

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 233392
BLM FF015287, Parcel B

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) for ADL 233392, issued on May 30, 2024.

I. Recommended Action

On May 30, 2024, 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, parcels containing an aggregate of 40.00 acres, more or less, of wrongfully conveyed state land described as Lots 1 and 2, U.S. Survey No. 13841 and is located within Section 1, Township 16 North, Range 12 East, and Section 6, Township 16 North, Range 13 East, Copper River Meridian in the Fairbanks Recording District. These parcels are claimed by Edward Sanford as his Native Allotment. There are no changes to the stipulations outlined in the PD. See Attachment A.

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, AS 38.05.830 Land Disposal in the Unorganized Borough, 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 May 30, 2024, to July 2, 2024;
- Mailed, with a request to post for 30 days, to the postmasters in Tanacross and Tok per AS 38.05.945(c)(4) Notice;
- Mailed to the regional and village corporations per AS 38.05.945(c)(2)-(3) Notice (Tanacross Incorporated, Tetlin Native Corporation, and Doyon Limited); and
- Mailed to the heirs of Edward Sanford, Tanana Chiefs Conference, Native Village of Tanacross, Native Village of Tetlin 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. Tuesday, July 2, 2024, in order to ensure consideration and eligibility to appeal. For more information, refer to the PD. See Attachment A.

IV. Comments Received

No written comments were received during the public comment period.

V. Traditional Use Finding

This parcel is in the Unorganized Borough and a traditional use finding is required. No information was received concerning traditional use outside the use by the Native allottee.

VI. Modifications to Decision and Stipulations

The recommended action has not been modified from the original proposed action described in the PD of May 30, 2024. An updated title report was received on March 3, 2025. No new information was discovered. These parcels are described as:

Lots 1 and 2, U.S. Survey No. 13841, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on November 9, 2020, and officially filed on December 21, 2021, aggregating 40.00 acres, more or less.

Situated in the Fairbanks 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 these parcels 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 each side of the surveyed section line in common with Section 1, Township 16 North, Range 12 East, Copper River Meridian, and Section 6, Township 16 North, Range 13 East, Copper 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;
- (b) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the mean high-water mark along the Tok River within Section 1, Township 16 North, Range 12 East, Copper River Meridian, and Section 6, Township 16 North, Range 13 East, Copper 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
- (c) All other valid existing rights, including reservations, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions reservations, notes of the plat, and restrictions of record, if any.

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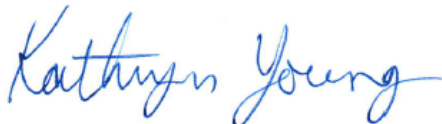
The Division of Oil and Gas and DMLW have determined that it is not in the State's best interest to retain the mineral estate. The mineral estate will not be retained pursuant to AS 38.05.035(e) Powers and Duties of the Director. The State will receive an acreage credit for the lands.

Any reservations in the patent or the tentative approval 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.



March 20, 2025

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.



March 20, 2025

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 an
Alaska Native Allotment in the Unorganized Borough**

**PRELIMINARY DECISION
ADL 233392
BLM No. FF015287, Parcel B**

PUBLIC COMMENT PERIOD ENDS 3:00 P.M., TUESDAY, JULY 2, 2024

I. Proposed Action

Preliminary Decision: Edward Sanford Native Allotment, Parcel B – ADL 233392

Attachment A: Vicinity Map

Attachment B: Public Notice

Attachment C: U.S. Survey 13841

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, Lots 1 and 2, U.S. Survey No. 13841, aggregating 40.00 acres, more or less, 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. FF015287, Parcel B claimed by Edward Sanford. 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 38.05.035(b)(9) Power and Duties of the Director, AS 38.05.830 Land Disposal in the Unorganized Borough, and the settlement authority of the Attorney General in accordance with *Aguilar*.

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III. Administrative Record

The DNR case file ADL 233392 and BLM case file FF015287, Parcel B, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Eastern Tanana Area Plan for State Lands (ETAP, adopted August 8, 2015) and associated land classification files; and
- DNR case file GS 882 and GS 4597.

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(b)(9) 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

Located in DNR's Northern Region and the Unorganized Borough, the subject parcel is approximately nine miles south of Tok and within Section 1, Township 16 North, Range 12 East, Copper River Meridian and Section 6, Township 16 North, Range 13 East, Copper River Meridian. The subject parcel consists of 40.00 acres, more or less, identified for reconveyance by this proposed action. See *Attachment A: Vicinity Map* for a depiction of the subject parcel.

