

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

FINAL FINDING AND DECISION

for

Reconveyance of Alaska Native Allotment Case File

ADL 234285

BLM AA051166, Parcel D

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) for ADL 234285, issued on November 5, 2024.

I. Recommended Action

On November 5, 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 a parcel of wrongfully conveyed state land located within Sections 22, 23, 26, and 27, Township 25 North, Range 25 West, Seward Meridian. The parcel is described as U.S. Survey No. 12578, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on June 4, 2001, and officially filed on June 22, 2001, containing 20.00 acres, more or less, in the Kuskokwim Recording District. The parcel is claimed by Robert Vanderpool Jr. as his Native Allotment. There are no changes to the stipulations outlined in the attached PD.

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 November 5, 2024, to December 12, 2024;
- Mailed, with a request to post for 30 days, to the postmaster in Nikolai per AS 38.05.945(c)(4) Notice;
- Mailed to the regional and village corporations per AS 38.05.945(c)(2)-(3) Notice (Doyon Limited); and
- Mailed to Robert Vanderpool Jr. (allottee), Tanana Chiefs Conference, Alaska Legal Services Corporation, Bureau of Land Management, and Bureau of Indian Affairs.

The public notice stated that written comments must be received by 3:00 p.m. Thursday, December 12, 2024, 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

This parcel is in the Unorganized Borough and a traditional use finding as defined by AS 38.05.830 is required. No information was received concerning traditional use outside of 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 November 5, 2024. An updated title report, Title Report No. 23480, was received on May 13, 2025. No new information was discovered. This parcel is described as:

U.S. Survey No. 12578, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on June 4, 2001, and officially filed on June 22, 2001, containing 20.00 acres, more or less.

Situated in the Kuskokwim 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 land 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 Sections 22 and 23, and Sections 26 and 27, Township 25 North, Range 25 West, Seward 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 along each side of the surveyed section line in common with Sections 22 and 27, and Sections 23 and 26, Township 25 North, Range 25 West, Seward 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;
- c) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the ordinary high-water mark along the side of the unnamed tributary of the Windy Fork, also known as the Middle Fork Kuskokwim River within USS 12578, 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

Final Finding and Decision

ADL 234285

Page 3 of 4

- d) 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.

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.



May 29, 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.



May 29, 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

Final Finding and Decision

ADL 234285

Page 4 of 4

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 234285
BLM AA051166, Parcel D**

PUBLIC COMMENT PERIOD ENDS 3:00 P.M., THURSDAY, DECEMBER 12, 2024

I. Proposed Action

Preliminary Decision: Robert Vanderpool Jr. Native Allotment – ADL 234285

Attachment A: Vicinity Map

Attachment B: Public Notice

Attachment C: U.S. Survey 12578

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, U.S. Survey No. 12578, containing 20.00 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. AA051166, Parcel D claimed by Robert Vanderpool Jr. 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*.

Preliminary Decision

ADL 234285

Page 2 of 8

III. Administrative Record

The DNR case file ADL 234285 and BLM case file AA051166, Parcel D, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Kuskokwim Area Plan for State Lands (KAP, adopted May 19, 1988) and associated land classification files; and
- DNR case file GS 2165.

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 Southcentral Region and the Unorganized Borough, the subject parcel is approximately 56 miles south of Nikolai and within Sections 22, 23, 26, and 27, Township 25 North, Range 25 West, Seward Meridian. The subject parcel consists of 20.00 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: McGrath A-2

Borough/Municipality: Unorganized Borough

Native Councils and Corporations: The subject parcel is within the boundaries of Doyon Regional Corporation. There are no native villages within 25 miles of this proposed action. Notice will be sent to the Tanana Chiefs Conference.

VI. Legal Description

U.S. Survey No. 12578, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on June 4, 2001, and officially filed on June 22, 2001, containing 20.00 acres, more or less.

Situated in the Kuskokwim Recording District.

