

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 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. The original Final Finding and Decision issued on October 3, 2024, was rescinded on December 12, 2024. The Preliminary Decision issued on November 16, 2023, is still valid.

**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: Tentative Approval for Township 18 North, Range 13 East, Kateel River Meridian

Attachment B: Patent for Township 18 North, Range 13 East, Kateel River Meridian

Attachment C: Tentative Approval for Township 18 North, Range 12 East, Kateel River Meridian

Attachment D: Patent for Township 18 North, Range 12 East, Kateel River Meridian

Attachment E: Vicinity Map with Township Line

Attachment F: Agreement Regarding Conveyance to the State of Alaska, signed August 19, 1986, by BLM and DNR

Attachment G: Preliminary Decision issued on November 16, 2023

**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.

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**

Comments were received from one individual during the public comment period. These comments were divided into 15 separate comments and addressed below. The focus of the comments was the reservation of section lines or public access easements on the parcel as part of the reconveyance. The Preliminary Decision specified two types of easements to be placed on this land:

- 1) Section line easements as required by AS 19.10.010 Dedication of Land for Public Highways, and
- 2) To-and-along easements which follow public and navigable waters, as required by AS 38.05.127 Access to Navigable or Public Water.

Comment #1: We are writing to protest the reservation of the 50-foot section line and two 50-foot public access easements in the proposed reconveyance and Preliminary Decision. If the land cannot be reconveyed without the State's reservation of these section line easements, then we request that an examination of this case by the [U.S.] Justice Department be completed.

*DNR DMLW LCS Response:* As a state agency, LCS lacks the jurisdiction to bring this before the U.S. Department of Justice.

Comment #2: Alternatively, we request that DNR quitclaim the entire parcel to the heirs of Joseph Harvey. Reserving an access easement is not necessary to ensure free access to and along the water because there is alternative access across the river and on both sides of Allotment Parcel C. Limiting public access is necessary for subsistence. See 11 AAC 51.045.

*DNR DMLW LCS Response:* LCS is following regulation 11 AAC 51.045 Easements to and Along Navigable and Public Water. Most of the to-and-along easement along the bank of the Mauneluk River within the parcel was removed because alternate access exists on the opposite bank, where an AS 38.05.127 easement was reserved during the Northwest Arctic Borough's (NWAB) municipal entitlement survey. Additionally, that portion of the allotment directly east of the subject parcel was federal land deeded directly to the heirs of Joseph Harvey and does not include a to-and-along easement on the Mauneluk River, as AS 38.05.127 applies only to state land. Therefore, the to-and-along easement along the Mauneluk River is already discontinuous within the overall allotment.

To remove the to-and-along easement on the unnamed creek that goes through the allotment would be in opposition to 11 AAC 51.045. Removing this easement would create a discontinuous easement along the creek when traveling south from NWAB land along the unnamed creek and through the allotment to the Mauneluk River. The land on both sides of the allotment is NWAB land. Public access through these lands is not guaranteed except where section line easements and to-and-along easements are reserved.

When the allotment becomes private land, the owners may decide who can use their land, but the public needs a method to get beyond private land to public lands where they are allowed to conduct subsistence activities and other allowed uses. These easements provide that method.

Comment #3: The Preliminary Decision does not include the complete history regarding this allotment.

*DNR DMLW LCS Response:* LCS acknowledges that the PD does not include the complete historical record of this allotment. The PD summarizes key dates and events necessary to demonstrate the basis for reconveyance. The information provided in the PD is accurate and undisputed, and no additional historical details were submitted by the commenter for consideration.

Comment #4: BLM records confirm that Joseph Harvey used the land since May 1923, established his use and occupancy June 24, 1971. The State of Alaska did not apply for the General Grant until March 22, 1974 – post-dating Joseph Harvey's establishing his use and occupancy. The State admits it did not receive Tentative Approval until January 29, 1981, and its patent on September 29, 1987.

Since the general grant was “subject to valid existing rights” the State never received title to Parcel C and therefore cannot reserve section line or public access rights of way. Since the State never “owned” Parcel C, and it was later erroneously patented, there can be no “disposal” of an interest in State land. The State never lawfully had an interest to dispose of and no section line easement or access easement can be reserved. The preference right of Joseph Harvey (and his heirs) was acquired upon his first use and occupancy of the land.

*DNR DMLW LCS Response:* While Joseph Harvey signed his Native allotment application on June 24, 1971, the validity of that application was not determined by BLM until August 18, 2004. In contrast, the State received Tentative Approval for this land on January 29, 1981, and Federal Patent 50-87-0316 on September 29, 1987 – well before the allotment’s validity determination. Therefore, the State received legal title to the parcel prior to BLM’s validity determination in 2004. Legal title allows for the reservation of certain interests, such as easements.

Initially, the allotment was believed to be located entirely within Section 6, Township 18 North, Range 13 East, Kateel River Meridian (K018N013E06). The State’s tentative approval and patent for that township were made subject to this allotment. See Attachments A and B for the State’s tentative approval and patent for the K018N013E06 township. However, after completion of USS 5893 in 1991, it was discovered that the allotment crossed into the adjacent township in Section 1, Township 18 North, Range 12 East, Kateel River Meridian (K018N012E01). The State’s tentative approval and patent

for this township were not made subject to this allotment because its presence in this township was not known at the time. See Attachments C and D for the State's tentative approval and patent for K018N012E01 township. See Attachment E for a map showing the township locations in relation to the allotment.

This situation has occurred with other Native allotments. To address such cases, DNR and BLM entered into an agreement on August 19, 1986, outlining procedures on dealing with these circumstances. See Attachment F.

The agreement states:

"When exclusions were not previously identified within the township and/or tentative approval, formal title recovery procedures must be used."

Further, it is stated in the Alaska National Interest Lands Conservation Act (ANILCA), Public Law 96-4871, Section 906(c) that "All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights ...". This is where the "subject to valid existing rights" phrase used by the commenter comes from. Note that this same sentence from Section 906(c) also states that all tentative approvals are confirmed, meaning they are a valid transfer of ownership of the land to the State of Alaska.

Therefore, the State has lawful title to the land. The encumbrance of this Native allotment on the land was unknown at time of both tentative approval and patent. Also, a Native allotment validity determination does not legally void any third-party interests granted on the same land.

LCS agrees with BLM's validity determination and acknowledges that this creates a preference right to the land by Joseph Harvey and his heirs based on his first use and occupancy in May 1923, and his allotment application signed June 24, 1971. The land was conveyed to the State in error, which requires the State, as current owner of this parcel, to reconvey the land back to BLM so BLM can deed the land to the heirs of Joseph Harvey.

Comment #5: There is no reservation of an easement in the original patent [to the State], and therefore, the State's "reconveyance" should be of the entire parcel, with no reservation of an easement.

*DNR DMLW LCS Response:* It is correct that Federal Patent 50-87-0316 issued to the State only reserves a right-of-way for ditches or canals. This difference does not release LCS from following state laws when conveying or reconveying state land out of state ownership. These statutory requirements apply regardless of the reservations contained in the original federal patent to the State.

Comment #6: A "reconveyance" is not appropriate because the State never owned the parcel. DNR's improper attempt to seize land that was lawfully conveyed to my family, through the artifice of "section line" and "public access" easements represents continuing trauma for the family who experienced unlawful seizer of our land for generations.

*DNR DMLW LCS Response:* BLM's determination that the Joseph Harvey allotment is valid does not void any prior existing third-party interests in the land. At the time of tentative approval and patent to the State, this allotment was not known to impact this township. Although the subject parcel was conveyed to the State in error, the State did receive legal title to the parcel as explained previously in this decision. Therefore, the State must reconvey the parcel in accordance with state law.

Reconveyance is the appropriate and necessary process to lawfully convey the land to the heirs of Joseph Harvey.

Comment #7: It appears that DNR is targeting our family's Parcel C allotment simply because we previously protested the reconveyance of our Parcel D allotment. We have stated that we will not sign the settlement and release agreement [for Parcel D], and we requested that the case be referred to the [U.S.] Justice Department under Aguilar...

*DNR DMLW LCS Response:* LCS applies easement requirements under AS 19.10.010 and AS 38.05.127 uniformly to all lands conveyed out of state ownership, including Native allotments.

An allottee or their heirs have the right to decline signing a Settlement and Release Agreement (SRA). However, SRAs are required under *Aguilar*. Without a signed and recorded SRA, DNR cannot complete the remaining steps of the reconveyance process. The inability to proceed in such cases is due to the absence of this required step by another party, not any action, or lack of action, by DNR.

As stated previously, LCS lacks the authority to refer matters to the U.S. Department of Justice.

Comment #8: DNR has provided no "public purpose" to be served by the easement. The fact that continuous access is *available* on the other side of the Mauneluk River defeats DNR's assertion that access must be provided to the Mauneluk River from NWAB lands to the north. Moreover, there is access to the Mauneluk River to the north and south of Parcel C that are adequate to reach the river.