USGS Map Coverage: Tanacross A-5

Borough/Municipality: Unorganized Borough

Native Councils and Corporations: The subject parcel is within the boundaries of Doyon Regional Corporation. Tok, Tanacross, and Tetlin are within 25 miles of this proposed action. Notice will be sent to the Tanacross Incorporated, Native Village of Tanacross, Native Village of Tetlin, Tetlin Native Corporation, and Tanana Chiefs Conference.

VI. Legal Description

Lots 1 and 2, U.S. Survey No. 13841, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on November 9, 2020, and officially filed on December 21, 2021, aggregating 40.00 acres, more or less.

Situated in the Fairbanks Recording District.

VII. Title

The State received title to the land in Township 16 North, Range 12 East, Copper River Meridian on May 1, 1964, under a Tentative Approval. The State file is GS 882 (BLM F 028163). Title Report No. 11621 was issued on April 16, 2019. No third-party interests were identified. The parcel is subject to the reservations, easements, and exceptions contained in the Tentative Approval dated May 1, 1964.

The State received title to the land in Township 16 North, Range 13 East, Copper River Meridian on June 25, 1990, under a Patent 50-90-0325. The State file is GS 4597 (BLM

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FF079542). Title Report No. 11621 was issued on April 16, 2019. No third-party interests were identified. The parcel is subject to the reservations, easements, and exceptions contained in Patent 50-90-0325 dated June 25, 1990.

An updated title report has been requested; if any concerns are discovered, they will be addressed in the FFD.

Acquisition: The State filed selection application GS 882 (BLM F 028163) for Township 16 North, Range 12 East, Copper River Meridian on July 27, 1961. The State filed selection application GS 4597 (BLM FF079542) for Township 16 North, Range 13 East, Copper River Meridian on February 19, 1982.

Restrictions: For Township 16 North, Range 12 East, Copper River Meridian, the Tentative Approval contains a reservation for a right-of-way channel change (F-030060) and three right-of-way material sites (F-025372, F-029021 and F-030675), under the Act of August 27, 1958, (72 Stat. 885; 23 U.S.C. Sections 107, 317); a reservation for canals and ditches under the Act of August 30, 1890 (26 Stat. 391); a reservation to the United States of a right-of-way for the construction of railroads, telegraph and telephone lines under the Act of March 12, 1914 (38 Stat. 305); and will be subject to easements as established by Public Land Order 1613 (23 F.R. 2376) pursuant to the Act of August 1, 1956 (70 Stat. 898; 48 U.S.C. Section 420-420c) for highway purposes including appurtenant protective scenic and service areas.

For Township 16 North, Range 13 East, Copper River Meridian, 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:

- Edward Sanford began his independent use and occupancy of the subject lands in 1960 according to documentation in DNR case file ADL 233392.
- His Native allotment application was reconstructed on September 28, 1988, after it was determined that the Bureau of Indian Affairs (BIA) had lost a set of applications from the Tanacross area. This reconstructed application was filed with BLM on January 6, 1989.
- The State filed selection application GS 882 for Township 16 North, Range 12 East, Copper River Meridian on July 27, 1961, and received title by Tentative Approval on June 5, 1964, and selection application GS 4597 for Township 16 North, Range 13 East, Copper River Meridian on February 19, 1982, and received title by Patent on June 25, 1990.
- BLM determined Native allotment application FF015287, Parcel B, valid on April 17, 2007.
- The State received a request for reconveyance on July 20, 2010.
- BLM surveyed the 40.00-acre parcel and issued U.S. Survey No. 13841 in 2021.

IX. Planning, Classification, and Mineral Orders

For Township 16 North, Range 12 East, Copper River Meridian:

1. *Planning:* The subject parcel is located within the Upper Tanana Region of the Eastern Tanana Area Plan adopted on August 28, 2015, in Unit L-01 and within the Tanana Valley State Forest. As the plan states, the previous land classification order NC-82-065 is retained

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and still in effect. Recommended land use within this unit continues with management according to the Tanana Valley State Forest management plan and in accordance with the purposes for establishment of the forest in AS 41.17.400. The designation for the subject parcel continues to be Forestry. This designation converts to the classification of Forest Land.

