

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Division of Mining, Land and Water

NOTICE OF DECISION
RELEASE OF STATE INTEREST
State Selection File GS-4559

Partial Relinquishment of State Land Selection

AS 38.05.035(a)(11), AS 38.05.035(e), ANILCA Sec. 906(f)(2), ALTAA Sec. 404(a)(4)(B)

I. Action

Proposed relinquishment of State of Alaska (State) surface estate selection while retaining the State's subsurface selection on all minerals excluding sand and gravel in favor of Dingell Act allotment application AA- 98397.

II. Authority

The 2019 John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act) (Pub. L. 116-9) provides that eligible Alaska Native Vietnam Veterans may request conveyance of Statehood Act land selections and that the State may voluntarily relinquish either fee title or surface estate interests to facilitate conveyance of the lands to the Native Veteran.

Lands were selected by the State under Sec. 6(b) of the Alaska Statehood Act (Pub. L. 85-508). The ability to relinquish Statehood Act selections was codified in Sec. 906(f)(2) of the Alaska National Interest Land Conservation Act (ANILCA) (Pub. L. 96-487). Sec. 404(a)(4)(B) of the Alaska Land Transfer Acceleration Act (ALTAA) (Pub. L. 108-452) provides that the State shall relinquish selections in excess of 125% of its remaining entitlement.

The provisions of Alaska Statute (AS) 38.05.035(a)(11) allow the Director of the Division of Mining, Land and Water (DMLW) to manage Statehood Entitlement selections. AS 38.05.035(e) provides authority for disposals of lands, resources, property, or interests in them. Article XIII of the Alaska Constitution provides guiding principles for maximum use of state lands and resources and authority for disposals of interests in lands and resources.

III. Background

The Dingell Act allows eligible Alaska Native Vietnam Veterans (applicants) to select up to 160 acres of federal land as an allotment. Available lands are those managed by the Bureau of Land Management (BLM), excluding lands withdrawn by Public Land Orders (PLOs), the Trans-Alaska Pipeline (TAPS) right-of-way, military withdrawals, Conservation System Units (CSU's) including the National Forests, and the National Petroleum Reserve-Alaska (NPR-A). Lands selected by the State or Alaska Native Claim Settlement Act (ANCSA) Corporations are classified as available

regardless of priority status. The State and ANCSA Corporations have the option to relinquish or deny relinquishment of selections for any reason within 60 days of receiving BLM's request.

IV. Administrative Record

The selection file for state selection GS-4559 constitutes the administrative record for this action.

V. Location

The allotment selection is in DNR's Southcentral Region, within Section 25, Township 11 North, Range 2 West, Copper River Meridian. The allotment is south of the Haggard Creek Trail.

USGS Map Coverage: Gulkana C-4 NE

Platting Authority: Unorganized Borough

Regional Corporation: Ahtna Inc.

Federally Recognized Tribe: Gulkana Village Council

Please see Attachment A for a visual depiction of the allotment selection.

VI. Legal Description

Those lands including approximately 160 acres approximately two miles west of milepost 162 of the Richardson Highway in Section 25, Township 11 North, Range 2 West, Copper River Meridian, Alaska.

VII. Selection History

On Feb. 18, 1982, State selection GS-4559 was filed for all available lands within T. 11 N., R. 2 W., C.R.M. The lands were selected under the provisions of the Act of July 7, 1958, Public Law 85-508, Section 6(b), as amended, and the Act of December 2, 1980, Public Law 96-487, Section 906(e) and pursuant to Chapter 169, SLA 1959.

Public notice of State selection was completed in July 1982.

On Dec. 20, 1993, township was Topfiled pursuant to ANILCA.

On Dec. 20, 1993, State reasserts and amends the selection.

On Mar. 29, 2007, BLM Approved certain lands in the township proper for State Selection and Approved for Future Conveyance. These lands did not include the allotment parcel in Sections 25.

On June 1, 2007, BLM Issued TA for lands previously approved for conveyance.