*DNR DMLW LCS Response:* The public purpose for these easements is established by statute:

- AS 19.10.010, enacted on April 4, 1923, dedicates a 50-foot easement along each section line "for highway purposes." This ensures legal public access throughout the State along any state section line. It was noted in the PD that, "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, under 11 AAC 51.065 Vacation of Easements, an affected landowner may file a request with DNR to vacate, modify, or relocate a section line easement.
- AS 38.05.127, enacted in 1976 to implement Article VIII, Section 14 of the Alaska Constitution, which requires easements to provide "free access to navigable or public waters of the State." This is the public purpose for to-and-along easements.

Neither statute allows consideration of alternative access routes when issuing a decision to convey or reconvey state land. The requirement applies uniformly to all land conveyed out of State ownership because future access through adjacent land cannot be guaranteed. Today, the NWAB lands appear to be open for use as access, but future use and access cannot be determined at this time. Future access through NWAB land cannot be guaranteed. This is true for any land conveyance out of state ownership. Hence, the application of these easements on all land conveyed out of state ownership.

Regarding the timing of the section line easement law:

- The Territory of Alaska passed section line easements into law on April 4, 1923.
- Joesph Harvey's Native allotment application states he entered onto the land in May 1923, with no exact date given. The earliest possible date would be May 1, 1923 – after the law was enacted.
- Additionally, Mr. Harvey was born in 1921, making him two years old at the time of entry. Based on the federal Interior Board of Land Appeals (IBLA) rulings on other cases<sup>1,2</sup>, the earliest allowed age for independent use is around 6-7 years old, meaning his earliest independent use of the land would not be until 1927.

Finally, both section line and to-and-along easement may be requested to be vacated, modified, or relocated under 11 AAC 51.065 Vacation of Easements once the reconveyance is complete. This provides a process for addressing concerns about conflicts with traditional uses or options of alternative routes.

Comment #9: Allotment C is not subject to an RS 2477 easement, because our claim predates the "dedication or platting" and there has never been a travel route or trail or other transportation route through Allotment Parcel C.

*DNR DMLW LCS Response:* The enactment of AS 19.10.010 in 1923 constituted Alaska's acceptance of the 1866 federal offer under Revised Statute 2477 (RS 2477), granting rights-of-way across unreserved public land. This acceptance established section line rights-of-ways – now referred to as section line easements – as part of Alaska law.

While many RS 2477 trails are based on historic use and pre-existing travel routes, section line easements do not require historic use to fall under RS 2477. They exist as a result of the 1866 federal offer and 1923 statute.

LCS research confirms that there are no RS 2477 easements based on historic trails crossing this parcel. The only applicable easements are those required by statute, including section line easements under AS 19.10.010.

Comment #10: DNR has no evidence that the unnamed creek crossing our allotment is "public water" or navigable waters. There is no evidence of the creek's existence in the file, with any GIS coordinates, measurements, or other identifying information on attachments A, C or D [of the PD]. DNR has not explained why it is seeking an easement bisecting our allotment, when it could have sought an easement through NWAB land circumventing our Native allotment to the

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<sup>1</sup> *Floyd L. Anderson, Sr.*, 41 IBLA 280 (1979)

<sup>2</sup> *Catherine Angatak (On Reconsideration)*, 65 IBLA 317 (1982)

west or to the north, which would easily satisfy the State's stated desire for a "continuous easement." The easement across NWAB and federal land, as depicted in Attachment A demonstrates that within two miles of the Mauneluk River there is an available 50" to-and-along easement and use of that easement is feasible. There is also an "unnamed slough" to the east of Allotment C, depicted on Exhibit C that is a possible access route as depicted in the map.

**DNR DMLW LCS Response:** Before issuing a PD, LCS gathers input from other agencies. The determination that the unnamed creek within the parcel is public water is based on input from DMLW's Public Access Assertion and Defense (PAAD), the section responsible for determining if water bodies are public or navigable. PAAD provided the following information, which is documented in the file:

Within the parcel, the mouth of the visible part of the unnamed stream is over 10 feet wide (average ~18 feet). With the vegetation overhanging it is most likely wider. The ADF&G Anadromous Fish layer does not provide indication that this stream is or is not anadromous. An along easement is recommended for this stream based on width, 11 AAC 51.035.

A stream of this size is considered to be public water, requiring a to-and-along easement under AS 38.05.127.

As stated previously in this decision, all land conveyed out of state ownership must include easements required under AS 19.10.010 and AS 38.05.127. These requirements apply regardless of alternative routes or nearby easement options.

Under 11 AAC 51.054, to-and-along easements must follow the geographic feature they apply to. There are no topographic constraints or obstructions preventing a continuous easement along the unnamed creek that would allow for the reroute of this easement under 11 AAC 51.045 for the unnamed creek within the allotment.

Regarding the surrounding NWAB lands:

- NWAB received these lands as part of their municipal entitlement under AS 29.65.
- The FFD for NWAB municipal entitlement, ADL 414531, was issued on November 9, 2005, and required easements under AS 19.10.010 and AS 38.05.127 on these lands.
- The subsequent survey (ASCS 2009-24) and amended special survey instructions (approved January 5, 2010) require all navigable waters identified in the 2005 FFD to be meandered and shown on the plat, including the Mauneluk River. These instructions allow modifications based on field data at the time of survey.

As stated previously in this decision, AS 19.10.010 and AS 38.05.127 do not allow for the consideration of other available, nearby access when issuing a decision to convey or reconvey state land. However, once reconveyance is complete, the new owners may petition DNR to vacate, modify, or relocate easements under 11 AAC 51.065 Vacation of Easements, using these other easements in the area as part of the request for vacation.

Comment #11: The Preliminary Decision states “This parcel is in the Northwest Arctic Borough (NWAB); therefore, a traditional use finding is unnecessary.” This parcel is Native land, not federal land, not State land, not NWAB land, as it was never conveyed to the State or the NWAB. DNR may not ignore the traditional uses by illogically classifying this “in the NWAB” since the NWAB was created long after our traditional use began and after our Allotment was established.

*DNR DMLW LCS Response:* LCS would like to clarify that the statement in the PD regarding the traditional use finding is based on the requirements of AS 38.05.830, which limits traditional use findings to land located outside of an organized borough. Since the parcel is within the boundaries of the NWAB, a traditional use finding under AS 38.05.830 is not required. The intent of this statement was solely to comply with the statutory requirements, not to disparage and dismiss Native or traditional use of the land.

LCS acknowledges Joseph Harvey’s traditional use of the land, which qualified him for a Native allotment at this location. This traditional use was considered in determining the validity of his Native allotment application and is the reason LCS recommends reconveying the land to the federal government so it can be transferred to the heirs of Joseph Harvey.

Comment #12: Parcel C is designated “subsistence conservation” zoning, so allowing public easements through Parcel C will disrupt and likely destroy the subsistence use of our allotment.

*DNR DMLW LCS Response:* LCS acknowledges that the NWAB has zoned the borough land around the allotment as “subsistence conservation” through the Northwest Arctic Borough 2023: Planning for Our Future Comprehensive Plan Update, November 2021. However, the reservation of easements is required by state law and serves important public purposes.

As stated previously in this decision, these easements are intended to allow for activities such as subsistence by all members of the public and to provide a method to traverse private land to public land beyond.

The primary intent of to-and-along easements is to ensure public access to and along public or navigable water bodies. They are not intended to be a primary transportation easement. While section line easements are intended to be primary transportation easements, that is also the primary purpose – travel from one point to another. These purposes limit the public use of these easements.

The combined acreage of the section line and to-and-along easements is approximately 3.5 acres. When compared to the total allotment area – 39.99 acres (13.68-acre allotment parcel on federal land plus the 26.31-acre subject parcel on state land) – the easements encumber less than ten percent of the entire allotment.

Given their limited size and restricted use, LCS disagrees that these easements will disrupt and destroy the subsistence use of the allotment. Instead, they are intended to balance the need for public access to lands for subsistence use beyond private land and the protection of those private lands.

**Comment #13:** When reviewing traditional uses under AS 38.05.830, the commissioner is required to consider... [lists several items under AS 38.05.830]. There has been no analysis of these factors in the PD.

*DNR DMLW LCS Response:* As explained in the previous responses above, AS 38.05.830 applies only to State land outside of an organized borough. Because this parcel is within the NWAB, the statue does not apply, and the commissioner is not required to consider factors listed under AS 38.05.830 for this allotment.

**Comment #14:** If the section line and public access easements were to be approved by DNR, there would be conflicts with our traditional uses of the land. We request that before any decision on DNR's reconveyance burdened with these unacceptable easements, the Commissioner develop a plan to resolve or mitigate the conflicts in a manner consistent with the public interest, provide us with notice of that plan and an opportunity to comment on it.

