



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Land Conveyances Section

550 West 7th Avenue, Suite 640
Anchorage, Alaska 99501-3576
Main: 907.269.8594
TTY: 711 or 800-770-8973
Fax: 907.269.8916
<http://landsales.alaska.gov>
<http://facebook.com/alaskaland/>

8/31/21

Bureau of Land Management
Adjudication Services Section
Attn: Candy Grimes
222 West 7th Avenue, #13
Anchorage, Alaska 99513-7504

Subject: Final Finding and Decision, Noah Albert (deceased) Native Allotment F 000828, ADL
416148

To Whom It May Concern:

Enclosed is a copy of the State's Final Finding and Decision for Alaska Native Allotment F 000828. It was determined to be in the State's best interest to reconvey these lands.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hovancsek".

Daniel L. Hovancsek
Native Allotment Coordinator
State of Alaska, DNR, DMLW

Enclosure:
Final Finding and Decision

Distribution List:

Dinah Burk
2221 Muldoon Rd
Space #41
Anchorage, AK 99504

Edna Silva
P.O. Box 93562
Anchorage, AK 99509

Toghotthele Corporation
P.O. Box 249
Nenana, Alaska 99760

Doyon, Limited
Lands & Natural Resources Dept.
1 Doyon Place, Suite 300
Fairbanks, AK 99701-2941

Alaska Legal Services Corporation
Attn: Native Allotments
1016 W. 6th Avenue, Suite 200
Anchorage, AK 99501-1963

Bureau of Indian Affairs
Regional Realty Office
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

Tanana Chiefs Conference
Attn: Eileen K. Grant
122 1st Avenue, Suite 600
Fairbanks, AK 99701

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

FINAL FINDING AND DECISION

of a
Reconveyance of Alaska Native Allotment Case File F 000828
ADL 416148

This Final Finding and Decision (FFD) complements and updates the Preliminary Decision (PD) for ADL 416148 issued on July 12, 2021.

I. Recommended Action

On July 12, 2021, the State of Alaska, 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 approximately 131.86 acres of wrongfully conveyed State land located within Sections 11 and 12, Township 4 South, Range 6 West, Fairbanks Meridian in the Fairbanks Recording District. The parcel is described as Lot 4a, NE1/4 SE1/4, Section 11 and Lot 4, N1/2 SW1/4 SW1/4, Section 12, Township 4 South, Range 6 West, Fairbanks Meridian and is claimed by Noah Albert (deceased) as his Native Allotment. There are no changes to the stipulations outlined in the attached PD.

II. Authority

This reconveyance is being adjudicated pursuant to Alaska Statute (AS) 38.05.020 *Authority and Duties of the Commissioner*, AS 38.05.035 *Power and Duties of the Director*, AS 38.05.830 *Land Disposal in the Unorganized Borough*, 11 Alaska Administrative Code (AAC) 67.930 *Purpose and Procedure*, and the settlement authority of the Attorney General in accordance with the Stipulated Procedures for Implementation of Order, *Aguilar v. United States* 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 under State of Alaska Online Public Notice from July 12, 2021 to August 12, 2021;
- Mailed, with a request to post for 30 days, to postmasters in Ester and Nenana per AS 38.05.945(c)(4) *Notice*;
- Mailed to the regional and village corporations per AS 38.05.945(c)(2)-(3) *Notice*; and
- Mailed to the heirs of Noah Albert (allottee), Tanana Chiefs Conference, Toghoththele Inc., Doyon Ltd., Alaska Legal Services Corporation, Bureau of Land Management, and Bureau of Indian Affairs.

The public notice stated that written comments must be received by 4:30 PM Thursday, August 12, 2021 in order to ensure consideration and eligibility to appeal. For more information, refer to the attached PD.

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IV. Comments Received

No written comments were received during the public comment period.

