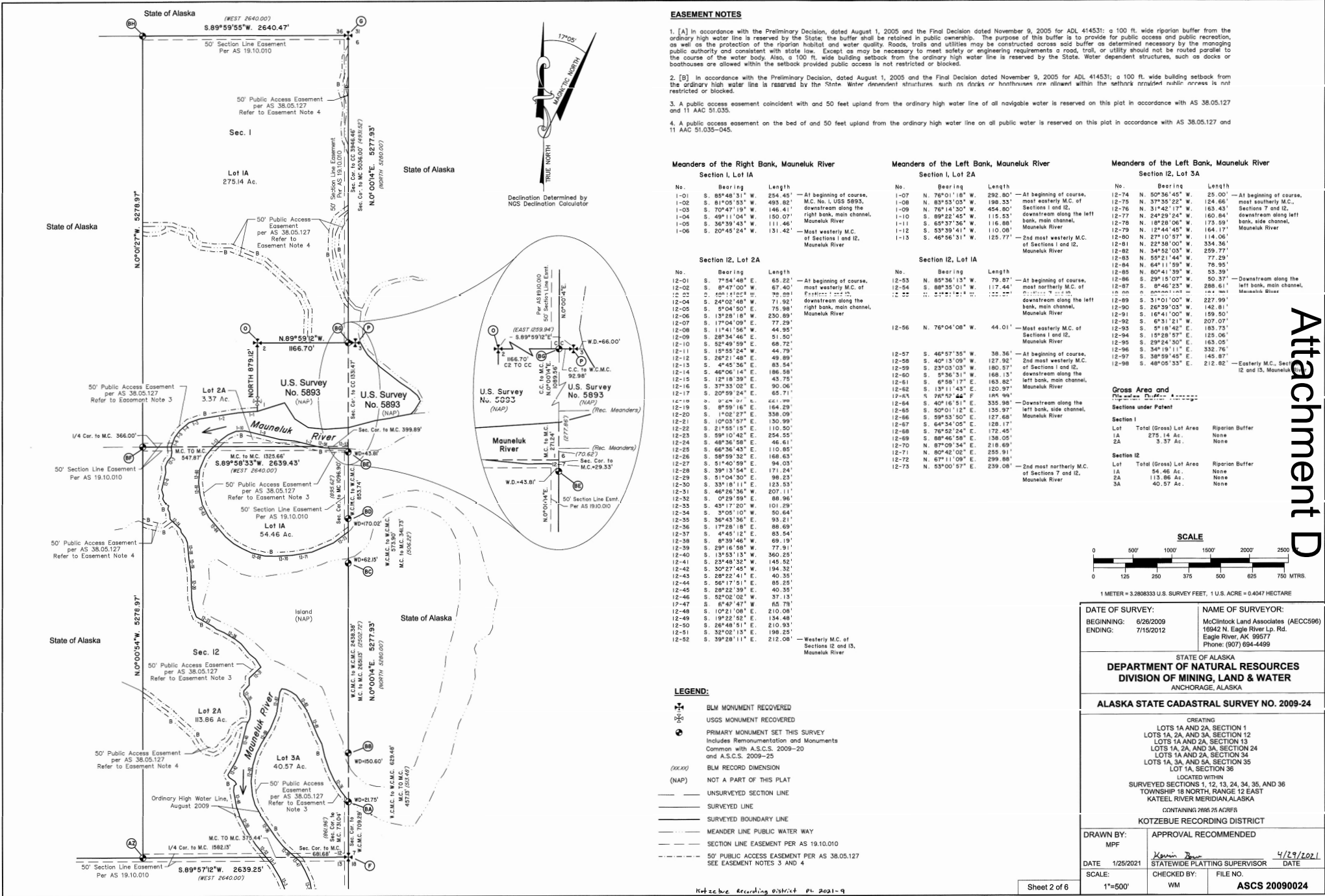
This plat, showing amended lottings, is based upon the official records, and having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director