*DNR DMLW LCS Response:* The phrase "the commissioner shall develop a plan to resolve or mitigate the conflicts in a manner consistent with the public interest" is a direct quote from AS 38.05.830. As explained in the previous responses, AS 38.05.830 only applies to State land located outside of an organized borough. Because this parcel is within the NWAB, AS 38.05.830 does not apply, and the commissioner is not required to develop such a plan for this allotment under AS 38.05.830.

LCS recognizes the commenter's concerns regarding potential conflicts with traditional uses. The reserved easements are limited in size and purpose as explained in the previous responses above, and are not intended to interfere with traditional subsistence activities.

**Comment #15:** We request that DNR communicate with the State Office of Historic Preservation (SHPO) to determine whether there are records of historic or cultural resources in this area. There is evidence of a historic cabin on the property. We would like Section 106 consultation and a determination of eligibility for the cabin and any other potentially eligible historic resources on or near our Parcel C allotment.

*DNR DMLW LCS Response:* SHPO was included in agency review conducted in September 2023. No response was received. SHPO was sent a follow up email on December 23, 2024, requesting a response to this comment. A response was received on January 2, 2025, and stated the following:

Thank you for passing on information about potential historic properties received during the public comment period regarding the proposal to reconvey the allotment. Initial review of the proposed action in September 2023 indicated that there were no known resources; however, this absence of resources is likely a reflection of a similar absence of prior cultural resource inventory or investigations(s). Our office did not believe that a cultural resource inventory effort, such as an archaeological survey, was needed due to the nature of the proposed project. The Bureau of Indian Affairs will have a federal trust responsibility or role regarding future actions on the allotment and would aid the new owners to avoid, minimize, or mitigate adverse effects to historic properties consistent with Section 106 of the National Historic Preservation Act (NHPA). As

such, we provided no comment or recommendation since we had no information to add.

Following receipt of the public comment, our office took another look at the parcel and known resources in the vicinity of the proposed reconveyance. The Mauneluk River is reported to be an age-old and important transportation corridor to the North Slope (AHSR: XSP-00513), which suggests that the parcel has high potential to contain cultural resources. In addition, some historic maps show a cabin located a little over a mile south of the subject parcel. Otherwise, we have no prior knowledge of cabins located on or near the Mauneluk river until Avaraat Lake, where there is another allotment on the northeast shore that is noted to have a long history of use.

It is likely that ADL 421231 contains cultural resources, at minimum created by Joseph Harvey and his family's use of the land. Similar to the assessment made in 2023, our office has no objections to relinquishing interest in the parcel. This action would transfer future consideration of important cultural resources to BIA as a property held in trust and therefore subject to Section 106 of the NHPA.

In summary, once the parcel has been deeded to the heirs of Joseph Harvey, they may contact the federal government concerning any cultural resources on the parcel pursuant to Section 106 of the NHPA.

#### **V. Traditional Use Finding**

The parcel is located in the Northwest Arctic Borough. Therefore, a traditional use finding as defined by AS 38.05.830 Land Disposal in the Unorganized Borough, is not required. No additional information was received concerning traditional use during the public comment period.

#### **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 is that portion of the allotment in Section 6, Township 18 North, Range 13 East, Kateel River Meridian, and was never transferred to the State. BLM conveyed this acreage to the heirs of Joseph Harvey on April 4, 2025, via Native Allotment Certificate 50-2025-0046.

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

**Final Finding and Decision**

ADL 421231

Page 11 of 13

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, 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 land.

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.

**Amended Final Finding and Decision**

ADL 421231

Page 12 of 13

**VII. Amended 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.



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January 21, 2026

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.



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January 21, 2026

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

Date

**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](mailto: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>.

# Attachment A

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**2010-000317-0**

Recording Dist: 215 - Kotzebue  
10/6/2010 1:37 PM Pages: 1 of 3



## Tentative Approval

Please record this cover page as the first page of the document. Document should be indexed as follows:

**RECORDING DISTRICT:** Kotzebue

**DOCUMENT TYPE:** Deed

**FILE TYPE/NUMBER:** GS-1896

**GRANTOR:**

- 1. United States of America
- 2. Department of the Interior
- 3. Bureau of Land Management

**GRANTEE:**

- 1. State of Alaska
- 2. Department of Natural Resources
- 3. Division of Mining Land and Water

**AFTER RECORDING RETURN TO:**

State of Alaska  
Department of Natural Resources  
Division of Mining, Land & Water  
Realty Services/Title Administration  
550 W. 7<sup>th</sup> Avenue, Suite 1050A  
Anchorage, AK 99501-3579

**STATE BUSINESS NO CHARGE**

**LEGAL DESCRIPTION:**

T. 18 N., R. 13 E., Kateel River Meridian  
Secs. 1-5: All  
Sec. 6: PTN  
Secs. 7-36: All  
T. 19 N., R. 13 E., Kateel River Meridian  
Secs. 1-36: All  
T. 19 N., R. 14 E., Kateel River Meridian  
Secs. 1-12: All  
Sec. 13: PTN  
Sec. 14: All  
Secs. 15 & 16: PTN  
Secs. 17-20: All  
Secs. 21 & 22: PTN  
Secs. 23-36: All  
T. 20 N., R. 14 E., Kateel River Meridian  
Secs. 1-36: All  
T. 20 N., R. 15 E., Kateel River Meridian  
Secs. 1-36: All



# United States Department of the Interior

IN REPLY REFER TO

## BUREAU OF LAND MANAGEMENT

Alaska State Office  
701 C Street, Box 13  
Anchorage, Alaska 99513

2620 (941)  
F-15194

## RECORDS

*P08*  
CERTIFIED MAIL 5340715  
RETURN RECEIPT REQUESTED

SEP 29 1980

DECISION

SEP 22 1980 RECEIVED

State of Alaska : F-15194 5-1896  
Department of Natural Resources :  
Division of Research & Development :  
323 East Fourth Avenue : General Purposes Grant  
Anchorage, Alaska 99501 : State Selections

Lands Proper for Selection  
Tentative Approval Given

On January 21, 1972, the State of Alaska filed general purposes grant selection application F-15194 for all the lands within Tps. 17 through 20 N., Rs. 13 E., Tps. 18 N., Rs. 14 and 16 E., and Tps. 19 and 20 N., Rs. 14 through 16 E., Kateel River Meridian, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958. At the time of filing, all unreserved lands in Alaska were withdrawn from all forms of appropriation under the public land laws for a period of ninety days by Sec. 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 708), and the selection constituted only an indication of the lands desired to be selected by the State.

On March 12, 1972, Public Land Order 5186 again withdrew the subject townships from all forms of appropriation under the public land laws but not from selection by the State of Alaska under the Alaska Statehood Act or from locations for metalliferous minerals. The State's amendment of June 16, 1972, made the selection valid. The filing of an amendment to an application can be deemed the refiling of the original selection and the State's rights can be determined as though the original selection had been filed then. State of Alaska 73 I.D. 1, 11-13 (1966), affidavit Udall v. Kalerak 396 F.2d 746 (9th Cir. 1968), cert. denied 393 U.S. 1118 (1969).

On September 28, 1979, and February 26, 1980, all the lands within Tps. 17 and 20 N., R. 13 E., T. 19 N., R. 15 E., and Tps. 19 and 20 N., R. 16 E., Kateel River Meridian, were tentatively approved.

It has been administratively determined that the Mauneluk River within T. 18 N., R. 13 E. and downstream from the west fork in Sec. 31, T. 19 N., R. 13 E., Kateel River Meridian, is the only navigable water body within the following tentatively approved lands. The upstream portion of the Mauneluk River and all other water bodies are determined to be nonnavigable. As of this date, a navigability determination for Tps. 18 N., Rs. 14 and 16 E., Kateel River Meridian, has not been made.

Together with the lands already tentatively approved, the selected lands meet the criteria for compactness. The lands described below are unreserved, are not known to be occupied or appropriated under the public land laws, including the mining laws, are not valuable for hot or medicinal springs, and otherwise conform to the requirements of the Statehood Act of 1958. RECEIVED NA

EHI 12/5/80 KB  
IR AZH CMW

SEP 25 1980



In view of the foregoing, the following described lands, aggregating approximately 113,882 acres of unsurveyed land are considered proper for acquisition by the State and are hereby tentatively approved:

Kateel River Meridian, Alaska

T. 18 N., R. 13 E.

All, excluding Native allotment application F-18439, Parcel C, and the Mauneluk River.

Containing approximately 22,858 acres.

T. 19 N., R. 13 E.

All, excluding the Mauneluk River downstream from the west fork in Sec. 31.

Containing approximately 22,817 acres.

T. 19 N., R. 14 E.

All, excluding Native allotment applications F-18439, Parcel D, and F-18992, Parcels C and D.

Containing approximately 22,697 acres.

T. 20 N., R. 14 E., all.

Containing approximately 22,755 acres.

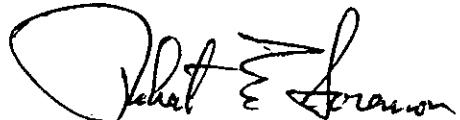
T. 20 N., R. 15 E., all.