V. Modifications to Decision and Stipulations

The recommended action has not been modified from the original proposed action of described in the PD of July 12, 2021. It is in the best interest of the State of Alaska to reconvey the land to the United States subject to the reservations, exceptions, and restrictions, as stated below. This will allow the heirs to the Native Allottee to obtain title to the land while the State will retain public access on the property as prescribed by statute and thus avoid title recovery litigation by the federal government. The State of Alaska may proceed with reconveyance of Lot 4a, NE1/4 SE1/4, Section 11 and Lot 4, N1/2 SW1/4 SW1/4, Section 12, Township 4 South, Range 6 West, Fairbanks Meridian, 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 for public access, upland, abutting, and running in common with the ordinary high water mark along both sides of the unnamed creek bisecting Lot 4 of Section 12, Township 4 South, Range 6 West, Fairbanks 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;*
- b) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the ordinary high water mark along the Tanana River within Sections 11 and 12, Township 4 South, Range 6 West, Fairbanks 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 Tatlanika Creek within Lot 4 of Section 12, Township 4 South, Range 6 West, Fairbanks 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) An easement fifty (50) feet in width along each side of the surveyed section line in common with Sections 11 and 12, Township 4 South, Range 6 West, Fairbanks 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*
- e) All other valid existing rights, if any.

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

The following condition will be contained in the conveyance document and pertains to this reconveyance. The following interest will merge with the title once the land is conveyed back to the United States:

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The Patent contains a reservation for a right-of-way thereon for ditches and canals under the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945 and a reservation for the right-of-way thereon for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the Act of March 12, 1914 (38 Stat. 305).

Final Finding and Decision

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VI. Final Finding and Decision

LCS recommends proceeding with the proposed action as described in the Preliminary Decision. This action is undertaken under 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.



8/30/2021

Recommended by: Daniel Hovancsek

Date

Native Allotment Coordinator
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

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.



Aug 31, 2021

Approved by: Rachel Longacre

Date

Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

Final Finding and Decision

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Appeal Provision

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 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) and (b). If no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the Department on the 31st day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court (11 AAC 02.020(a) and (b)). A copy of 11 AAC 02 may be obtained from any regional office of the Department of Natural Resources.

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

PRELIMINARY DECISION
ADL 416148
BLM No. F 000828

**Proposed Reconveyance of a
Alaska Native Allotment in the Unorganized Borough**

PUBLIC COMMENT PERIOD ENDS 4:30 PM, THURSDAY, AUGUST 12, 2021

I. Proposed Action

Preliminary Decision: Noah Albert – ADL 416148

Attachment A: Public Notice

Attachment B: Dependent Resurvey and Subdivision

Attachment C: Vicinity & Easement Map

Attachment D: Ownership Map

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 4a, NE1/4 SE1/4, Section 11 and Lot 4, N1/2 SW1/4 SW1/4, Section 12, Township 4 South, Range 6 West, Fairbanks Meridian, containing 131.86 acres of wrongfully conveyed state land. See *Attachment C: Vicinity & Easement Map* for a depiction of the project area.

The subject parcel is an Alaska Native allotment, Bureau of Land Management (BLM) Serial No. F 000828 claimed by Noah Albert (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 VII. Submittal of Public Comments** at the end of this document and *Attachment A: 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*, AS 38.05.830 *Land Disposal in the Unorganized Borough*, 11 Alaska Administrative Code (AAC) 67.930 *Purpose and Procedure* and the settlement authority of the Attorney General in accordance with *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

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III. Administrative Record

The DNR case file - ADL 416148 and BLM case file F 000828, constitutes the administrative record for this proposed action. Also incorporated by reference are:

- Yukon Tanana Area Plan for state lands (YTAP, adopted January 3, 2014) and associated land classification files; and
- DNR case files: GS 21.

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

Located within DNR's Northern Region, approximately 11 miles east of Nenana, the project area is within Sections 11 and 12, Township 4 South, Range 6 West, Fairbanks Meridian, within the Unorganized Borough (UB). The project area consists of approximately 131.87 acres identified for reconveyance by this proposed action. See *Attachment C: Vicinity & Easement Map* for a depiction of the project area.

USGS Map Coverage: Fairbanks C-4

Borough/Municipality: Unorganized Borough

Native Councils and Corporations: The project area is within the boundaries of the Doyon Regional Corporation. Nenana is within 25 miles of this proposed action and notice will be sent to the Toghoththele Corporation and the Tanana Chiefs Conference.

