

NOTICE OF ACTION RELEASE OF STATE INTEREST **State Selection File GS-6117**

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's 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-96319.

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 of Alaska (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 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 Available lands are those managed by the Bureau of Land Management (BLM), excluding lands withdrawn by Public Land Orders (PLOs), the Trans-Alaska Pipeline (TAPS) corridor, military withdrawals, Conservation System Units (CSU's) including the National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-6117 constitutes the administrative record for this action.

V. Location

The allotment selection is located within DNR's Northern Region, within Section 13, Township 20 North, Range 15 East, Copper River Meridian.

USGS Map Coverage: Tanacross B-4

Platting Authority: Unorganized Borough

Regional Corporation: Doyon Ltd.

Federally Recognized Tribe: Native Village of Tetlin

Village Corporation: Tetlin Native Corp.

Please see Attachment A for a visual depiction.

VI. Legal Description

The allotment lands include approximately 160 acres approximately 1 mile to the west of mile post 18 of the Taylor Highway, Section 13, Township 20 North, Range 15 East, Copper River Meridian, Alaska.

VII. Selection History

- 3/9/1972 PLO 5173 Withdraws entire Township for ANCSA Village and Regional Corp. selection
- 3/9/1972 PLO 5184 Withdrawal entire Township for ANCSA selection and BLM classification
- 12/2/1980 PL 96-487 Sec. 1422(a)(1) affects Sec. 2-11, 13-17, 21-28, 32-36
- 12/31/1992 State General Grant selection GS-6117 (FF-88894) application submitted for all sections in the township. The selection is also a blanket top-filing
 - Publication Directed dated 4/15/1993
 - Publication Modified in Part dated 6/15/1993
 - Proof of Publication dated 8/2/1993

- BLM Decision, state's filing of no effect due to conflict with Native Corp. selection in township
- 7/10/2019 PLO 5184 Partially revoked on lands without ANCSA selections making State's top-filing a valid selection

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 proposed decision. The proposed relinquishment documents were distributed to State agencies for review from May 15, 2025, through June 16, 2025. 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 (DOG):**

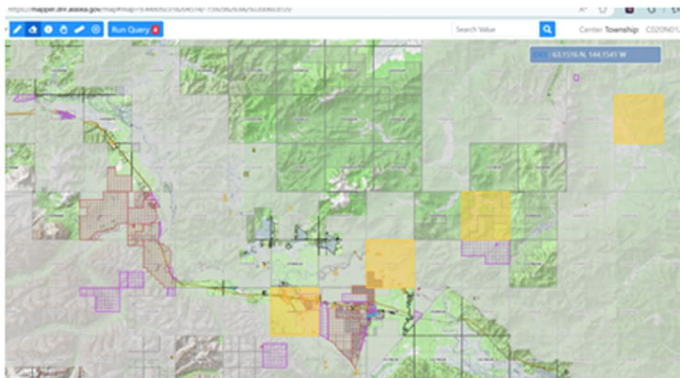
Thank you for the opportunity to review the proposed action.

The Division of Oil and Gas has no objection to reconveyance of the three Native allotments.

The Division isn't requesting reservation of the mineral estate.

Previous research from our Resource Evaluation Section indicates minimal or no potential for oil, gas, or geothermal energy in the area. Please see the attached response which is for a Native allotment approximately 27 miles southeast of the current inquiry and in the same topographic region.

Also, shown below are the current request and recently past requests that were granted with no reservation of the mineral estate.



- **DNR DMLW Realty response:** Thank you for your comment.
- **DNR Division of Geological and Geophysical Surveys (DGGS):** Please see DGGS' comments on this agency request.

Dingell Act Native allotment relinquishments: File Numbers: GS-6117_AA-69319, AA-96519, and AA-98198

Hydrology and Surficial Geology: Geologic Hazards

The review areas are within the Yukon Tanana Uplands Physiographic Province. The province consists of round, even-topped ridges with gentle side slopes. Streams that drain into the Yukon are generally narrow and V-shaped, often with terraced canyons, although they can be broad and flat in upper reaches. The area lacks glaciers, but periglacial mass-wasting is active at high altitudes. Pingo are common in valleys and on lower slopes (Wahrhaftig, 1965).