Containing approximately 22,755 acres.

When the lands are patented to the State, the patent will contain a reservation for canals and ditches under the Act of August 30, 1890 (26 Stat. 391) and 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).

There will also be reserved for the benefit of the Alaska Natives and for payment into the Alaska Native Fund the percentage of royalties and revenues derived from the disposition of leasable minerals as provided for by Sec. 9(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688).

Enclosed are current status plats showing the tentatively approved lands.



John E. Hanson  
Chief, Branch of Lands  
and Minerals Operations

Enclosure:  
Plats

3 of 3  
2010-000317-0

# Attachment B

Form 1860-9  
(November 1984)

BOOK 33 PAGE 42+  
Kotzebue Recording District

## The United States of America

To all to whom these presents shall come, Greeting:

Fairbanks 15194

WHEREAS

State of Alaska

is entitled to a Land Patent pursuant to Section 6(b) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, as amended, for the following-described lands:

Kateel River Meridian, Alaska.

T. 17 N., R. 13 E.,  
Secs. 1 to 36, inclusive.

Containing 22,998.98 acres.

T. 18 N., R. 13 E.,  
Secs. 1 to 4, inclusive;  
Sec. 5, lots 1 and 2;  
Sec. 7, lots 1 and 2;  
Secs. 8 to 18, inclusive;  
Sec. 19, lots 1 and 2; and  
Secs. 20 to 36, inclusive.

Containing 22,241.12 acres.

T. 19 N., R. 13 E.,  
Secs. 1 to 19, inclusive;  
Sec. 20, lots 1 and 2;  
Sec. 21, lots 1 to 5, inclusive;  
Sec. 22, lots 1, 2 and 3;  
Sec. 23, lots 1, 2 and 3;  
Sec. 24, lots 1 and 2;  
Secs. 25 to 28, inclusive;  
Sec. 29, lots 1 to 4, inclusive;  
Sec. 30;  
Sec. 31, lots 1, 2 and 3;  
Sec. 32, lots 1 to 4, inclusive; and  
Secs. 33 to 36, inclusive.

Containing 22,338.62 acres.

T. 20 N., R. 13 E.,  
Secs. 1 to 36, inclusive.

Containing 22,755.36 acres.

Patent Number

50-87-6315

Fairbanks 15194

T. 18 N., R. 14 E.,  
Secs. 1 to 36, inclusive.

Containing 22,918.08 acres.

T. 19 N., R. 14 E.,  
Sec. 1;  
Sec. 2, lots 1 and 2;  
Secs. 3 to 9, inclusive;  
Sec. 10, lots 1 and 2;  
Sec. 11, lots 1 and 2;  
Sec. 12;  
Sec. 16, lots 1 to 4, inclusive;  
Sec. 17, lots 1 and 2;  
Sec. 18, lots 1 to 4, inclusive;  
Sec. 19, lots 1 and 2;  
Sec. 20, lots 1 and 2;  
Sec. 21, lots 1, 2 and 3;  
Sec. 23, lots 1 to 9, inclusive; and  
Secs. 24 to 36, inclusive.

Containing 19,507.88 acres.

T. 20 N., R. 14 E.,  
Secs. 1 to 36, inclusive.

Containing 22,755.36 acres.

T. 19 N., R. 15 E.,  
Secs. 1 to 36, inclusive.

Containing 22,836.68 acres.

T. 20 N., R. 15 E.,  
Secs. 1 to 36, inclusive.

Containing 22,755.36 acres.

T. 18 N., R. 16 E.,  
Secs. 1 to 36, inclusive.

Containing 22,918.08 acres.

50-87-0315

Fairbanks 15194

T. 19 N., R. 16 E.,  
Sec. 1, lots 1 to 4, inclusive;  
Secs. 2 to 11, inclusive;  
Sec. 12, lots 1 to 4, inclusive; and  
Secs. 13 to 36, inclusive.

Containing 22,805.63 acres.

T. 20 N., R. 16 E.,  
Secs. 1 to 24, inclusive;  
Sec. 25, lots 1 and 2;  
Secs. 26 to 35, inclusive; and  
Sec. 36, lots 1 and 2.

Containing 22,718.72 acres.

Aggregating 269,549.87 acres, as shown on plats of survey officially filed September 11, 1987.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES:

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.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in ANCHORAGE, ALASKA  
the THIRTIETH day of SEPTEMBER in the year  
of our Lord one thousand nine hundred and EIGHTY-SEVEN  
and of the Independence of the United States the two hundred  
and TWELFTH. *Gary K. Seitz*

By *Gary K. Seitz*  
Gary K. Seitz  
Chief, Branch of Northwest Adjudication

50-87-0315

Patent Number \_\_\_\_\_

BOOK 33 PAGE 424  
Kotzebue Recording District

87-1793  
NC

RECEIVED FILED  
KOTZEBUE RECORDING  
DISTRICT

OCT 27 1987 PM '87

REQUESTED BY \_\_\_\_\_  
ADDRESS (AS/D&LWM)

KOTZEBUE RECORDING DISTRICT

Return to Grantee:

State of Alaska  
Department of Natural Resources  
Division of Land and Water Management  
Land Title Section  
3601 C Street, Suite 960  
Anchorage, Alaska 99503

RECEIVED FILED 10/27/87

# Attachment C

A  
L  
A  
S  
K  
A

2013-000394-0

Recording District 215 Kotzebue

12/06/2013 12:21 PM Page 1 of 5



## Tentative Approval

Please record this cover page as the first page of the document. Document should be indexed as follows:

**RECORDING DISTRICT:** Kotzebue

**DOCUMENT TYPE:** Deed

**FILE TYPE/NUMBER:** GS 2292; GS 2293; GS 2294

**GRANTOR:**

1. United States
2. Department of the Interior
3. Bureau of Land Management

**GRANTEE:**

1. State of Alaska
2. Department of Natural Resources
- 3.

**LEGAL DESCRIPTION:**

T. 21 N., R. 7 E., K.R.M.

Secs. 1-36: All

T. 17 N., R. 12 E., K.R.M.

Secs. 1-18, 21-26, 32-34: All

T. 18 N., R. 12 E., K.R.M.

Secs. 1-36: All

T. 19 N., R. 12 E., K.R.M.

Secs. 1-36: All

T. 20 N., R. 12 E., K.R.M.

Secs. 1-36: All

T. 14 N., R. 12 E., K.R.M.

Secs. 1-36: All

T. 15 N., R. 12 E., K.R.M.

Secs. 1-36: All

T. 16 N., R. 12 E., K.R.M.

Secs. 1-36: All

**AFTER RECORDING RETURN TO:**

State of Alaska  
Department of Natural Resources  
Division of Mining, Land & Water  
Realty Services/Title Administration  
550 W. 7<sup>th</sup> Avenue, Suite 1050A  
Anchorage, AK 99501-3579

**STATE BUSINESS NO CHARGE**



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office  
701 C Street, Box 13  
Anchorage, Alaska 99513

P13

IN REPLY REFER TO

2620 (941)  
F-21023  
F-21024  
F-21025

CERTIFIED MAIL 1675641  
RETURN RECEIPT REQUESTED

JAN 29 1981

## DECISION

State of Alaska	:	F-21023
Department of Natural Resources	:	F-21024
Division of Research & Development	:	F-21025
323 East Fourth Avenue	:	5 - 2294
Anchorage, Alaska 99501	:	General Purposes Grant
		State Selections

5-2292  
5-2293

Lands Suspended In Part  
Lands Proper For Selection  
Tentative Approval Given

The State of Alaska filed selection applications F-21023, F-21024, and F-21025 on March 22, 1974 under the provisions of Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339-343), as amended, for all available lands within T. 21 N., R. 7 E.; Tps. 17 through 20 N., R. 12 E.; Tps. 20 N., Rs. 9 through 11 E.; and Tps. 14 through 16 N., R. 12 E., Kateel River Meridian, Alaska.

At the time of filing, a portion of the lands described below was withdrawn from all forms of appropriation under the public land laws, and selection by the State, by Sec. 11(a)(1) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 688-716). These lands were subsequently selected by Koovukmeunt, Incorporated, which later merged with the NANA Regional Corporation. The NANA Regional Corporation also selected other lands within these selection applications under the provisions of Sec. 14(h)(1) of ANCSA. Therefore, the following portions of selection application F-21024, encompassing these claims, aggregating approximately 72,739 acres, are hereby suspended until the regional selection applications have been adjudicated.