In Sept. 2015, BLM issued Patent 50-2015-0109 for lands in Sections 5 to 9, 16 to 21, and 30 of this township.

On May 20, 2024, Realty Services received a request from BLM to relinquish approximately 160 acres for a Dingell Act allotment serialized as AA-98397. The proposed allotment lands are located west of milepost 162 on the Richardson Highway.

The lands are currently selected under GS-4559 and are ranked as a priority 2.

VIII. 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 decision. The proposed relinquishment documents were distributed to State agencies for review from July 2, 2024, through Aug. 8, 2024. The intent of an agency review is to request comments from agencies that may be affected by the selection relinquishment. Agencies are given the opportunity to evaluate and comment on the relinquishment to determine if it is in the State's best interest to release the land selection and, if so, provide supporting reasons.

The following agencies or groups were included in the agency review:

- **DNR Division of Oil & Gas Leasing Section:** There is no objection from the Leasing Section for the relinquishment of the surface estate.
 - **DMLW Realty response:** Thank you for your comment. Realty intends to retain the State's selection on the subsurface estate, excluding sand and gravel. Under the Dingell Act, sand and gravel will be conveyed to the applicant.
- **DNR DMLW PAAD Section:** PAAD has no objections to the relinquishment of this parcel. Access is provided to the parcel by the Haggard Creek trail which comes close to the upper corner touching the township line but does not touch the parcel per review by Mapper and LMaR. The parcel is meandered from the unnamed lake. There are no identified RS 2477 ROW's crossing or near the parcel.
 - **DMLW Realty response:** Thank you for your comment.
- **DNR Division of Geological and Geophysical Surveys (DGGS):** Hydrology and Surficial Geology: The area lies near the margin of glacial drift and glaciolacustrine deposits associated with Glacial Lake Ahtna and thus likely consists of a mix of each type of deposit. Glacial drift consists of heterogeneous mixtures of gravel, sand, silt, and minor amounts of clay. Glaciolacustrine deposits consist of massive to well-laminated clayey silt and gravelly sandy silt with beds and lenses of sand and sandy gravel. The area is mapped as discontinuous permafrost (50-90%), so there is some potential for instability related to permafrost thaw, especially for the glaciolacustrine deposits. There is minor potential for sand and gravel material resources, although glacial drift and glaciolacustrine deposits are generally not considered high-potential targets. Overall, based on current information, there is no geologic reason to oppose the relinquishment of this land.
Geologic Hazards: This region is in a zone of discontinuous permafrost, meaning that 50–90 percent of the ground surface may be underlain by perennially frozen ground (permafrost) and may be subject to thaw slumps, gullies, and water tracks.

The parcel is located about 41 miles south of the Denali fault, which has been active within the last 150 years. Recent noteworthy seismicity in the region includes the 7.9 M SLANA, MENTASTA LAKE, FAIRBANKS earthquake in 2002 and the 6.7 M CANTWELL, DENALI NATL PARK earthquake in 2002 (National Centers for Environmental Information, <https://www.ncei.noaa.gov/maps/hazards>). The region's overall seismic hazard potential is low. Standard best building practices should be used to accommodate the regional seismic hazard. This area has been subject to ash fall from erupting Cook Inlet and Alaska Peninsula volcanoes. Past ash events include Spurr 1992, Novarupta (Katmai) 1912, and multiple older tephros. Radon, a naturally occurring cancer-causing radioactive gas, is modeled to be moderate in the immediate vicinity of the parcel. The Environmental Protection Agency's (EPA) Action Level for radon is 4 pCi/L; the EPA suggests homeowners consider radon mitigation for test results of 2–4 pCi/L. Any home, school, or building can have high levels of radon and should be tested. Minerals: I have reviewed the geologic map of Wilson and others (2015) and the Alaska Resource Data File. The nearby bedrock is Jurassic to early Cretaceous, and there are some sulfide-bearing veinlets reported along the Richardson Highway in the general area. My conclusion is that there is low potential for economically viable metallic mineral deposits in this area.