Thomas B. Abrah February 8, 2023
Date

Chief Cadastral Surveyor for Alaska

Attachment D



EASEMENT NOTES

- [A] In accordance with the Preliminary Decision, dated August 1, 2005 and the Final Decision dated November 9, 2005 for ADL 414531: a 100 ft. wide riparian buffer from the ordinary high water line is reserved by the State; the buffer shall be retained in public ownership. The purpose of this buffer is to provide for public access and public recreation, as well as the protection of the riparian habitat and water quality. Roads, trails and utilities may be constructed across said buffer as determined necessary by the managing public authority and consistent with state law. Except as may be necessary to meet safety or engineering requirements a road, trail, or utility should not be routed parallel to the course of the water body. Also, a 100 ft. wide building setback from the ordinary high water line is reserved by the State. Water dependent structures, such as docks or boathouses are allowed within the setback provided public access is not restricted or blocked.
- [B] In accordance with the Preliminary Decision, dated August 1, 2005 and the Final Decision dated November 9, 2005 for ADL 414531: a 100 ft. wide building setback from the ordinary high water line is reserved by the State. Water dependent structures such as docks or boathouses are allowed within the setback provided public access is not restricted or blocked.
- A public access easement coincident with and 50 feet upland from the ordinary high water line of all navigable water is reserved on this plot in accordance with AS 38.05.127 and 11 AAC 51.0335.
- A public access easement on the bed of and 50 feet upland from the ordinary high water line on all public water is reserved on this plot in accordance with AS 38.05.127 and 11 AAC 51.0335-045.

Meanders of the Right Bank, Mauneluk River

Section 1, Lot 1A		
No.	Bearing	Length
1-01	S. 89°46'31" W.	254.45'
1-02	S. 81°05'13" W.	493.80'
1-03	S. 70°47'19" W.	146.41'
1-04	S. 49°11'04" W.	150.07'
1-05	S. 36°33'43" W.	111.46'
1-06	S. 20°45'24" W.	131.42'

Section 12, Lot 2A		
No.	Bearing	Length
12-01	S. 7°54'48" E.	65.22'
12-02	S. 39°47'01" E.	67.40'
12-03	S. 46°14'02" E.	96.98'
12-04	S. 24°02'48" W.	71.92'
12-05	S. 57°04'50" E.	76.50'
12-06	S. 13°28'18" W.	230.89'
12-07	S. 17°04'09" E.	77.29'
12-08	S. 11°41'56" W.	44.95'
12-09	S. 28°34'46" E.	51.50'
12-10	S. 52°49'59" E.	68.72'
12-11	S. 19°55'24" W.	44.79'
12-12	S. 28°21'48" E.	48.89'
12-13	S. 44°45'36" E.	83.54'
12-14	S. 46°06'14" E.	186.59'
12-15	S. 12°18'58" W.	45.75'
12-16	S. 37°33'02" E.	65.71'
12-17	S. 20°59'24" E.	65.71'
12-18	S. 34°44'49" W.	44.99'
12-19	S. 89°59'16" E.	164.29'
12-20	S. 1°02'27" E.	338.09'
12-21	S. 10°03'10" E.	150.99'
12-22	S. 21°55'15" E.	110.50'
12-23	S. 59°10'42" E.	254.55'
12-24	S. 48°36'58" E.	46.61'
12-25	S. 66°36'43" E.	110.85'
12-26	S. 59°59'32" E.	168.63'
12-27	S. 51°40'59" E.	135.93'
12-28	S. 39°13'54" E.	171.24'
12-29	S. 51°04'30" E.	98.23'
12-30	S. 33°11'21" W.	123.95'
12-31	S. 46°26'36" W.	207.11'
12-32	S. 0°29'59" E.	88.96'
12-33	S. 43°17'20" W.	101.29'
12-34	S. 37°05'10" W.	50.64'
12-35	S. 36°43'36" E.	93.21'
12-36	S. 17°28'18" E.	88.69'
12-37	S. 44°45'12" E.	83.54'
12-38	S. 8°39'46" W.	69.19'
12-39	S. 29°16'58" W.	77.91'
12-40	S. 13°53'13" W.	360.24'
12-41	S. 23°48'32" W.	145.52'
12-42	S. 30°27'25" W.	194.32'
12-43	S. 28°22'41" E.	40.35'
12-44	S. 56°17'51" E.	85.25'
12-45	S. 28°22'39" E.	40.35'
12-46	S. 92°00'00" E.	37.13'
12-47	S. 81°47'47" W.	65.79'
12-48	S. 10°21'08" E.	210.08'
12-49	S. 19°22'19" E.	104.48'
12-50	S. 26°48'51" E.	210.93'
12-51	S. 32°02'13" E.	198.25'
12-52	S. 39°28'11" E.	212.08'