Kateel River Meridian, Alaska

T. 17 N., R. 12 E.  
Secs. 19, 20, 27, 28,  
29, 35, and 36, all;

RECEIVED

T. 20 N., R. 9 E., all.

FEB 05 1981

T. 20 N., R. 10 E., all.

TITLE ADMINISTRATION

T. 20 N., R. 11 E., all.

There are unpatented mining claims and a mineral survey application within the lands described below which have not been adjudicated. These claims are excluded from the lands given ~~tentative approval~~ in this decision and selection applications

RECORDS

ESR	NA
EHI	30 Gal 87/par
IR	SD 16-2041 C 03 7/6/81

FEB 09 1981

RECEIVED



F-21024 and F-21025 are also suspended as to those mining claims, aggregating approximately 847 acres of unsurveyed land, until they have been processed. The approximate locations of the mining claims are given in the land description below.

The remaining lands which were available for State selection at the time of filing meet the criteria for compactness. The lands described below are unreserved, are not known to be occupied or appropriated under the public land laws, including the mining laws, are not valuable for hot or medicinal springs, and otherwise conform to the requirements of the Statehood Act of 1958.

→ It has been administratively determined that the Ambler, Kobuk and Mauneluk Rivers are the only navigable waters in these townships.

In view of the foregoing, the following described lands, aggregating approximately 177,072 acres of unsurveyed land, are considered proper for acquisition by the State and are hereby tentatively approved:

Kateel River Meridian, Alaska

(F-21023)

T. 21 N., R. 7 E. *cws*  
All, excluding the Ambler River.  
Containing approximately 22,734 acres.

(F-21024)

T. 17 N., R. 12 E.  
Excluding Mauneluk and Kobuk Rivers.  
Secs. 1 and 2, all;  
Sec. 3, all, excluding headquarters site application F-19564;  
Sec. 4, all, excluding mining claim recordation F-38986;  
Sec. 5, all, excluding mining claim recordation F-62513;  
Secs. 6 and 7, all;  
Sec. 8, all, excluding homesite application F-20514, and trade and manufacturing site application F-19563;  
Secs. 9 through 15, all;  
Sec. 16, all, excluding homesite application F-19739;  
Secs. 17 and 18, all;  
Secs. 21 through 26, all;  
Secs. 30 through 32, all;  
Sec. 33, all, excluding Native allotment applications F-14211 and F-17719;  
Sec. 34, all, excluding Native allotment application F-17719.  
Containing approximately 18,176 acres.



T. 18 N., R. 12 E.

Excluding the Mauneluk River.

Secs. 1 through 4, all;

Sec. 5, all, excluding mining claim recordation F-62514;

Secs. 6 through 12, all;

Sec. 13, all, excluding homesite application F-19599;

Secs. 14 through 28, all;

Sec. 29, all, excluding mining claim recordation F-62518;

Sec. 30, all;

Sec. 31, all, excluding mining claim recordations F-62513, F-62514, F-62515, and F-62516;

Sec. 32, all, excluding mining claim recordations F-62515, F-62516, F-62517 and F-62518;

Secs. 33 and 34, all;

Sec. 35, all, excluding headquarters site application F-19596;

Sec. 36, all.

Containing approximately 22,737 acres.

T. 19 N., R. 12 E., all.

Containing approximately 22,837 acres.

T. 20 N., R. 12 E.

All, excluding application for mineral survey 2450 in Sec. 6.

Containing approximately 22,168 acres.

(F-21025)

T. 14 N., R. 12 E., all.

Containing approximately 22,920 acres. *CHS*

T. 15 N., R. 12 E.

All, excluding mining claim recordations F-63921 and F-63922; F-63916 shown in Sec. 12; and F-64597 and F-64598 shown in Sec. 23;

Containing approximately 22,740 acres.

T. 16 N., R. 12 E., all.

Containing approximately 22,760 acres. *CHS*

When the lands are patented to the State, the patent will contain a reservation for canals and ditches under the Act of August 30, 1890 (26 Stat. 391) and 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).



Enclosed are current status plats showing the tentatively approved lands.



Chief, Branch of Lands  
and Minerals Operations

Enclosures:  
Plats



# Attachment D

Form 1860-9  
(November 1984)

BOOK 33 PAGE 425  
Kotzebue Recording District

## The United States of America

To all to whom these presents shall come, Greeting:

Fairbanks-21024

WHEREAS

State of Alaska

is entitled to a Land Patent pursuant to Section 6(b) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, as amended, for the following-described lands:

Kateel River Meridian, Alaska

T. 18 N., R. 12 E.,  
Sec. 1, lots 1 and 2;  
Secs. 2 to 11, inclusive;  
Sec. 12, lots 1, 2 and 3;  
Sec. 13, lots 1 and 2;  
Secs. 14 to 23, inclusive;  
Sec. 24, lots 1, 2 and 3;  
Sec. 25, lots 1 and 2;  
Secs. 26 to 33, inclusive;  
Sec. 34, lots 1 and 2;  
Sec. 35, lots 1 to 5, inclusive; and  
Sec. 36.

Containing 22,583.35 acres.

T. 19 N., R. 12 E.,  
Secs. 1 to 36, inclusive.

Containing 22,836.68 acres.

T. 20 N., R. 12 E.,  
Secs. 1 to 4, inclusive, and  
Secs. 9 to 36, inclusive.

Containing 20,298.18 acres.

Aggregating 65,718.21 acres, as shown on plats of survey officially filed September 11, 1987.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, forever;

Patent Number 50-87-0316

Fairbanks-21024

EXCEPTING AND RESERVING TO THE UNITED STATES:

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.

87-0794  
Nc

RECORDED & FILED  
KOTZEBUE RECORDING  
DISTRICT

KOTZEBUE RECORDING DISTRICT

Return to Grantee:

OCT 27 1 47 PM '87

State of Alaska  
Department of Natural Resources  
Division of Land and Water Management  
Land Title Section  
3601 C Street, Suite 960  
Anchorage, Alaska 99503

REQUESTED BY \_\_\_\_\_

ADDRESS (AS/DL&WM)

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in ANCHORAGE, ALASKA  
the TWENTY-NINETH day of SEPTEMBER in the year  
of our Lord one thousand nine hundred and EIGHTY-SEVEN  
and of the Independence of the United States the two hundred  
and TWELFTH.

By

Gary K. Seitz  
Chief, Branch of Northwest Adjudication

Patent Number

CC-87-0316



## Attachment E: Vicinity Map with Township Line

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**

Northwest Arctic  
Borough Land

**Section 6  
Township 18 North  
Range 13 East  
Kateel River Meridian**

N

Mauneluk River

Section 12

Northwest Arctic Borough Land

## LEGEND

- Proposed NA Reconveyance
- Portion of NA in K18N12E
- Federal Land
- Portion of NA in K18N13E
- Township line
- To and Along Easement, 50-foot
- Section Line Easement, 50-foot
- Section Line

State  
Land

Section 7

State  
Land

0 0.05 0.1 0.19 0.29 Miles

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

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

USGS Quad 1:63,360 Shungnak D-1

For more information contact:

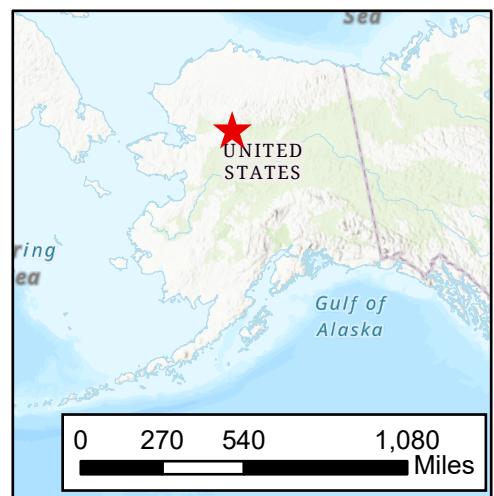
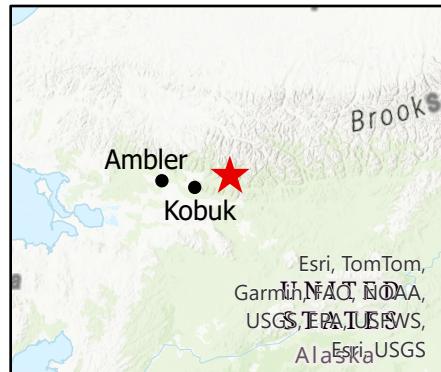
Kathryn Young

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



# Attachment F

## AGREEMENT REGARDING CONVEYANCES TO THE STATE OF ALASKA

This agreement is made and entered into by and between the State of Alaska, Department of Natural Resources (hereinafter State) pursuant to Alaska Statute(s) 38.05.020 and 38.05.035 and the United States Department of the Interior, Bureau of Land Management (hereinafter BLM) pursuant to Sections 307 and 316 of the Federal Land Policy and Management Act (43 USC 1737 and 1746). The purpose of this agreement is to clarify the methods and processes to be used by the State and BLM to reduce the number of administrative actions needed to recover title.