Parcel 96316: Low-lying areas within this parcel (section 14) are mapped as silt and peat, consisting of a mix of alluvial, eolian, and lacustrine silt, mixed with peat and organic material deposits (Foster, 1970). The surface tends to be hummocky, with the silt commonly frozen below depths of 1-2 feet.

Slopes adjacent to the low-lying region are mapped as colluvium, consisting primarily of silt and sand. The deposits are generally poorly stratified and poorly sorted, and may be a complex mix of alluvial fans, colluvial, and other alluvial deposits. In the region, the deposits are usually coarser-grained higher on the slopes and finer-grained near the valley bottom.

98918 (north): Most of this parcel is mapped as sedimentary bedrock consisting of poorly sorted, volcanoclastic and siliciclastic conglomerate and sandstone. Slopes may include volcanic tuff. (Twelker and 2021). Side slopes may include colluvium consisting of silt and sand, similar to parcel 96316 (Foster, 1970).

96319 (east): Most of this parcel is mapped as sedimentary bedrock consisting of poorly sorted, volcanoclastic and siliciclastic conglomerate and sandstone. Slopes may include volcanic tuff. (Twelker and 2021). Side slopes may include colluvium consisting of silt and sand, similar to parcel 96316 (Foster, 1970).

Permafrost is discontinuous, underlying 50-90% of the area (Jorgenson and others, 2008). In low-lying areas or where silt is abundant, it may be ice-rich. Permafrost areas may be susceptible to degradation issues, especially in areas of high silt content.

These parcels are located less than 100 miles north of the Denali fault, which has been active within the last 150 years (Koehler, 2012). Recent noteworthy seismicity in the region includes the 7.9 M ALASKA: SLANA, MENTASTA LAKE, FAIRBANKS earthquake in 2002 and M 6.7 ALASKA: CANTWELL, DENALI NATL PARK earthquake in 2002 (National Centers for Environmental Information, <https://www.ncei.noaa.gov/maps/hazards>). The M 7.9 earthquake in 2002 was described by Tok residents (approximately 45 miles southwest of these parcels) on a Modified Mercalli intensity scale as Very Strong (VII), where damage is negligible in buildings of good design and construction; but slight to moderate in well-built ordinary structures; damage is considerable in poorly built or badly designed structures; some chimneys are broken. During the M 7.9 in 2002, items were knocked from shelves in Tok (National Centers for Environmental Information). The parcel is located about 70 miles northwest of the easternmost part of the Cathedral Rapids Fault which evidence indicates was active in the late Pleistocene to early Holocene (Carver and others, 2010). The region's overall seismic hazard potential is lower moderate (Shumway, 2019).

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 tephras (Mulliken and others, 2018; Worden and others, 2018).

Radon, a naturally occurring cancer-causing radioactive gas, is modeled to be low to 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.

From a geologic perspective, there is no reason to oppose relinquishment of these lands.