2. *Land Use Classification:* The State classified the subject parcel as Forest Land under Classification Order CL NC-82-065 based on ETAP, adopted August 28, 2015. As this reconveyance falls under AS 38.05.035(b)(9) Powers and Duties of the Director, and pursuant to AS 38.05.035(c) Powers and Duties of the Director, this parcel of land may be reconveyed without classification or reclassification under AS 38.05.300 Classification of Land.
3. *Mineral Order/Mining:* The parcel is not subject to a mineral order. The parcel has mining claims abutting on three sides. As these claims exclude the Native allotment, none overlap with the allotment.
4. *Local Planning:* This parcel does not exist within any local planning unit.

For Township 16 North, Range 13 East, Copper River Meridian:

1. *Planning:* The subject parcel is located within the Upper Tanana Region of the Eastern Tanana Area Plan adopted on August 28, 2015, in Unit U-43. The designation for the subject parcel is Habitat. This designation converts 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-10-004 based on ETAP, adopted August 28, 2015. As this reconveyance falls under AS 38.05.035(b)(9) Powers and Duties of the Director, and pursuant to AS 38.05.035(c) Powers and Duties of the Director, this parcel of land may be reconveyed without classification or reclassification under AS 38.05.300 Classification of Land.
3. *Mineral Order/Mining:* The parcel is not subject to a mineral order. The parcel has mining claims abutting on three sides. As these claims exclude the Native allotment, none overlap with the allotment.
4. *Local Planning:* This parcel does not exist within any local planning unit.

X. Traditional Use Finding

In accordance with AS 38.05.830 Land disposal in the Unorganized Borough, a traditional use finding is required if the subject parcel is within the Unorganized Borough. This parcel is within the Unorganized Borough, and a traditional use finding is required. 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: This parcel is ¼ mile from the Tok Cutoff Highway across state owned land and is adjacent to the Tok 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 Tok River, which has been determined to be navigable, public, and anadromous. The Tok River has significant public boating use, including use by hunters for access, and fishing. A review of the subject parcel, the surrounding area, and land ownership shows that there is state land on either side of the parcel along the river. Therefore, a 50-foot public access easement from mean high water (MHW) is required per AS 38.05.127 Access To Navigable or Public Water. To deny a 50-foot public access easement on the subject parcel would create a discontinuous easement along the river.

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-foot 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 township line within this parcel has been surveyed and will be subject to a 50-foot section line easement on either side of the township line.

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 each side of the surveyed section line in common with Section 1, Township 16 North, Range 12 East, Copper River Meridian, and Section 6, Township 16 North, Range 13 East, Copper 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;
- (b) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the mean high-water mark along the Tok River within Section 1, Township 16 North, Range 12 East, Copper River Meridian, and Section 6, Township 16 North, Range 13 East, Copper 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
- (c) All other valid existing rights, including reservations, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue

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thereof; easements, rights-of-way, covenants, conditions reservations, notes of the plat, and restrictions of record, 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 13841*.

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 November 15, 2023, to December 15, 2023. 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 from the following agencies: DNR Division of Parks and Outdoor Recreation, and Alaska Department of Transportation and Public Facilities.

DNR DMLW LCS response: Thank you for your review.

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 mineral estate will not be reserved.

Comments from Alaska Department of Fish and Game: ADFG has no objection and asks that the following best practices be passed along to the allottee.

All activities adjacent to the Tok River should be conducted in a way to minimize riparian damage. Clear cutting up to the river bank should be avoided to prevent future erosion potential. Any water work below the ordinary high-water mark will need a Fish Habitat

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Permit from the Fairbanks Habitat Section office. The allottee can email Habitat if there are additional questions at dfg.hab.infofai@alaska.gov.

DNR DMLW LCS response: Thank you for the information. The suggested best practices will be shared with the allottee through this decision.

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.

In accordance with AS 38.05.946(a) Hearings, a municipality or corporation entitled to receive notice under AS 38.05.945(c) Hearings 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 Final Finding and Decision, 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.

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 P.M., TUESDAY, JULY 2, 2024**

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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**. 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. Sanford's Native Allotment application to be valid on April 17, 2007. 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.

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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 is 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.