Whereas, Sec. 906(c) of the Alaska National Interest Lands Conservation Act (ANILCA) 43 USC 1635(c), confirms that all right, title and interest of the United States in and to lands described in a tentative approval vested in the State of Alaska as of the date of tentative approval subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act; and

Whereas, the State desires to receive quality title from the BLM in tentative approval documents which identify all exclusions with certainty prior to survey; and

Whereas, both the BLM and State recognize that the depiction of the exclusions as shown on the BLM records at the time of tentative approval is only an approximate graphic representation of the actual location of exclusions; and

Whereas, both the BLM and State recognize that the graphic depiction of the exclusions may appear to shift between the time of tentative approval and the approval/acceptance of the official plat of survey, even if the actual on-the-ground location has not moved; and

Whereas, the actual location of the township boundaries and the exclusions within townships will be determined at the time of survey and will be properly depicted on the approved/accepted plat of survey.

Witnesseth:

The State and BLM agree to the following processes and procedures to achieve the goals of each agency:

I. ADMINISTRATIVE DECISION AND TENTATIVE APPROVAL CONVEYANCE DOCUMENT.

- A. The BLM agrees to describe exclusions of land with reference to the specific sections which are affected (see Attachment I). The exclusions will be listed separately one to a line, except for mining claims which will be grouped together with one listing of the sections affected. A computer printout of the mining claim recordation information which will include the acreage of each mining claim will also be attached to the draft tentative approval sent for the State's initial review. Both parties agree that, in certain instances, exceptions to the above format will be needed, but these exceptions shall be mutually agreed upon by both parties prior to tentative approval. An administrative decision and draft tentative approval will be sent for State review prior to issuance of the final tentative approval.
- B. The State agrees to review the administrative decision and the draft tentative approval. If the administrative decision requires modification or vacation, the BLM agrees to modify or vacate the decision before the expiration of the appeal period. If no modification or vacation of the administrative decision is necessary, the State shall return the draft tentative approval with comments to BLM within 30 days of receipt of the decision. After the administrative decision becomes final, but prior to the issuance of the final tentative approval, the State's comments will be evaluated and mutually agreed upon prior to the issuance of the final tentative approval. If the comments are found to be unacceptable by BLM, both parties must agree to an acceptable change.

II. SELECTED SURVEYED LAND WITHOUT CONFLICTING EXCLUSIONS.

- A. If the selected land is included in an approved/accepted survey and is without conflicting exclusions, the State agrees to forego the issuance of a tentative approval and the land may go directly to patent. In this situation, the BLM shall issue an administrative decision and a draft patent.

B. The State agrees to review the administrative decision and the draft patent. If the administrative decision requires modification or vacation, the BLM agrees to modify or vacate the decision before the expiration of the appeal period. If no modification or vacation of the administrative decision is necessary, the State shall return the draft patent with comments to BLM within 30 days of receipt. After the decision becomes final, but prior to the issuance of the final patent, the State's comments, if any, will be evaluated and mutually agreed upon prior to the issuance of the patent. If the comments are found to be unacceptable by BLM, both parties must agree to an acceptable change.

III. TENTATIVELY APPROVED LAND IS INCLUDED IN AN APPROVED/ACCEPTED SURVEY; EXCLUSIONS DO NOT APPEAR TO MOVE; PROCEED TO PATENT.

A. When tentatively approved land is included in an approved/accepted survey and no exclusions are involved in the patent area, a draft patent will be sent by BLM to the State for a 30-day review. The State will review the draft patent and return its comments within 30 days of receipt of the draft. Comments will be reviewed and incorporated into the final patent. If the comments are found to be unacceptable by BLM, both parties must mutually agree to an acceptable change.

B. When tentatively approved land is included in an approved/accepted survey and exclusions (except as to submerged lands) identified in the tentative approval as a result of survey do not move from the section where identified in the tentative approval or the section depicted on the BLM status plat at the time of conveyance, a draft patent will be sent by BLM to the State. The State will review the draft patent and return its comments within 30 days of receipt of the draft. Comments will be reviewed and incorporated into the final patent. If the comments are found to be unacceptable by BLM, both parties must mutually agree to an acceptable change.

C. Draft patents will exclude the section(s) where the unpatented federal mining claims are located (such exclusions by section(s) shall only be made for mining claims unless otherwise mutually agreed to by both parties).

IV. TENTATIVELY APPROVED LAND IS INCLUDED IN AN APPROVED/ACCEPTED SURVEY; EXCLUSIONS APPEAR TO MOVE.

A. When tentatively approved land is included in an approved/accepted survey and exclusions appear to move out of the sections identified at the time of tentative approval, with the State's concurrence, the patent may exclude land identified as an exclusion in a tentative approval of the same township and grant type, even if there are multiple tentative approvals for one township. With the State's concurrence, the patent may also exclude any land listed as an exclusion in a single tentative approval, even if the tentative approval contains more than one township.

B. The BLM will notify the State of the approved/accepted plat of survey and request by notice the State's concurrence in conforming the title to the plat of survey. At the same time, the BLM shall send a draft patent for review by the State.

C. The notice document (see Attachment II) shall contain:

1. A statement that the notice is issued pursuant to 43 USC 1746.
2. Identification of the exclusions which appear to have moved within the township and/or tentative approval; and
3. A concurrence/non-concurrence signature block for the State.
  - a. If the State concurs, the State will sign the notice and request that the final patent be issued.
  - b. If the State does not concur, the State will notify the BLM of the reasons for non-concurrence and:
    - (1) The State will request BLM to suspend all further action until the conflict can be resolved; or
    - (2) If the conflict can not be resolved, BLM may request a voluntary reconveyance from the State or litigate to recover title.

V. TENTATIVELY APPROVED LAND IS INCLUDED IN AN APPROVED/ACCEPTED SURVEY; EXCLUSIONS NOT PREVIOUSLY IDENTIFIED.

When exclusions were not previously identified within the township and/or tentative approval, formal title recovery procedures must be used.

This agreement will become effective when signed by both parties.

This agreement will remain in effect as written unless it is amended. An amendment shall be in writing and will be signed by both parties.

This agreement will terminate 30 days after written notice is served by either party.

Michael J. Pello

State Director, Alaska  
Bureau of Land Management

Aug 19, 1986  
Date

Esther C. Winnieke

Commissioner, State of Alaska  
Department of Natural Resources

Aug 19, 1986  
Date

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*.

## Preliminary Decision

ADL 421231

Page 2 of 8

### 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.

## Preliminary Decision

ADL 421231

Page 3 of 8

*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.

## Preliminary Decision

ADL 421231

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 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.

## Preliminary Decision

ADL 421231

Page 5 of 8

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.

## Preliminary Decision

ADL 421231

Page 6 of 8

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

ADL 421231

Page 7 of 8

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**

ADL 421231

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 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