VI. Legal Description

The legal description is Lot 4a, NE1/4SE1/4, Sec 11 and Lot 4, N1/2SW1/4SW1/4, Sec 12, T. 4 S., R. 6 W., Fairbanks Meridian, containing 131.86 acres, more or less, according to the survey plat accepted by the United States Department of the Interior, Bureau of Land Management, Anchorage, Alaska, on June 7, 2005 and officially filed on June 22, 2005.

VII. Title

The State received title to the land on June 15, 1961 under Patent 1220532. The State file is GS 21. Title Report 21612 was issued March 5, 2021. There are no third party interests or reservations contained in the patent.

Acquisition: The State filed selection application GS 21 (BLM Serial No. F 024583) for Township 4 South, Range 6 West, Fairbanks Meridian on November 25, 1959.

Restrictions: The Tentative approval contains a reservation for a right-of-way thereon for ditches and canals under the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945 and a reservation for the right-of-way thereon for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the Act of March 12, 1914 (38 Stat. 305).

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VIII. Background

Noah Albert began his use and occupancy of the subject lands before the year 1900 according to documentation in BLM case file F 000828. His native allotment application was submitted on September 2, 1916. The State filed selection application GS 21 for Township 4 South, Range 6 West, Fairbanks Meridian on November 25, 1959 and received title by Patent 1220532 on June 15, 1961. The BLM surveyed the 131.86-acre parcel and issued dependent resurvey and subdivision in 2005. On April 30, 1998, the BLM determined Native Allotment application F 000828 valid and the State received a request for reconveyance on April 23, 2021.

IX. Planning, Classification, and Mineral Orders

1. *Planning:* The subject parcel is located within the Tanana Valley State Forest as part of the Lower Tanana Region of the Yukon Tanana Area Plan adopted on January 3, 2014. Recommended land use within this management unit/region includes the disposal of land for agricultural and settlement purposes and the retention of land with forestry values with the intent of incorporating them into the Tanana Valley State Forest. The plan designates the subject parcel as L-01 F Tanana Valley State Forest
2. *Land Use Classification:* The State classified the subject parcel as L-01 F Tanana Valley State Forest under CL NC-82-065 based on the YTAP adopted January 3, 2014. Land is intended to be managed in a way that is consistent with the Tanana Valley State Forest Management Plan.
3. *Mineral Order:* No mineral order exists for the parcel in question.
4. *Local Planning:* This parcel does not exist within any local planning unit.

X. Traditional Use Finding

Before a sale, lease under AS 38.05.070 – 38.05.105 Alaska Land Act, or other disposal of state land in the unorganized borough, the Commissioner shall consider the effect that the sale, lease, or disposal may be expected to have on the density of population in the vicinity of the land, and potential for conflicts with the traditional uses of the land that could result from the sale, lease, or disposal. If necessary, the Commissioner shall develop a plan to resolve or mitigate the conflicts in a manner consistent with the public interest and the provisions of this chapter (§33 ch. 113 SLA 1981).

Additional information on traditional use is welcome during the public comment period and if this proposal is approved, LCS will address the information received in a subsequent FFD. See the **Section XVI. Submittal of Public Comments** at the end of this document and *Attachment A: Public Notice* for details on how to submit comment.

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

Public Access: This parcel is adjacent to Tanana River which has been determined to be navigable waterway. Furthermore, this parcel is bordered by Tatlanika Creek and bisected by an unnamed stream both of which are considered to be public waterways under AS 38.05.126, 127, 965 (14) and (21). This parcel is primarily accessed by boat in the summer and by dogsled and snow machine in the winter.

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

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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*.

Easements and Setbacks: 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 for public access, upland, abutting, and running in common with the ordinary high water mark along both sides of the unnamed creek bisecting Lot 4 of Section 12, Township 4 South, Range 6 West, Fairbanks 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*;
- (b) An easement fifty (50) feet in width for public access, upland, abutting, and running in common with the ordinary high water mark along the Tanana River within Sections 11 and 12, Township 4 South, Range 6 West, Fairbanks 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 Tatlanika Creek within Lot 4 of Section 12, Township 4 South, Range 6 West, Fairbanks 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) An easement fifty (50) feet in width along each side of the surveyed section line in common with Sections 11 and 12, Township 4 South, Range 6 West, Fairbanks 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
- (e) All other valid existing rights, if any.