VII. Title

The State received title to the land on January 23, 1976, under a Tentative Approval. Patent 50-2016-0093 was issued on September 15, 2016. The State file is GS 2165 (BLM FF015379). No third-party interests were identified. The parcel is subject to the reservations, easements, and exceptions contained in Patent 50-2016-0093 dated September 15, 2016. 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 2165 (BLM FF015379) for Township 25 North, Range 25 West, Seward Meridian on February 1, 1972.

Preliminary Decision

ADL 234285

Page 3 of 8

Restrictions: 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.

VIII. Background

The following events for this case are:

- Robert Vanderpool Jr. began his independent use and occupancy of the subject lands in 1967 according to documentation in DNR case file ADL 234285.
- His Native allotment application was reconstructed on June 1, 1983, after it was determined that the Bureau of Indian Affairs (BIA) had lost the original application signed in July 1971. Also on June 1, 1983, he signed consent and agreed to be a member of the plaintiff class in *Barr vs US*, 1982. Through *Barr vs US*, Mr. Vanderpool's application is deemed timely filed.
- The State filed selection application GS 2165 for Township 25 North, Range 25 West, Seward Meridian on February 1, 1972, and received title by Tentative Approval on January 23, 1976, and Patent on September 15, 2016.
- BLM surveyed the 20.00-acre parcel and issued U.S. Survey No. 12578 in 2001.
- BLM determined Native allotment application AA051166, Parcel D, valid on March 20, 2004.
- The State received a request for reconveyance on January 6, 2005.

IX. Planning, Classification, and Mineral Orders

1. *Planning:* The subject parcel is located within Subunit 13a within the North Alaska Range Management Unit of the Kuskokwim Area Plan adopted on May 19, 1988. The plan designates the subject parcel as Public Recreation and Wildlife Habitat. These designations convert to the classifications of Public Recreation Land and Wildlife Habitat Land.
2. *Land Use Classification:* The State classified the subject parcel as Public Recreation Land and Wildlife Habitat Land under Classification Order CL SC-88-001A13 based on KAP, adopted May 19, 1988. 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:* The parcel is not subject to a mineral order.
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 primarily accessed by plane.

Preliminary Decision

ADL 234285

Page 4 of 8

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 near an unnamed tributary of the Windy Fork Middle Fork Kuskokwim River, which has been determined to be public. The edge of the parcel is less than 50 feet from the creek. 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.

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 section lines affecting this parcel are protracted section lines which have not been field surveyed or monumented on the ground. Therefore, the exact location of the section lines and attached section line easements are unknown. These section line easements cannot be used until the section lines and said easements have been surveyed and monumented by a licensed Professional Alaska Surveyor. If the section line is on or bordering State land the survey must be accomplished under instructions from the State of Alaska DNR. The estimated location of these easements is shown on *Attachment A: Vicinity Map*.

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 Sections 22 and 23, and Sections 26 and 27, Township 25 North, Range 25 West, Seward 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 along each side of the surveyed section line in common with Sections 22 and 27, and Sections 23 and 26, Township 25 North, Range 25 West, Seward 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;
- (c) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the ordinary high-water mark along the side of the unnamed tributary of the Windy Fork Middle Fork Kuskokwim River

Preliminary Decision

ADL 234285

Page 5 of 8

within USS 12578, 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, 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.

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 12578*.

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 February 20, 2024, to March 12, 2024. 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
- Alaska Department of Environmental Conservation
- Alaska Department of Fish and Game
- Alaska Department of Transportation and Public Facilities

DNR DMLW LCS response: Thank you for your review of this reconveyance.

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 as there is no energy potential around the parcel for oil and gas, or geothermal.

Preliminary Decision

ADL 234285

Page 6 of 8

DNR DMLW LCS response: Thank you for the information. The mineral estate will not be reserved.

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
- 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., THURSDAY, DECEMBER 12, 2024**

Preliminary Decision

ADL 234285

Page 7 of 8

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. Vanderpool's Native allotment application to be valid on March 20, 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

ADL 234285

Page 8 of 8

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.