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November 16, 2023

Date



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

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November 16, 2023

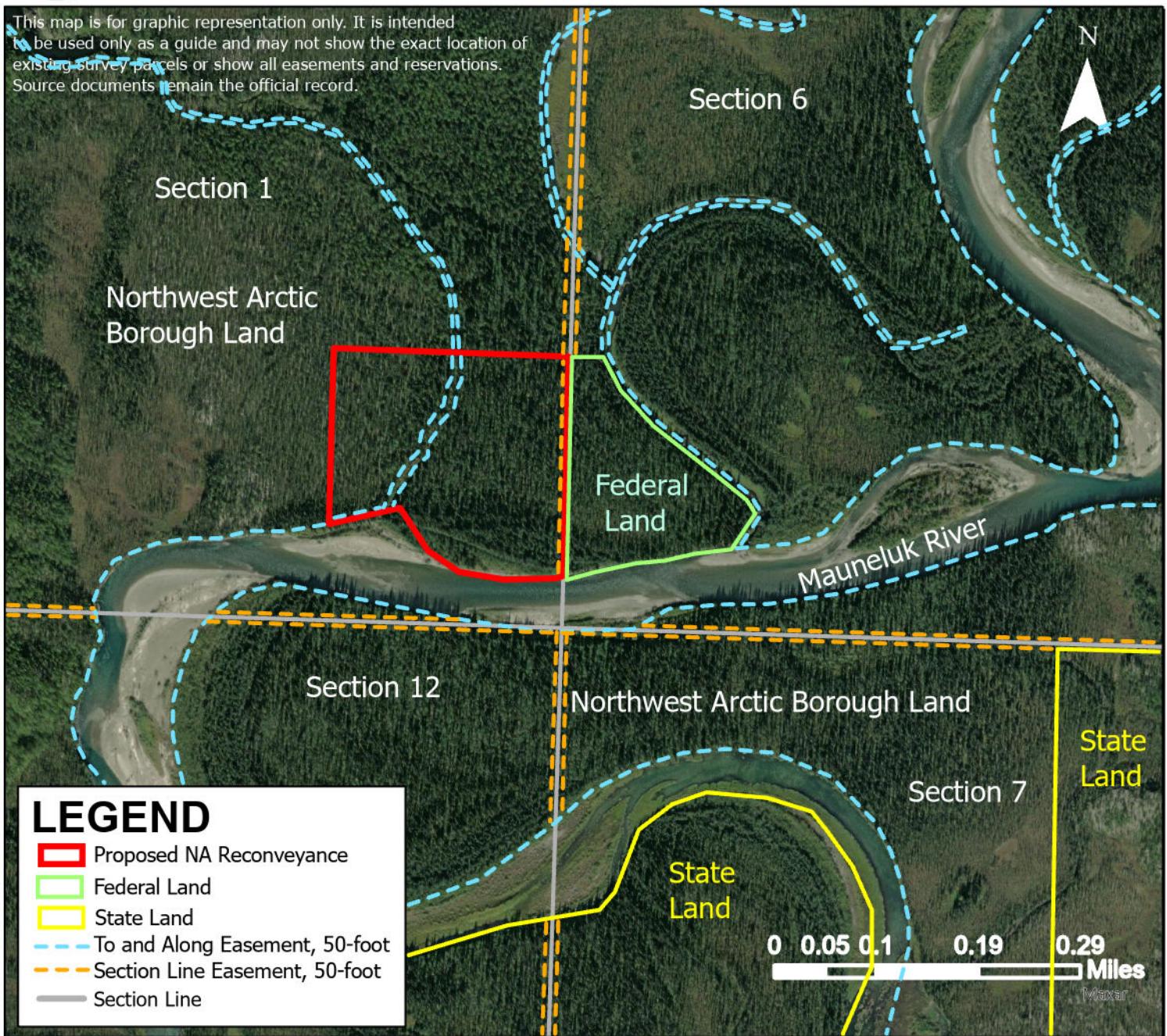
Date



## 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.



USGS Quad 1:63,360 Shungnak D-1

For more information contact:

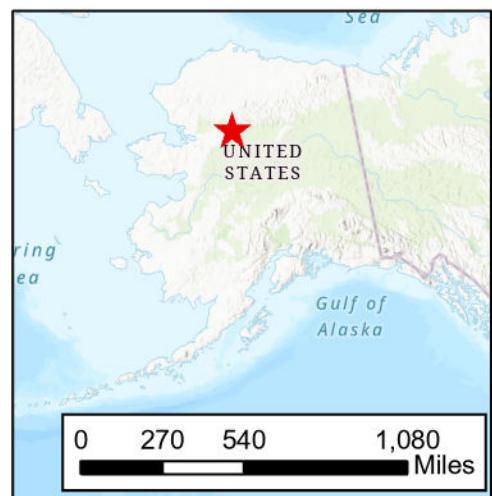
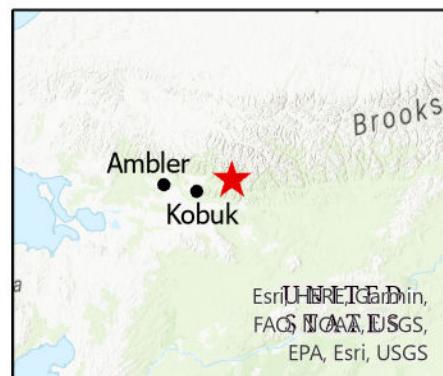
Kathryn Young

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](mailto:kathryn.young@alaska.gov)
**Section 1, Township 18 North,  
Range 12 East,  
Kateel River Meridian**


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 7<sup>th</sup> Ave, Suite 640, Anchorage, AK 99501 or by fax at (907) 269-8916 or by email at [kathryn.young@alaska.gov](mailto:kathryn.young@alaska.gov). If you have questions, call Kathryn Young at (907) 269-8574.

If no significant change is required, the 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.

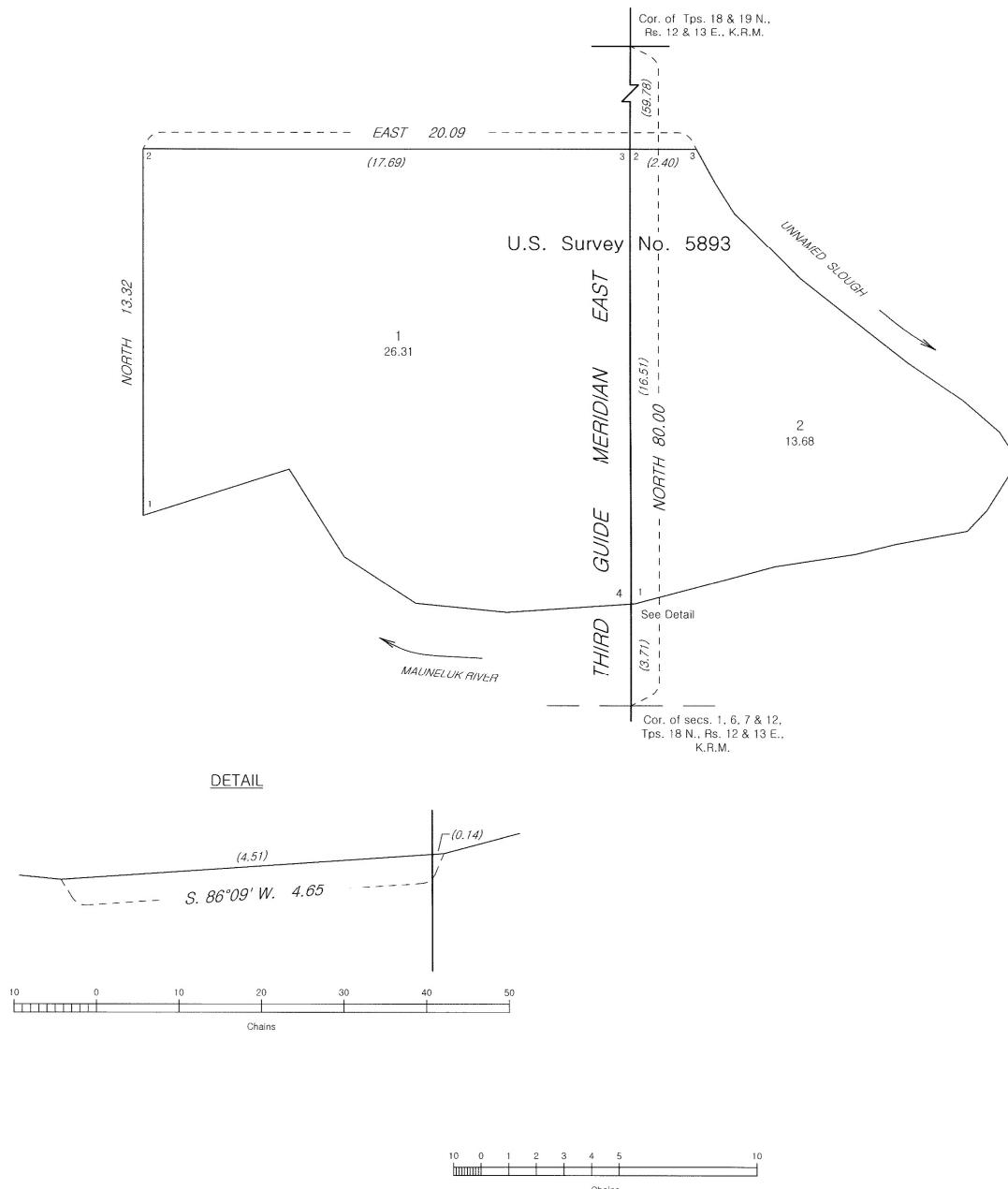
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This plat, showing amended lotting, 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