XII. Reservation of the Mineral Estate

The Division of Oil and Gas (DOG) and the 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

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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.

XV. DMLW and Agency Review

Information and comments received from multiple sections with DMLW prior to and during agency review have been considered and included in the preparation of this preliminary decision. Agency review was conducted from April 16, 2021 to March 16, 2021. 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 Final Finding and Decision (FFD).

DNR DMLW LCS received brief comments of non-objection from the following agencies:
DNR Division of Forestry and DNR Division of Oil and Gas.

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

- Alaska Department of Fish and Game
- State Historical Preservation Office

XVI. Submittal of Public Comments

See *Attachment A: 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 Final Finding and Decision, without further notice.

Only persons from whom DNR DMLW LCS receives timely, written comment during the identified comment period will be eligible to file an appeal of the Final Finding and Decision. Upon approval and issuance of a Final Finding and Decision, 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.

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

**DEADLINE TO SUBMIT WRITTEN COMMENT IS
4:30 PM, THURSDAY, AUGUST 12, 2021**

XVII. Discussion and 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 **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. Albert's Native Allotment application to be valid on April 30, 1998. Based on documentation within BLM's case file and subsequent comments received from agency review, LCS has found no legal reason for denying this reconveyance subject to public notice and a final decision.

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

Recommendation follows.

Preliminary Decision


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XVIII. Recommendation

This Preliminary Decision for the proposed reconveyance of state lands described throughout this document and its attachments may be within the State's best interest. Reconveyance under the conditions in Alternative #1 is preferable to title recovery litigation. The State's reconveyance will allow the BLM to transfer title of the land to the Native Allottee and will eliminate any further title recovery action. The PD described above, as represented by the preferred alternative, has been reviewed and considered. I find that the recommended action may be in the best interest of the State and that it is hereby approved to proceed to public notice.

This is a Preliminary Decision, and analysis of subsequent public review may result in changes to the preferred alternative of the proposed reconveyance of state lands. If the decision is approved, a Final Finding and Decision may be issued.



Recommended by: Daniel Hovancsek Date July, 12, 2021
Native Allotment Coordinator
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

for → 

Approved by: Rachel Longacre Date July 12, 2021
Section Chief
Land Conveyance Section
Division of Mining, Land and Water
Department of Natural Resources
State of Alaska

PUBLIC NOTICE

State of Alaska
Department of Natural Resources (DNR)
Division of Mining, Land and Water
Land Conveyance Section
550 W. 7th Ave., Suite 640
Anchorage, Alaska 99501-3579

Notice is hereby given that the Division of Mining, Land and Water has made a preliminary decision under AS 38.05.035(e) to reconvey the following erroneously conveyed State land to the United States of America for conveyance to the Native allotment applicant noted below pursuant to AS 38.05.035(b)(9) and in accordance with the Stipulated Procedures for Implementation of Order in *Aguilar v. United States*, 474 F. Supp. 840 (D. Alaska 1979):

Applicant: Noah Albert (deceased)
BLM No.: F-000828
ADL No.: 416148
Location: Sections 11 and 12, T. 4 S., R. 6 W., Fairbanks Meridian
Survey: Dependent Resurvey and Subdivision of June 22nd, 2005 containing 131.87 acres, more or less

The public is invited to comment on the proposals to reconvey the land. Copies of the Preliminary Decision are available from the address above. Comments must be in writing and received at the above physical address, faxed to (907) 269-8916, or submitted by email to danny.hovancsek@alaska.gov before 4:30 pm, August 12, 2021 in order to ensure consideration and appeal in accordance with 11 AAC 02.010(c). Public comments will be reviewed and considered in the Final Finding and Decision. The final decision will be issued on or about August 19, 2021, or thereafter, and will be sent to any person who commented during the thirty-day comment period. The Final Finding and Decision will provide additional information about the appeal procedures.