- **DMLW Realty response:** Thank you for your comment. Realty intends to retain the State's selection on the subsurface estate, excluding sand and gravel. Under the Dingell Act, sand and gravel will be conveyed to the applicant.
- **DNR DMLW Land Conveyances Section:** LCS has no comments on this proposed relinquishment.
 - **DMLW Realty response:** Thank you for your comment.
- **Department of Fish and Game Division of Wildlife Conservation:** The Alaska Department of Fish and Game (ADF&G) reviewed the proposed relinquishment of 160 acres of state selected lands located west of the Richardson Highway and east of the Gulkana River on an unnamed lake in Sec. 25, T. 11 N., R. 2 W., CRM. The Bureau of Land Management intends to convey these acres to fulfill a Dingell allotment claim. ADF&G has no interests created on these lands and has no objection. Thank you for the opportunity to review and provide comments.
 - **DMLW Realty response:** Thank you for your comment.
- **DNR DMLW Water Section:** No objections from the Water Section.
 - **DMLW Realty response:** Thank you for your comment.
- **Department of Agriculture:** DAg has no concerns.
 - **DMLW Realty response:** Thank you for your comment.
- **DNR DMLW Mining Section:** No comment.
 - **DMLW Realty response:** Thank you for your comment.
- **DNR DMLW RADS Section:** Thank you for the opportunity to review and comment on the proposed Dingell Act Native allotment relinquishment AA-98397. The Resource Assessment & Development Section (RADS) has reviewed the available data, satellite imagery, and the applicable regional land use plan – Copper River Basin Area Plan (CRBAP) and provides the following comments. The proposed Dingell Act Native veteran

allotment relinquishment is located within Section. 025, Township. 011 N., Range. 2 W., Copper River Meridian. The parcel is approximately 160 acres and is located within Section 25 of Township 011 North, Range 002W, Copper River Meridian. The parcel is state selected land in the CRBAP but has yet to be classified. RADS has no objection to this relinquishment moving forward.

- **DMLW Realty response:** Thank you for your comment.
- **DNR DMLW Statewide Abatement of Impaired Lands (SAIL) Section:** No comments or concerns from DNR-SAIL.
 - **DMLW Realty response:** Thank you for your comment.

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

- DNR Division of Parks and Outdoor Recreation
- Dept. of Transportation
- DNR DMLW Northern Region Land Office

IX. Public Comment

Public notice of the proposed relinquishment was conducted from July 2, 2024, through Aug. 8, 2024. The notice was posted to the State of Alaska Online Public Notice System. Copies of the notice were sent to the applicant, the Glennallen and Gakona Post Offices, Alyeska Pipeline Lands Manager, Tanana Chiefs Conference, Bureau of Land Management (BLM), BLM Glenn-Allen Field Office, Bureau of Indian Affairs (BIA) Regional Realty Office and Title Services Center, Ahtna, Inc., Gulkana Village Council, Cheesh-Na (Gakona) Tribe, Game Board, Native Village of Gakona, Alaska Department of Natural Resources Commissioners Office, Alaska State legislature, and adjacent landowners.

- **Alyeska Pipeline Service Company:** Alyeska Pipeline Service Company, agent for the owners of the Trans Alaska Pipeline, has no comments on this proposed relinquishment.
 - **DMLW Realty response:** Thank you for your comment.

X. Discussion and Alternatives

The State is supportive of the federal Dingell Act Native Veteran allotment program and will relinquish selections when it is in the State's best interests. In addition, the State's land selections are currently over-selected, under federal law the State is required to relinquish selections in excess of 125% of the remaining entitlement. To reduce over-selection, the State will consider relinquishing surface estate interests in lower-priority state entitlement lands to facilitate conveyance to Dingell Act applicants.