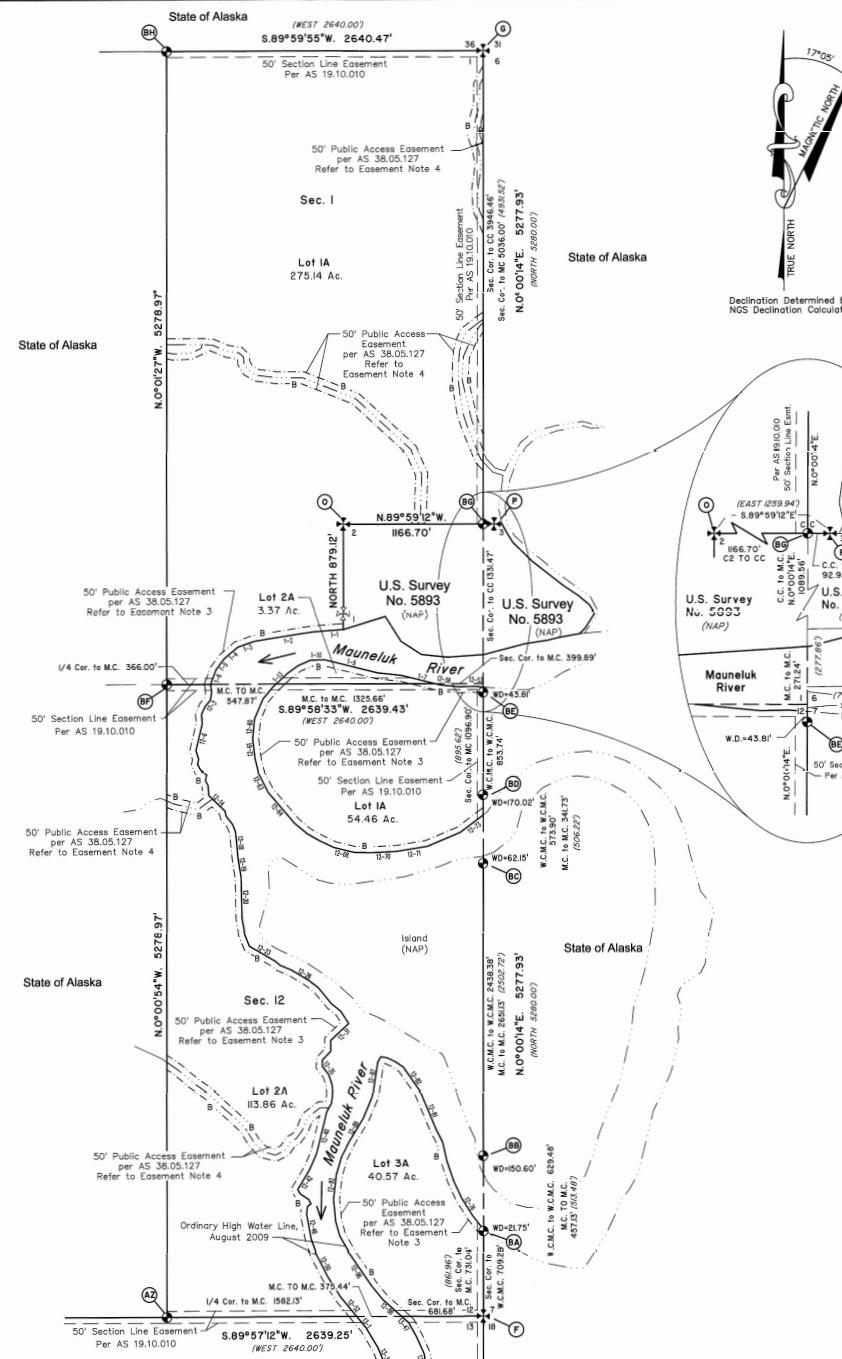
*Thomas B. Oishi* February 8, 2023  
Date

Chief Cadastral Surveyor for Alaska



Attachment C

# Attachment D



## EASEMENT NOTES

1. [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 pipelines may be constructed across the buffer as determined necessary for the managing and protection 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.

2. [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.

3. A public access easement coincident with and 50 feet upland from the ordinary high water line of all navigable water is reserved on this plat in accordance with AS 38.05.127 and 11 AAC 51.035.

4. 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 plat in accordance with AS 38.05.127 and 11 AAC 51.035-045.

## Meanders of the Right Bank, Mauneluk River Section I, Lot 1A

No.	Bearing	Length
1-01	S. 85°48'31" W.	254.45'
1-02	S. 81°05'53" W.	493.82'
1-03	S. 70°47'19" W.	146.41'
1-04	S. 68°30'11" W.	150.55'
1-05	S. 36°39'43" W.	111.46'
1-06	S. 20°45'24" W.	131.42'

— Most westerly M.C. of Sections I and II, Mauneluk River

## Meanders of the Left Bank, Mauneluk River Section I, Lot 2A

No.	Bearing	Length
1-07	N. 85°01'18" W.	292.80'
1-08	N. 83°51'03" W.	198.33'
1-09	N. 76°14'30" W.	456.40'
1-10	N. 76°14'51" W.	110.73'

— downstream along the left bank, main channel, Mauneluk River

## Meanders of the Left Bank, Mauneluk River Section I, Lot 3A

No.	Bearing	Length
1-24	N. 50°36'45" W.	25.00'
1-25	N. 37°35'22" W.	124.66'
1-26	N. 42°42'17" W.	165.43'
1-27	N. 24°45'00" W.	140.33'

— downstream along the left bank, side channel, Mauneluk River

## Section II, Lot 1A

No.	Bearing	Length
12-01	S. 77°44'48" E.	56.82'
12-02	S. 87°47'00" E.	67.40'
12-03	S. 40°14'42" E.	142.00'
12-04	S. 24°02'48" W.	71.92'
12-05	S. 28°38'18" W.	230.89'

— downstream along the right bank, main channel, Mauneluk River

## Section II, Lot 2A

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°35'12" W.	117.44'

— downstream along the left bank, main channel, Mauneluk River

## Section II, Lot 3A

No.	Bearing	Length
12-56	N. 76°04'08" W.	44.01'
12-57	S. 46°57'35" W.	38.36'
12-58	S. 40°15'09" W.	127.92'
12-59	S. 23°03'03" W.	180.57'

— 2nd most westerly M.C. of Sections I and II, Mauneluk River

## Section III, Lot 1A

No.	Bearing	Length
12-61	S. 13°56'39" W.	109.89'
12-62	S. 12°18'39" W.	69.72'
12-63	S. 15°45'24" W.	44.79'
12-64	S. 26°21'48" E.	49.89'

— 2nd most westerly M.C. of Sections I and II, Mauneluk River

## Section III, Lot 2A

No.	Bearing	Length
12-65	S. 20°59'24" E.	65.71'
12-66	S. 20°59'24" E.	64.10'
12-67	S. 19°16'16" E.	166.59'
12-68	S. 10°27'22" E.	338.09'

— downstream along the left bank, side channel, Mauneluk River

## Section III, Lot 3A

No.	Bearing	Length
12-69	S. 88°46'58" E.	136.05'
12-70	S. 88°46'58" E.	216.99'
12-71	S. 80°42'02" E.	255.91'
12-72	S. 67°11'09" E.	299.88'

— 2nd most northerly M.C. of Sections 7 and 12, Mauneluk River

## Section IV, Lot 1A

No.	Bearing	Length
12-80	S. 76°52'24" E.	172.45'
12-81	S. 64°34'06" E.	28.17'
12-82	S. 64°34'06" E.	120.97'
12-83	S. 64°34'06" E.	100.11'

— downstream along the left bank, side channel, Mauneluk River

## Section IV, Lot 2A

No.	Bearing	Length
12-84	S. 30°05'10" W.	50.64'
12-85	S. 36°43'30" E.	93.21'
12-86	S. 36°43'30" E.	89.09'
12-87	S. 4°45'12" E.	83.54'

— downstream along the left bank, side channel, Mauneluk River

## Section IV, Lot 3A

No.	Bearing	Length
12-88	S. 39°16'54" W.	69.19'
12-89	S. 29°16'58" W.	77.91'
12-90	S. 10°27'45" W.	340.35'
12-91	S. 23°48'32" W.	145.82'

— downstream along the left bank, side channel, Mauneluk River

## Section IV, Lot 4A

No.	Bearing	Length
12-92	S. 31°45'00" W.	207.99'
12-93	S. 16°41'00" W.	159.50'
12-94	S. 6°31'21" W.	207.07'
12-95	S. 29°45'30" E.	163.05'

— 3rd most northerly M.C. of Sections 7 and 12, Mauneluk River

## Section IV, Lot 5A

No.	Bearing	Length
12-96	S. 34°19'11" E.	332.76'
12-97	S. 38°05'45" E.	145.87'
12-98	S. 48°05'35" E.	212.82'

— Easterly M.C. Section 12 and 13, Mauneluk River

## Section IV, Lot 6A

No.	Bearing	Length
12-99	S. 51°44'45" W.	164.17'
12-100	S. 54°52'03" W.	259.77'
12-101	S. 55°21'44" W.	78.95'
12-102	S. 64°11'59" W.	130.34'

— downstream along the left bank, side channel, Mauneluk River

## Section IV, Lot 7A

No.	Bearing	Length
12-103	S. 51°42'17" W.	165.43'
12-104	S. 24°45'23" W.	120.33'
12-105	S. 24°45'23" W.	120.33'

— downstream along the left bank, side channel, Mauneluk River

## Section IV, Lot 8A

No.	Bearing	Length
12-106	S. 27°10'57" W.	14.06'
12-107	S. 27°10'57" W.	14.06'
12-108	S. 27°10'57" W.	14.06'

— downstream along the left bank, side channel, Mauneluk River

## Section IV, Lot 9A

No.	Bearing	Length
12-109	S. 27°10'57" W.	14.06'
12-110	S. 27°10'57" W.	14.06'
12-111	S. 27°10'57" W.	14.06'

— downstream along the left bank, side channel, Mauneluk River

## Section IV, Lot 10A

No.	Bearing	Length
12-112	S. 27°10'57" W.	14.06'
12-113	S. 27°10'57" W.	14.06'
12-114	S. 27°10'57" W.	14.06'

— downstream along the left bank, side channel, Mauneluk River

## Section IV, Lot 11A

No.	Bearing	Length
12-115	S. 27°10'57" W.	14.06'
12-116	S. 27°10'57" W.	14.06'
12-117	S. 27°10'57" W.	14.06'

— downstream along the left bank, side channel