May 30, 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



May 30, 2024

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

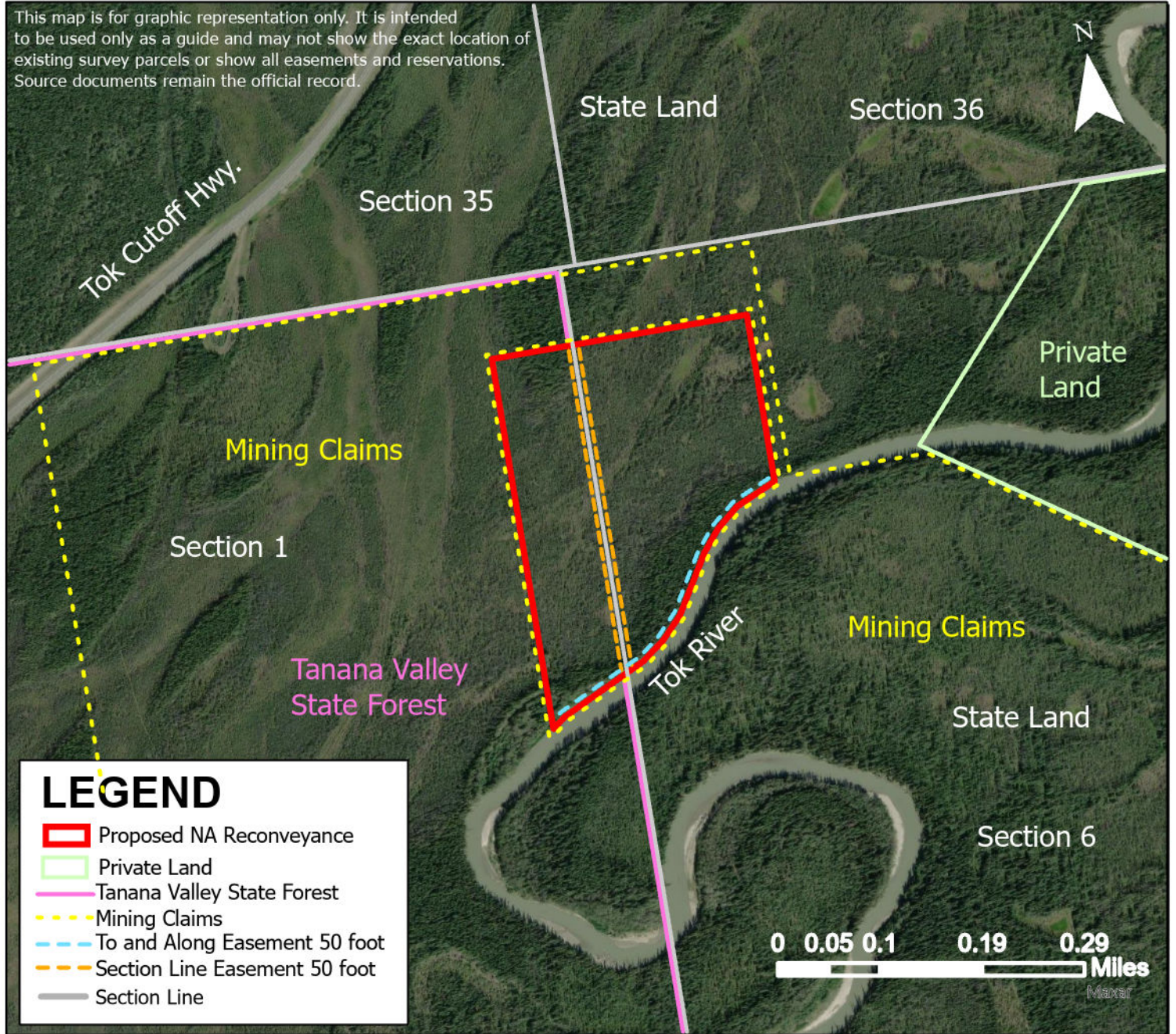
Date



Attachment A: Vicinity Map

Edward Sanford Native Allotment, ADL 233392 / BLM FF015287-B

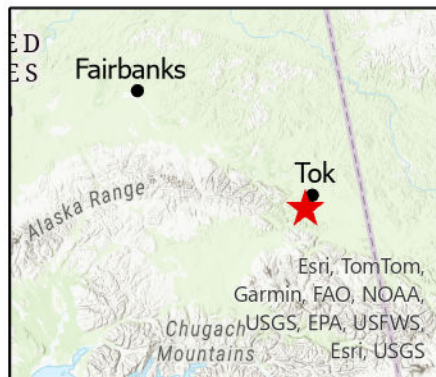
This map is for graphic representation only. It is intended to be used only as a guide and may not show the exact location of existing survey parcels or show all easements and reservations. Source documents remain the official record.