The State of Alaska, Department of Natural Resources, complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, or special modifications to participate in this review may call 269-8411 TTY/TTD. Please provide sufficient notice in order for the Department to accommodate your needs.

The DNR, Division of Mining, Land and Water reserves the right to waive technical defects in this notice and will forgo an additional notice and comment period upon issuance of the Final Finding and Decision.

Date of Publication: July 12, 2021

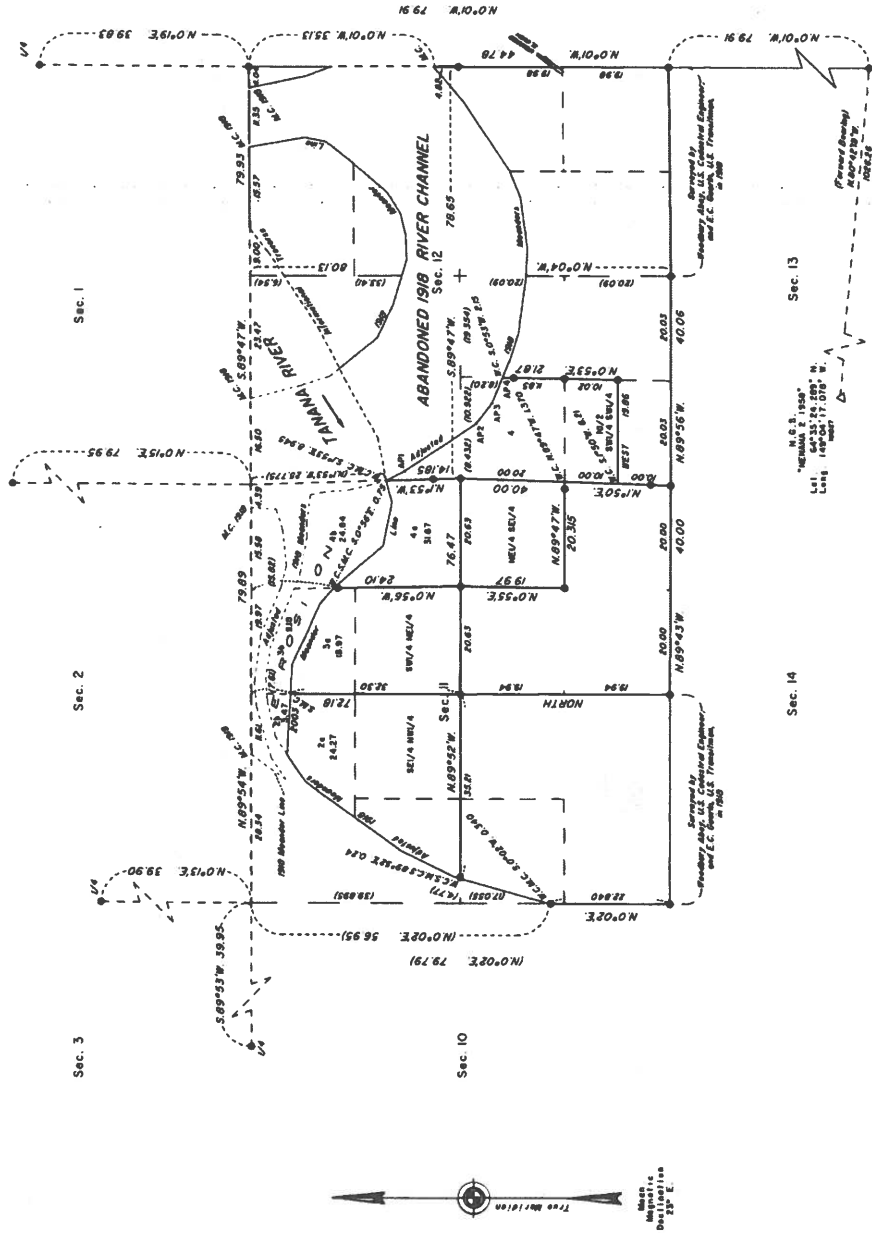
TOWNSHIP 4 SOUTH, RANGE 6 WEST, OF THE FAIRBANKS MERIDIAN, ALASKA DEPENDENT RESURVEY AND SUBDIVISION

A history of surveys is contained in the field notes.