REFERENCES

- Carver, G.A., Bemis, S.P., Solie, D.N., Castonguay, S.R., and Obermiller, K.E., 2010, Active and potentially active faults in or near the Alaska Highway corridor, Dot Lake to Tetlin Junction, Alaska: Alaska Division of Geological & Geophysical Surveys Preliminary Interpretive Report 2010-1, 42 p. <https://doi.org/10.14509/21121>
- Foster, H.L., 1970, Reconnaissance geologic map of the Tanacross Quadrangle, Alaska: U.S. Geological Survey Miscellaneous Geologic Investigations Map 593, 1 sheet, scale 1:250,000.
- Jorgenson, Torre, Yoshikawa, Kenji, Kanevskiy, Mikhail, Shur, Yuri, Romanovsky, Vladimir, Marchenko, Sergei, Grosse, Guido, Brown, Jerry, and Jones, Ben, 2008, Permafrost characteristics of Alaska, in Kane, D.L., and Hinkel, K.M., eds., Proceedings of the Ninth International Conference on Permafrost: Fairbanks, Alaska, Institute of Northern Engineering, University of Alaska Fairbanks, p. 121-122. https://permafrost.gi.alaska.edu/sites/default/files/AlaskaPermafrostMap_Front_Dec2008_Jorgenson_etal_2008.pdf; https://permafrost.gi.alaska.edu/sites/default/files/AlaskaPermafrostMap_Back_Jun2008_Jorgenson_etal_2008.pdf
- Koehler, R.D., Farrell, Rebecca-Ellen, Burns, P.A.C., and Combellick, R.A., 2012, Quaternary faults and folds in Alaska: A digital database, in Koehler, R.D., Quaternary Faults and Folds (QFF): Alaska Division of Geological & Geophysical Surveys Miscellaneous Publication 141, 31 p., 1 sheet, scale 1:3,700,000. <https://doi.org/10.14509/23944>
- Mulliken, K.M., Schaefer, J.R., and Cameron, C.E., 2018, Geospatial distribution of tephra fall in Alaska: a geodatabase compilation of published tephra fall occurrences from the Pleistocene to the present: Alaska Division of Geological & Geophysical Surveys Miscellaneous Publication 164, 46 p. <http://doi.org/10.14509/29847>
- National Centers for Environmental Information (NCEI), continuously updated, Natural Hazards Viewer (interactive map): National Oceanic and Atmospheric Administration (NOAA), National Centers for Environmental Information (NCEI), <https://www.ncei.noaa.gov/maps/hazards>.
- Shumway, A.M., 2019, Data Release for the 2007 Alaska Seismic Hazard Model: U.S. Geological Survey data release, <https://doi.org/10.5066/P96AUPNO>.
- Twelker, Evan, Newberry, R.J., Wypych, Alicja, Naibert, T.J., Wildland, A.D., Sicard, K.R., Regan, S.P., Athey, J.E., Wyatt, W.C., and Lopez, J.A., 2021, Bedrock geologic map of the Ladue River-Mount Fairplay area, Tanacross and Nabesna quadrangles, Alaska, in Twelker, Evan, ed., Geologic investigation of the Ladue River-Mount Fairplay area, eastern Alaska: Alaska Division of Geological & Geophysical Surveys Report of Investigation 2021-5A, p. 1-32, 1 sheet, scale 1:100,000. <https://doi.org/10.14509/30735>
- Wahrhaftig, Clyde, 1965, Physiographic divisions of Alaska: U.S. Geological Survey Professional Paper 482, 52 p., 6 sheets, scale 1:2,500,000.
- Worden, A.K., Schaefer, J.R., and Mulliken, K.M., 2018, Tephra occurrence in Alaska: a map-based compilation of stratigraphic tephra data: Alaska Division of Geological & Geophysical Surveys Miscellaneous Publication 165, 19 p. <http://doi.org/10.14509/30059>

- **DNR DMLW Realty response:** Thank you for your comment.

- **Resource Assessment and Development Section (RADS)**: Thank you for the opportunity to review the Dingell Act native allotment applications and the voluntary relinquishment of the surface estate for these lands. RADS conducted a review of the pertinent lands and has no comments or concerns.
 - **DNR DMLW Realty response**: Thank you for your comment.
- **DMLW Public Access, Assertion, and Defense Section (PAAD)**: This area is accessed by §17(b) easement 3 D9, L. The trail enters the township at the boundary of Section 13. There are multiple trails within Sections 13, 14 and 15, with most coming off the §17(b) easement or coming off of the Taylor Highway in other locations to the south. Due to the heavy use for hunting purposes and the lack of ability to place easements across Alaska Native Vietnam-era Veterans Land Allotment Program relinquishments, it is not recommended that the state relinquish these lands as the trails feed further out into the Dennison Fork Drainage.
 - **DNR DMLW Realty response**: Responded with additional information regarding trail location and allotment boundaries
- **PAAD Section second comment**: Lacy and I went through it with better lines and it appears to be ok. Please disregard the previous comment.
 - **DNR DMLW Realty response**: Thank you for your comment.
- **Department of Transportation, Statewide Right-of-Way (DOT)**: Ray, thank you for the opportunity to review the proposal. The Alaska Department of Transportation & Public Facilities has no comment at this time.
 - **DNR DMLW Realty response**: Thank you for your comment.
- **Division of Forestry and Fire Protection (DOF)**: Tok Area Forestry has no objections or concerns over the selected area.
 - **DNR DMLW Realty response**: Thank you for your comment.