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

November 5, 2024

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 5, 2024

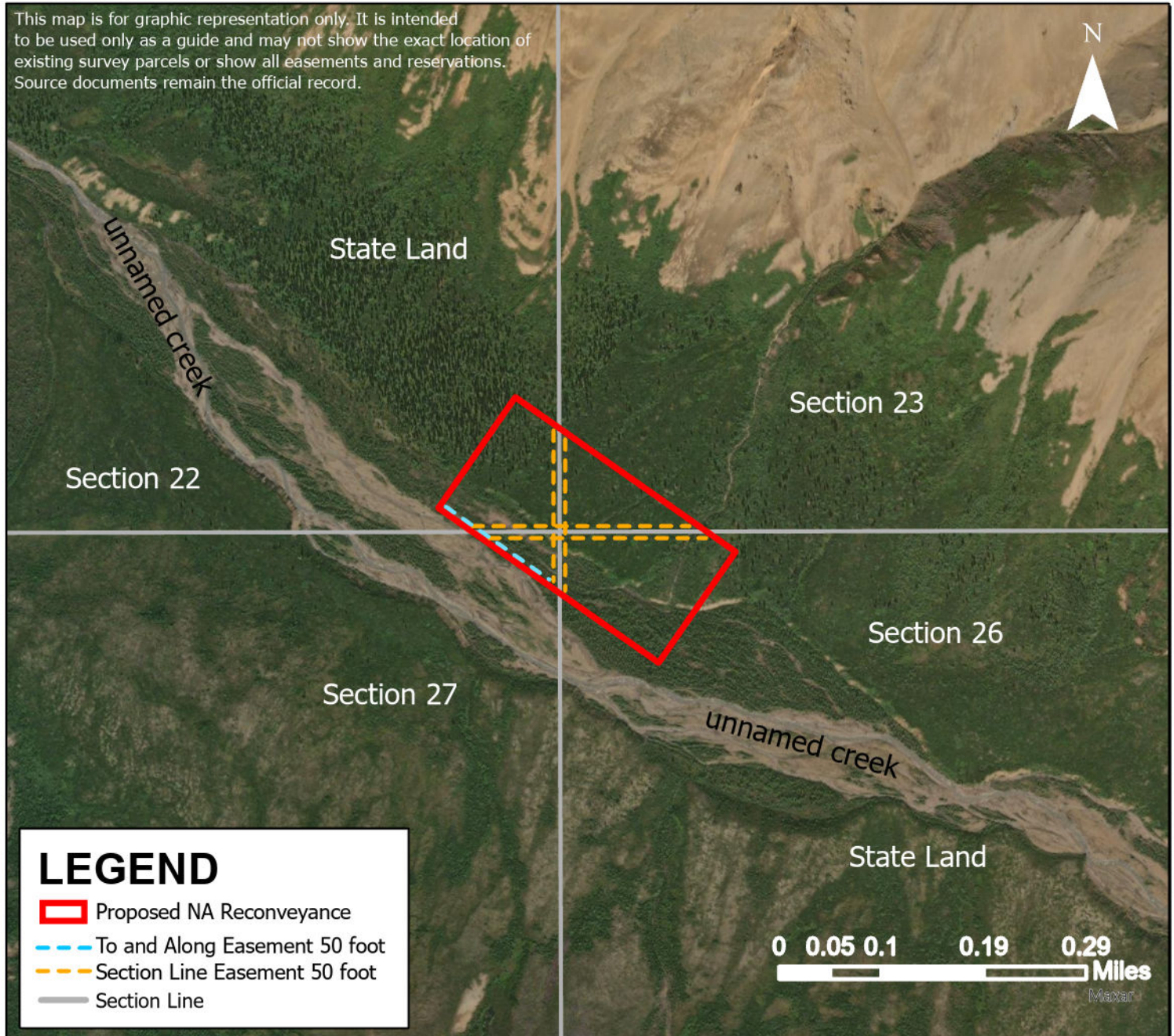
Date



Attachment A: Vicinity Map

Robert Vanderpool Jr. Native Allotment, ADL 234285 / BLM AA051166-D

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 22, 23, 26, and 27, Township 25 North,
Range 25 West,
Seward Meridian**

USGS Quad 1:63,360: McGrath A-2

For more information contact:

Kathryn Young

Department of Natural Resources

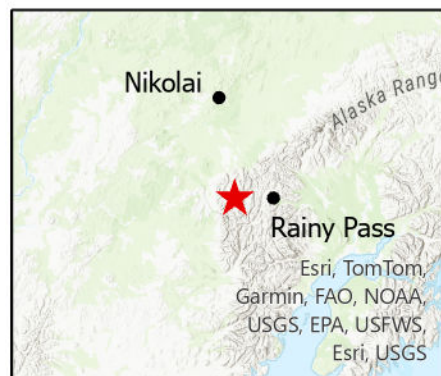
Division of Mining, Land and Water

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**

**Requesting Input for Proposed
Native Allotment Reconveyance - ADL 234285
AS 38.05.035(b)(9)**

COMMENT PERIOD ENDS 3:00 P.M., THURSDAY, DECEMBER 12, 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 63 miles south of Nikolai. The legal description for the parcel is U.S. Survey No. 12578, Alaska, according to the plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on June 4, 2001, and officially filed on June 22, 2001, containing 20.00 acres, more or less.

To obtain the notice, Preliminary Decision (PD), or instructions on submitting comment, go to <http://dnr.alaska.gov/mlw/landsales/> 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 3:00 p.m., Thursday, December 5, 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., THURSDAY, DECEMBER 12, 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 JUNE 22, 2001

ORIGINAL

U.S. SURVEY No. 12578, ALASKA

This plat contains the entire survey record.

Township 25 North, Range 25 West, Seward Meridian, Alaska, was surveyed by protraction under State Selection Survey, Group No. 311, Area B, Seward Meridian, Alaska. The plat was accepted September 20, 1974.

This survey was executed by Eric Stahlke, Registered Alaska Land Surveyor No. LS-6945, for Tanana Chiefs Conference, Inc., June 28, 2000 through July 17, 2000, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions dated February 22, 1999, approved July 27, 1999, Amended Special Instructions dated July 11, 2000, approved July 13, 2000, under Contract No. NAC 00 0036, awarded January 28, 2000, and Notice to Proceed dated June 13, 2000.

Field assistants were:

Todd A. Jantzi, Land Surveyor
Robert F. Paul, Jr., Survey Technician
Melvin J. Nikolai, Survey Technician
Adam J. Nikolai, Survey Technician

Area: 20.00 Acres.

The azimuth was obtained from the Global Positioning System, using static relative positioning techniques and refers to the true meridian.

The geographic position of corner No. 3, as determined from a direct tie to National Geodetic Survey Triangulation Station "FAREWELL ET", using the Global Positioning System and static relative positioning techniques, is:

Latitude: 62°14'14.22" North

NAD 27

Longitude: 153°52'23.56" West

The magnetic declination was observed during the execution of this survey.

This survey is situated on a tributary to Windy Fork Kuskokwim River, approximately 55 miles southerly of the village of Nikolai, Alaska, within Township 25 North, Range 25 West, Seward Meridian, Alaska.

The land is generally level along old flood channel and rising up on a southwesterly facing slope with vegetation consisting of spruce, alder, willow, moss and grass. The soil consists of rocks, sand, silty loam and permafrost.

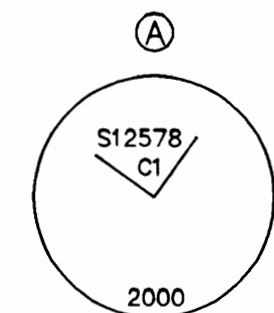
Access to the parcel was by helicopter.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.

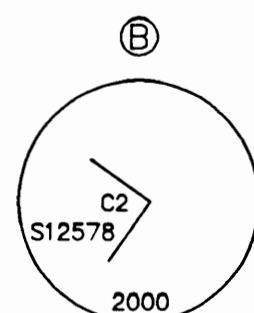
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

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.