The parcel contains several potential natural hazards, including permafrost, seismicity, ash fall, and radon gas. Permafrost in the region may contribute to thaw slumps, gullies, and water tracks. Measures to mitigate adverse effects caused by permafrost should be considered by potential builders. Seismicity issues are due to the Denali fault, which has been active within the last 150 years. The region's overall seismic hazard potential is low and can be

accommodated by using standard best building practices. Ash falls from erupting Cook Inlet and Alaska Peninsula volcanoes have previously impacted the area. Radon, a naturally occurring cancer-causing radioactive gas, is modeled to be moderate in the immediate vicinity of the parcel. The Environmental Protection Agency's (EPA) Action Level for radon is 4 pCi/L; the EPA suggests homeowners consider radon mitigation for test results of 2–4 pCi/L. Any home, school, or building can have high levels of radon and should be tested.

The Gulkana River corridor is part of the National Wild and Scenic River System and passes through the township to the west of the allotment. Lands west of the Gulkana in this township are State owned, east of the Gulkana are state-selected. The Richardson Highway and the Trans-Alaska Pipeline approximately 2 miles east of the allotment; the township east of the parcel is a mixture of state-owned, state-selected and top-filed lands.

The allotment is located within the Alaska Department of Fish & Game's (ADF&G) Sourdough Controlled Use Area in Game Unit 13B. Access to the allotment is via the nearby Haggard Creek Trail, originating near milepost 161 of the Richardson Highway. The trail is recognized as an existing motorized trail by the BLM and ADF&G. The allotment is not crossed by any accepted and codified Revised Statute Trails. There are no trails permitted by the BLM, State, or unauthorized trails accessing or crossing the allotment. There are no public or navigable waters within or adjacent to the allotment.

The State relinquishing the surface estate of the parcel to facilitate conveyance to the applicant is keeping in character with the surrounding mixed private and public land ownership pattern. Results of the agency review and public comment solicitation failed to indicate any concerns with relinquishing the lands in favor of the applicant or provide strong support for retention of the State's selection. Relinquishment also supports the success of the Dingell Act Allotment program and provides an opportunity for a Native Vietnam War veteran to obtain an allotment that was denied due to circumstances related to military service.

The State considered the following alternatives in adjudicating the request for relinquishment:

Alternative 1: Relinquish the State's land selection in full (both surface and subsurface).

Alternative 2: Maintain State land selection.

Alternative 3: Relinquish the State's surface estate selection and maintain the State's subsurface selection on all minerals excluding sand and gravel.

XI. Decision

This decision considers all public and agency review comments received. After considering the facts and input described above, the Department finds it is in the best interest of the State to choose Alternative 3 and relinquish the above-described state selection of the surface estate while maintaining the subsurface selection to facilitate conveyance of Dingell act allotment application AA- 98397.

Recommended by:

Walter Zimmerman
Walter "Z" Zimmerman
Natural Resource Specialist 2
Realty Services Section
Division of Mining, Land and Water
Department of Natural Resources

8/30/2024
Date of Signature

Approved by:

Jane Boer
Jane Boer
Realty Services Section Chief
Division of Mining, Land and Water
Department of Natural Resources

9/13/2024
Date of Signature

Approved by:

[Signature]
Commissioner Boyle
Department of Natural Resources

22 Jun 25
Date of Signature

Reconsideration

An eligible person affected by this decision, and who provided timely written comment or public hearing testimony to the department, may request reconsideration to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any request for reconsideration must be received by the Commissioner's Office within twenty (20) calendar days after issuance of the decision under 11 AAC 02.040. The Commissioner may order or deny a request for reconsideration within thirty (30) calendar days after issuance of the decision. If the Commissioner takes no action on a request for reconsideration within thirty (30) days after issuance of the decision, the request for reconsideration is considered denied. The Commissioner's decision on reconsideration, other than a remand decision, is a final administrative order and decision of the department. An eligible person must first request reconsideration 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.

Reconsideration/appeal 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. Reconsideration 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: Vicinity Map Alaska Native Veteran Land Allotment Program Application AA-98397



Legend

 project location
AA-98397

USGS QUAD 1:25,000
Gulkana C-4 NE
For more information contact:
Walter "Z" Zimmerman
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**Sections 25, Township 11 N.,
Range 2 W., Copper River Meridian**

0 0.25 0.5 1 Miles