Section 12, Lot 2A (Cont.)		
No.	Bearing	Length
12-53	S. 7°54'48" E.	65.22'
12-54	S. 39°47'01" E.	67.40'
12-55	S. 46°14'02" E.	96.98'
12-56	S. 24°02'48" W.	71.92'
12-57	S. 57°04'50" E.	76.50'
12-58	S. 13°28'18" W.	230.89'
12-59	S. 17°04'09" E.	77.29'
12-60	S. 11°41'56" W.	44.95'
12-61	S. 28°34'46" E.	51.50'
12-62	S. 52°49'59" E.	68.72'
12-63	S. 19°55'24" W.	44.79'
12-64	S. 28°21'48" E.	48.89'
12-65	S. 44°45'36" E.	83.54'
12-66	S. 46°06'14" E.	186.59'
12-67	S. 12°18'58" W.	45.75'
12-68	S. 37°33'02" E.	65.71'
12-69	S. 20°59'24" E.	65.71'
12-70	S. 34°44'49" W.	44.99'
12-71	S. 89°59'16" E.	164.29'
12-72	S. 1°02'27" E.	338.09'
12-73	S. 10°03'10" E.	150.99'
12-74	S. 21°55'15" E.	110.50'
12-75	S. 59°10'42" E.	254.55'
12-76	S. 48°36'58" E.	46.61'
12-77	S. 66°36'43" E.	110.85'
12-78	S. 59°59'32" E.	168.63'
12-79	S. 51°40'59" E.	135.93'
12-80	S. 39°13'54" E.	171.24'
12-81	S. 51°04'30" E.	98.23'
12-82	S. 33°11'21" W.	123.95'
12-83	S. 46°26'36" W.	207.11'
12-84	S. 0°29'59" E.	88.96'
12-85	S. 43°17'20" W.	101.29'
12-86	S. 37°05'10" W.	50.64'
12-87	S. 36°43'36" E.	93.21'
12-88	S. 17°28'18" E.	88.69'
12-89	S. 44°45'12" E.	83.54'
12-90	S. 8°39'46" W.	69.19'
12-91	S. 29°16'58" W.	77.91'
12-92	S. 13°53'13" W.	360.24'
12-93	S. 23°48'32" W.	145.52'
12-94	S. 30°27'25" W.	194.32'
12-95	S. 28°22'41" E.	40.35'
12-96	S. 56°17'51" E.	85.25'
12-97	S. 28°22'39" E.	40.35'
12-98	S. 92°00'00" E.	37.13'
12-99	S. 81°47'47" W.	65.79'
13-00	S. 10°21'08" E.	210.08'
13-01	S. 19°22'19" E.	104.48'
13-02	S. 26°48'51" E.	210.93'
13-03	S. 32°02'13" E.	198.25'
13-04	S. 39°28'11" E.	212.08'

Meanders of the Left Bank, Mauneluk River

Section 1, Lot 2A		
No.	Bearing	Length
1-07	N. 76°01'18" W.	292.80'
1-08	N. 83°53'03" W.	189.33'
1-09	N. 76°14'30" W.	454.80'
1-10	N. 69°22'45" W.	115.53'
1-11	S. 62°37'26" W.	116.88'
1-12	S. 53°39'41" W.	110.08'
1-13	S. 46°56'31" W.	125.77'