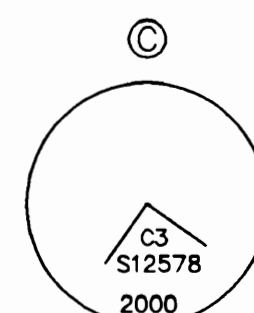
For the Director
Thomas M. Deiling 04 June 2001
Date
Acting
Deputy State Director for Cadastral Survey, Alaska



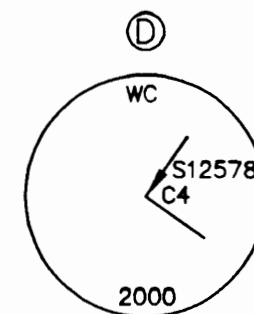
Set a stainless steel post, 28 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mkd. as shown, from which a magnet, in a metallic silver plastic case, bears N. 80° E., 15 lks. dist., buried 18 ins. below the ground.
A magnet, in a fluorescent orange plastic case, bears N. 10° W., 15 lks. dist., buried 18 ins. below the ground.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Monument is located on level ground in old creek bed overgrown with willow and brush.



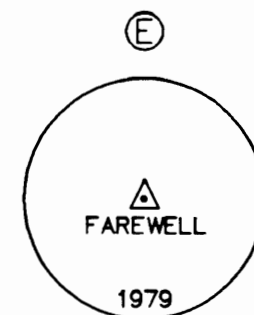
Set a stainless steel post, 28 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mkd. as shown, from which a spruce, 8 ins. diam., bears S. 62 1/2° E., 88 lks. dist., mkd. X BT.
A spruce, 7 ins. diam., bears S. 46 1/2° W., 87 lks. dist., mkd. C2 S12578 BT.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Monument is located on gentle southwesterly facing slope among spruce and alder.



Set a stainless steel post, 28 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, encircled by a collar of stone, 1 1/2 ft. diam. to top of post, with brass cap mkd. as shown, from which a spruce, 7 ins. diam., bears N. 80 1/4° E., 34 lks. dist., mkd. X BT.
A spruce, 5 ins. diam., bears S. 23 1/4° E., 48 lks. dist., mkd. C3 S12578 BT.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Monument is located on moderate southwesterly facing slope among mature spruce and alder.