This plat represents the retracement and dependent resurvey of portions of the east boundary and the subdivision lines, the survey of a portion of the east boundary of the present 40-acre parcels of Lots 2, 3, and 4 in section 11, the deadjusted 1918 meander line of the left bank of the Tanana River in sections 10 and 11, the ordinary high water line of the Tanana River in section 12, Township 4 South, Range 6 West, Fairbanks Meridian, Alaska.

Except as indicated hereon the settings and areas are as shown on the plat of survey accepted for record in 1918. The settings and areas are shown in parts, denoting land and water areas, for informational purposes only.

This survey was executed by Karl D. Nuhls, Cadastral Surveyor September 1 through September 24, 2003, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1972, as amended, and Special Instructions, No. 755, Alaska, dated May 16, 2003, and amended Special Instructions dated July 16, 2003.



Acceptance of this survey does not purport to be a retracement of the original survey of the State of Alaska as entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the depiction of water bodies.

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

This plat is strictly conformable to the accepted field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

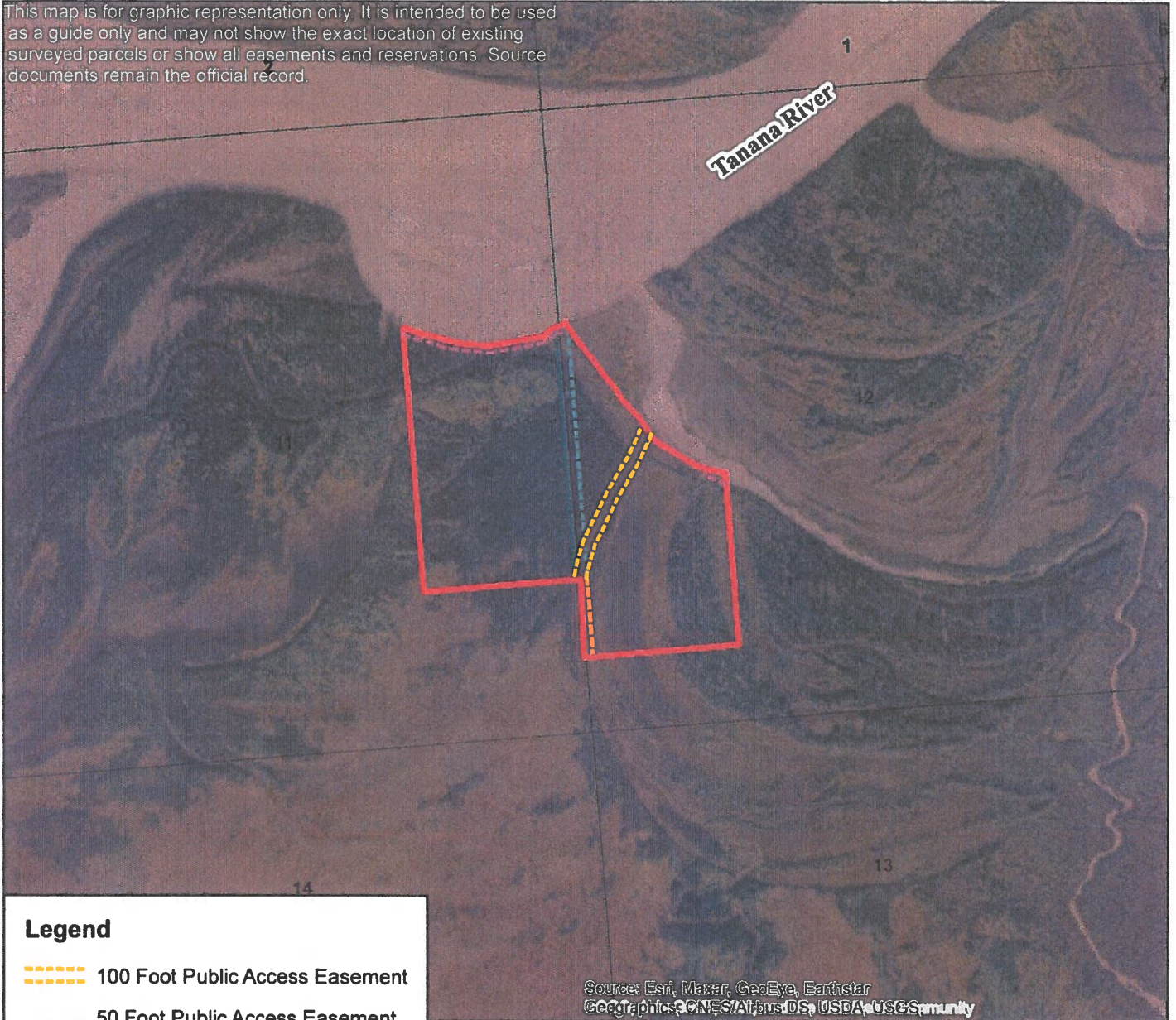
John Smith 6/22/05
Date

Deputy State Director for Cadastral Survey, Alaska



Attachment C: Vicinity & Easement Map Noah Albert ADL 416148

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



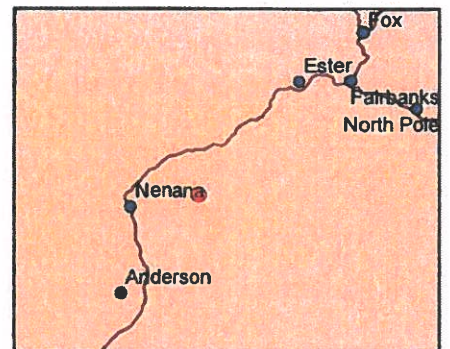
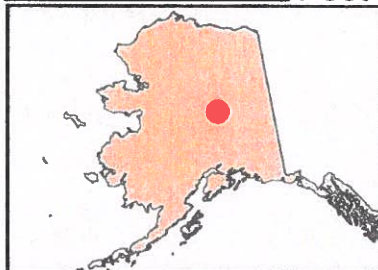
Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, Swire

Legend

- 100 Foot Public Access Easement
- 50 Foot Public Access Easement
- 50 Foot Section Line Easement
- 100 Foot Section Line Easement
- Noah Albert Native Allotment