Section 1, T. 16 North, R. 12 East, and Section 6, T. 16 North, R. 13 East, Copper River Meridian

USGS Quad 1:63,360 Tanacross A-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



**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 233392
AS 38.05.035**

COMMENT PERIOD ENDS 3:00 P.M., TUESDAY, JULY 2, 2024

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 nine miles south of Tok, near MP 115, Tok Cutoff Highway. The legal description for the parcel is Lots 1 and 2, U.S. Survey No. 13841, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on November 9, 2020, and officially filed on December 21, 2021, aggregating 40.00 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 p.m., Tuesday, June 25, 2024.

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 p.m., TUESDAY, JULY 2, 2024.** 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

Officially Filed

DATE December 21, 2021

ORIGINAL

Sheet 1 of 2 Sheets

U.S. SURVEY No. 13841, ALASKA DEPENDENT RESURVEY AND SURVEY

This plat (in two sheets) contains the entire survey record. See sheet 2 for the history of surveys and monumentation details.

The direction and length of lines were determined by Global Navigation Satellite Systems (GNSS) Real-Time Kinematic (RTK) observations. The direction of each line is with reference to the true meridian. All bearings are true mean bearings. All distances are horizontal distances reduced to their sea level equivalent. No lines were brushed or marked between corners.

This survey was executed by Seth K. Kiester, Cadastral Surveyor, on August 14 through October 30, 2019, in accordance with the specifications set forth in the Manual of Surveying Instructions (2009). Special Instructions dated May 16, 2019, approved June 13, 2019, and Assignment Instructions dated July 17, 2019.

Field assistants were:

Mark R. Daavettila, Survey Technician
Jason P. Gaudreau, Survey Technician
Philip B. Lasonen, Survey Technician
Erin M. O'Leary, Survey Technician
Kyle F. Oakes-Jettie, Survey Aid
Stephen K. Vindler, Survey Aid

Area Surveyed: 40.00 Acres

The geographic position of corner No. 3, Lot 1, identical to corner No. 2, Lot 2, U.S. Survey No. 13841, in NAD 83 (2011), epoch 2010.00, as determined by GNSS observation utilizing the National Geodetic Survey Online Positioning Users Service (OPUS), to a Network Accuracy with a maximum peak-to-peak separation for each component of the computed position, of less than or equal to 0.05 meter, as defined in the Bureau of Land Management's Standards for the Positional Accuracy of Cadastral Surveys When Using Global Navigation Satellite Systems (GNSS), dated February 23, 2009, is:

Latitude: 65° 12' 21.016" North NAD 83
Longitude: 143° 02' 12.609" West

The mean magnetic declination observed during the execution of this survey was found to be 22 1/4° E.

This survey is situated along the left bank of the Tok River, approximately 9 miles southerly of Tok, Alaska, within Townships 16 North, Ranges 12 and 13 East, Copper River Meridian, Alaska.

The terrain is level ground. Elevation varies from 1770 to 1790 feet above sea level. Vegetation consists mostly of dense spruce and willow brush.

Access to the survey was by foot, utility terrain vehicle, and helicopter.