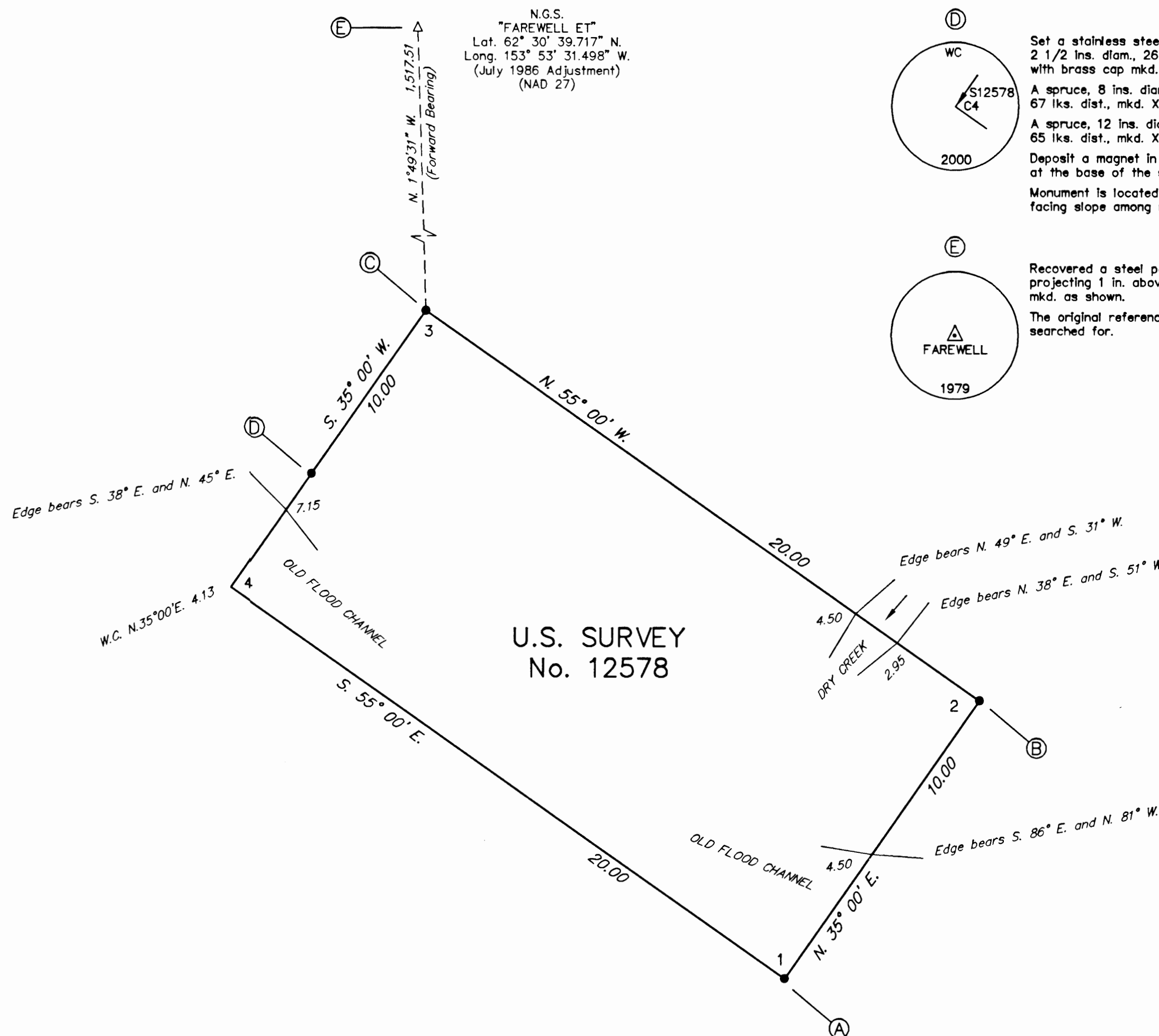
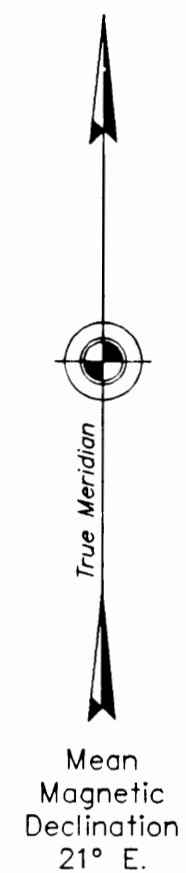


Set a stainless steel post, 28 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mkd. as shown, from which a spruce, 8 ins. diam., bears N. 54 1/4° E., 67 lks. dist., mkd. X BT.
A spruce, 12 ins. diam., bears N. 27° W., 65 lks. dist., mkd. X BT.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Monument is located on gentle southwesterly facing slope among mature spruce and alder.



Recovered a steel post, 1 in. diam., firmly set, projecting 1 in. above ground, with brass cap mkd. as shown.
The original reference marks were not searched for.

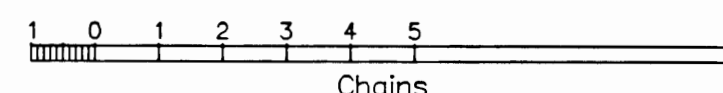
N.G.S.
"FAREWELL ET"
Lat. 62° 30' 39.717" N.
Long. 153° 53' 31.498" W.
(July 1986 Adjustment)
(NAD 27)



I, ERIC STAHLKE, Registered Alaska Land Surveyor No. LS-6945, for Tanana Chiefs Conference, Inc., HEREBY CERTIFY upon honor that, in pursuance of Special Instructions dated February 22, 1999, Amended Special Instructions dated July 11, 2000, and Contract No. NAC 00 0036, awarded January 28, 2000, I have executed the survey depicted on this plat in strict conformity with said Amended Special Instructions, the Manual of Instructions for the Public Lands of the United States, 1973, and in specific manner described on this plat.

MAY 7, 2001
Date

ERIC STAHLKE
Registered Land Surveyor



Attachment C

620B