Sections 11 and 12, Township 4 South,
Range 6 West, Fairbanks Meridian

DLH 5/5/2021



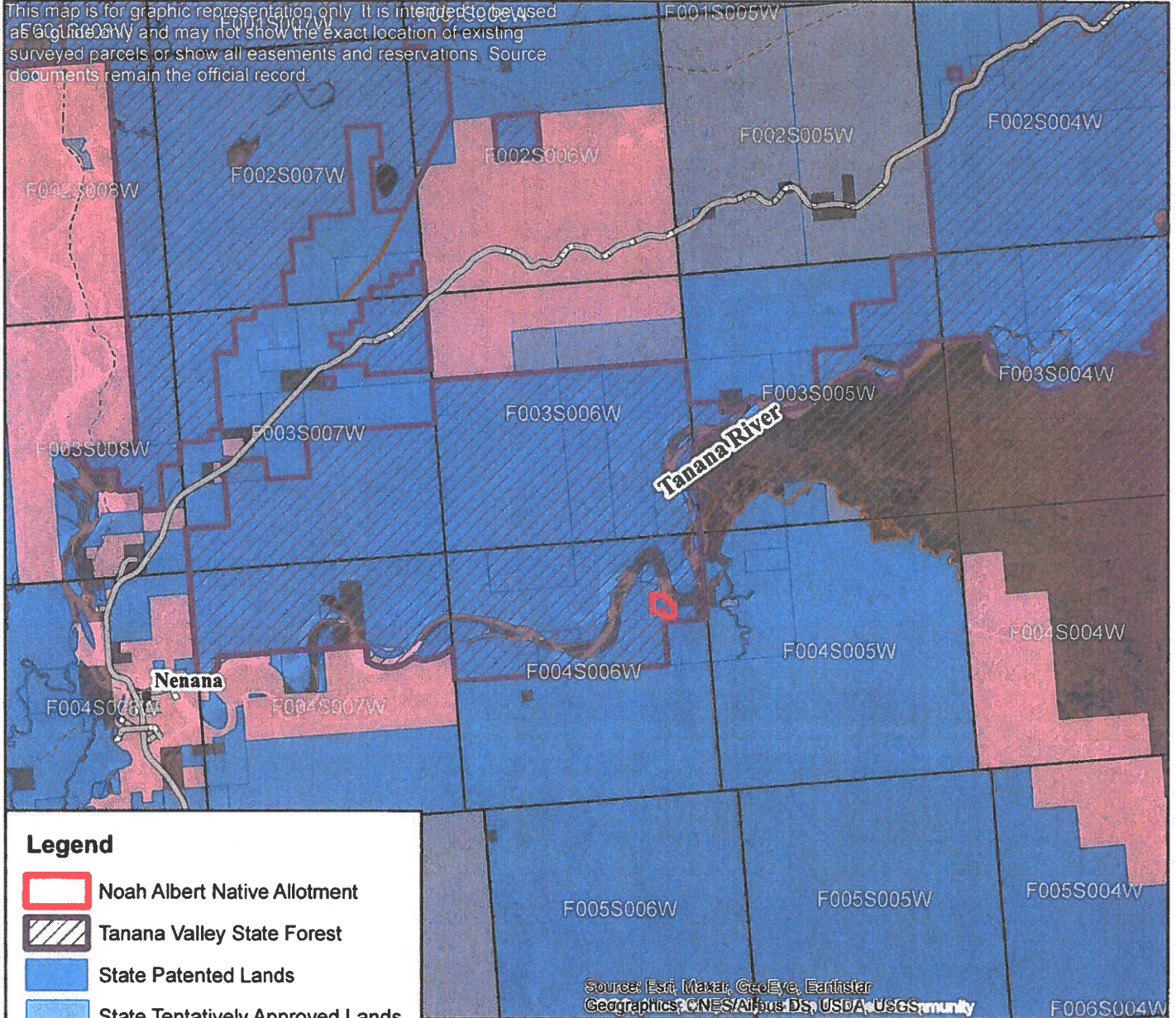
USGS QUAD 1:63,360, Fairbanks C-4
For more information contact:
Daniel Hovancsek
Department of Natural Resources
Division of Mining, Land and Water
Land Conveyance Section
Phone: 907-269-8574
Fax: 907-269-8916
Email: danny.hovancsek@alaska.gov





Attachment D: Ownership Map Noah Albert ADL 416148

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Legend

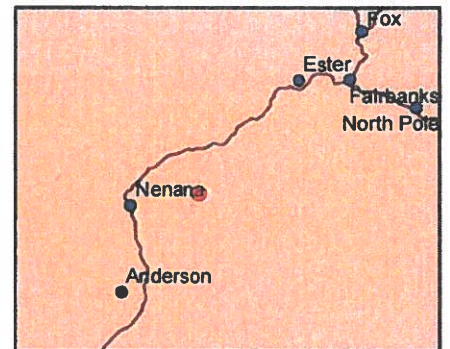
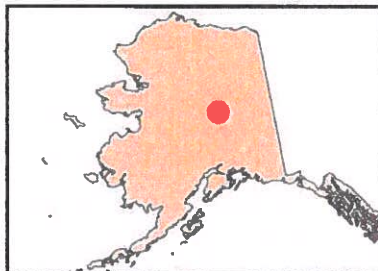
- Noah Albert Native Allotment
- Tanana Valley State Forest
- State Patented Lands
- State Tentatively Approved Lands
- ANCSA Patented Lands
- Federal Withdrawal
- Parks Highway

Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS, imagery

**Sections 11 and 12, Township 4 South,
Range 6 West, Fairbanks Meridian**

DLH 5/5/2021

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USGS QUAD 1:63,360, Fairbanks C-4
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