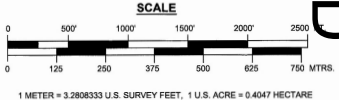
Section 12, Lot 1A		
No.	Bearing	Length
12-53	N. 85°36'13" W.	79.87'
12-54	S. 88°35'01" W.	117.44'
12-55	S. 88°35'01" W.	117.44'
12-56	N. 76°04'08" W.	44.01'
12-57	S. 46°57'35" W.	38.36'
12-58	S. 40°13'09" W.	127.92'
12-59	S. 23°03'03" W.	180.57'
12-60	S. 0°36'31" W.	168.13'
12-61	S. 8°08'17" E.	163.82'
12-62	S. 13°11'43" E.	150.97'
12-63	S. 76°42'44" F.	184.99'
12-64	S. 40°16'51" E.	335.98'
12-65	S. 50°01'18" E.	135.97'
12-66	S. 59°53'50" E.	127.68'
12-67	S. 64°34'05" E.	128.17'
12-68	S. 78°52'24" E.	172.45'
12-69	S. 86°46'58" E.	138.05'
12-70	N. 87°09'34" E.	218.69'
12-71	N. 80°42'00" E.	255.91'
12-72	N. 67°11'09" E.	299.86'
12-73	N. 53°00'57" E.	239.08'

Meanders of the Left Bank, Mauneluk River

Section 12, Lot 3A		
No.	Bearing	Length
12-74	N. 50°36'45" W.	25.00'
12-75	N. 37°55'22" W.	124.66'
12-76	N. 31°42'17" W.	163.43'
12-77	N. 24°25'24" W.	160.84'
12-78	N. 16°28'05" W.	112.09'
12-79	N. 12°44'45" W.	164.17'
12-80	N. 27°10'57" W.	114.06'
12-81	N. 22°50'00" W.	334.36'
12-82	N. 34°52'03" W.	259.77'
12-83	N. 59°21'44" W.	77.29'
12-84	N. 64°11'59" W.	78.95'
12-85	N. 80°41'39" W.	53.39'
12-86	S. 29°15'07" W.	50.37'
12-87	S. 64°42'23" W.	288.61'
12-88	S. 31°01'00" W.	227.99'
12-89	S. 26°59'03" W.	142.81'
12-90	S. 16°41'00" W.	159.50'
12-91	S. 6°31'21" W.	207.07'
12-92	S. 5°18'40" W.	163.75'
12-93	S. 15°28'57" E.	125.06'
12-94	S. 29°24'30" E.	163.05'
12-95	S. 34°19'11" E.	332.76'
12-96	S. 38°59'45" E.	145.87'
12-97	S. 48°05'33" E.	212.82'

Section 12, Lot 3A (Cont.)		
No.	Bearing	Length
12-98	S. 48°05'33" E.	212.82'
12-99	S. 48°05'33" E.	212.82'
13-00	S. 48°05'33" E.	212.82'

Gross Area and Riparian Buffer		
Section	Total (Gross) Lot Area	Riparian Buffer
Section 1	275.14 Ac.	None
Lot 1A	275.14 Ac.	None
Lot 2A	3.37 Ac.	None
Section 12	54.46 Ac.	None
Lot 1A	113.86 Ac.	None
Lot 2A	113.86 Ac.	None
Lot 3A	40.57 Ac.	None



DATE OF SURVEY: BEGINNING: 6/26/2009 ENDING: 7/15/2012		NAME OF SURVEYOR: McClimack Land Associates (AECC596) 18942 N. Eagle River Ln., Rd. Eagle River, AK 99577 Phone: (907) 694-4499	
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND & WATER ANCHORAGE, ALASKA			
ALASKA STATE CADASTRAL SURVEY NO. 2009-24			
CREATING LOTS 1A AND 2A SECTION 12 LOTS 1A, 2A, AND 3A SECTION 12 LOTS 1A AND 2A SECTION 13 LOTS 1A, 2A, AND 3A SECTION 24 LOTS 1A AND 2A SECTION 34 LOTS 1A, 3A, AND 5A SECTION 35 LOT 1A, SECTION 36			
LOCATED WITHIN SURVEYED SECTIONS 1, 12, 13, 24, 34, 35, AND 36 TOWNSHIP 18 NORTH, RANGE 12 EAST KATEEL RIVER MERIDIAN, ALASKA			
CONTAINING 2885 26 AGRFS KOTZEBUE RECORDING DISTRICT			
DRAWN BY: MPF		APPROVAL RECOMMENDED <i>Kevin Brown</i> 4/29/2021	
DATE: 1/25/2021		STATEWIDE PLATTING SUPERVISOR DATE	
SCALE: 1"=500'		CHECKED BY: FILE NO. ASCS 20090024	

Attachment D