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

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

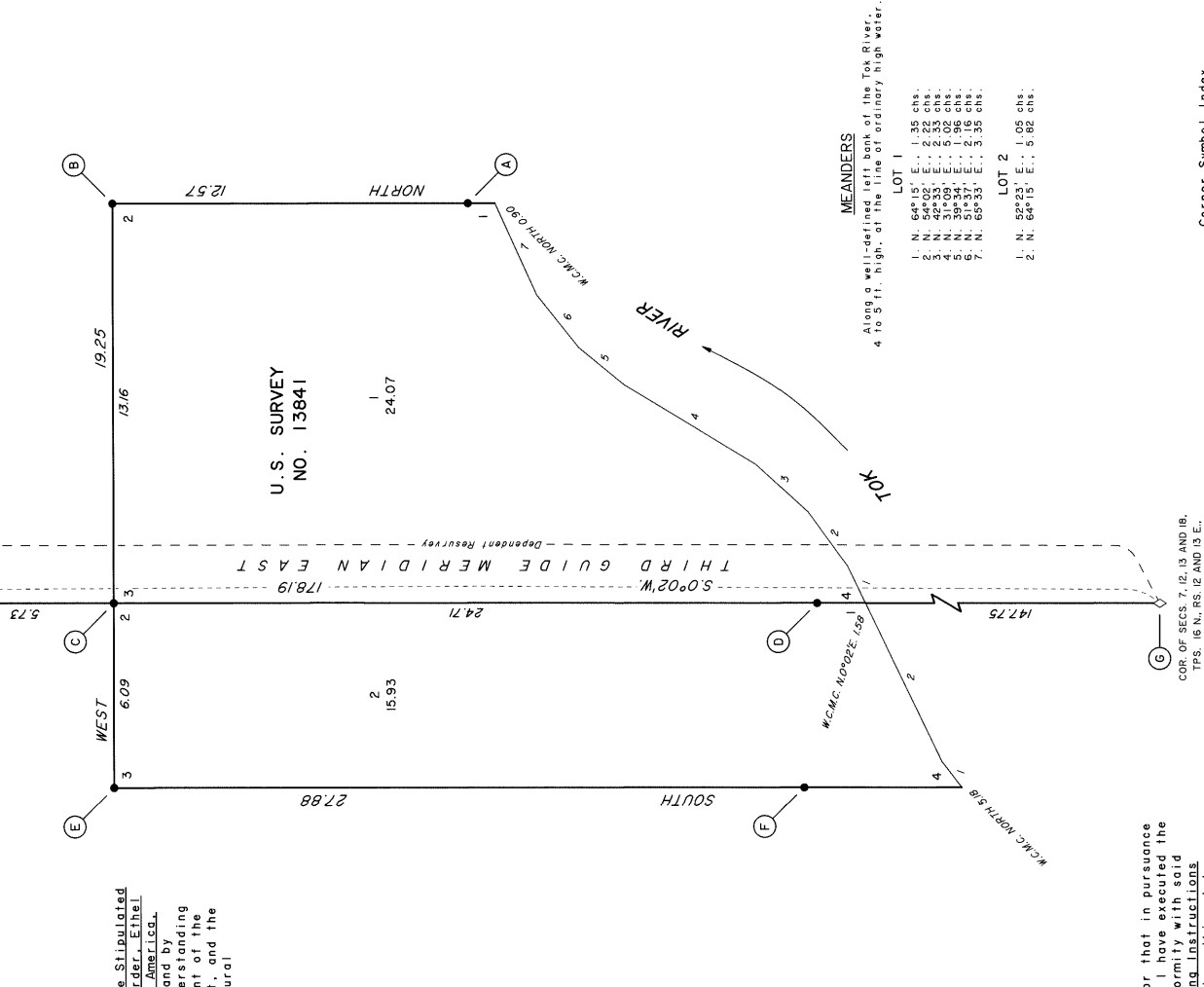
For the Director

[Signature] Date November 9, 2020

Chief Cadastral Surveyor for Alaska

U.S. Survey No. 13841, Alaska

COR. OF
TPS. 16 N., RS. 12 AND 13 E.,
C.R.M., ALASKA



This survey was conducted under The Stipulated Procedures for Implementation of Order Ethel Anderson 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.



Mean
Magnetic
Declination
22 1/4° E.

MEANDERS
Along a well-defined left bank of the Tok River,
4 to 5 ft. high, at the line of ordinary high water.

- LOT 1
1. N. 64°15' E.: 1.35 chs.
 2. N. 54°02' E.: 2.22 chs.
 3. N. 31°09' E.: 5.02 chs.
 4. N. 35°34' E.: 1.96 chs.
 5. N. 35°34' E.: 1.96 chs.
 6. N. 65°33' E.: 3.35 chs.
 7. N. 65°33' E.: 3.35 chs.

- LOT 2
1. N. 52°23' E.: 1.05 chs.
 2. N. 64°15' E.: 3.82 chs.

Corner Symbol Index

- ◊ = Original Corner
- = New Corner Monumented

I, Seth K. Kiester, HEREBY CERTIFY upon honor that in pursuance of Special Instructions dated May 16, 2019, I have executed the survey depicted on this plat in strict conformity with said Special Instructions, the Manual of Surveying Instructions (2009), and in the specific manner described on this plat.

Date 10/26/20 *[Signature]* Cadastral Surveyor

EMO/SJK