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

- Department of Fish and Game
- Department of Agriculture
- DMLW Land Conveyance Section
- DMLW Mineral Property Management
- DMLW Northern Regional Land Office

IX. Public Comment

Public notice of the proposed relinquishment was conducted from May 15, 2025, to June 17, 2025. The notice was posted to the State of Alaska Online Public Notice System. Copies of the notice were sent to:

- BLM

- State of Alaska Board of Game
- Doyon, Limited
- Upper Tanana Health Center
- United Crow Band, Incorporated
- Tok Community Umbrella Corporation
- Tok Post Office
- Tok Community Library
- Local Businesses
- Tok Newspaper
- Neighbors/property owners within approximately 10 miles

Public comments and DNR responses are provided here. Comments will be addressed individually or summarized by issue.

- No public comments were received.

X. Discussion and Alternatives

The State is supportive of Dingell Act allottees and has a policy of working towards relinquishing state selections while considering the State's best interests. The state is currently over-selected, meaning there is a requirement to relinquish selections in excess of 125% of its remaining entitlement. The State does not have the option to select any new entitlement lands and must ensure entitlement lands provide the maximum benefit to future generations of Alaskans. To reduce over-selection, the State will consider relinquishing lower-priority state entitlement lands. Any relinquishment decision DNR makes must balance these interests: providing opportunities for Dingell Act allottees to acquire lands without undue harm to the interests of Alaskans.

The parcel is not crossed by any accepted and codified Revised Statute (RS) Trails. There are no trails permitted by the BLM, State, or unauthorized trails crossing the allotment. There is a publicly used trail near the northwest corner and western boundary of the allotment; this trail has not been permitted or recognized by the BLM. There are no public or navigable waters within or adjacent to the allotment.

AS 38.05.127 requires that before the disposal of an interest in state land, the Department determine if waterbodies within or adjacent to the proposed area for disposal are navigable or public water; and if they are to reserve access easements. However, statehood entitlement selections do not provide the State with management authority or title in land, but rather a valid prior existing right requiring BLM to convey to the state the selection when certain conditions are met. Given this, the state is unable to reserve access easements for relinquishments of entitlement selections.

Additionally, pursuant to 11 AAC 51.045(a)(2), the department finds that reserving an access easement is not necessary to ensure free access to navigable or public water. A statehood

entitlement selection does not provide the public with rights of access different from the general right of the public to access navigable or public water bordered by non-State land: that is, the right to use and have access to water below the ordinary high water mark for recreational or other public purposes for which the water is used or capable of being used consistent with the public trust. Because access to navigable or public water will remain the same after the relinquishment of the entitlement selection as before, it is not necessary to reserve an access easement.

The subject lands are priority four entitlement lands due to lower mineral estate potential and access issues. The surrounding land ownership pattern is a mix of State, Native Corp. lands, and public lands managed by the BLM. The allotment is accessible via an unnamed and unregistered trail network running west from the Taylor Highway. The first few miles of the trail cross privately held Native Corp. lands. However, there is an Alaska Native Claims Settlement Act (ANCSA) Sec. 17(b) easement (3, D9, L) to ensure public access.

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. Agency review and public notice failed to indicate any concerns with relinquishing the lands in favor of the applicant or provide any 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 (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.

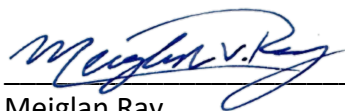
This decision considers all of the public and agency review comments received. The State has previously determined that the surface estate is a lower priority in entitlement selections, and that the potential benefit of the land to the State, currently and in the future, may be minimal. Agency review and public notice failed to indicate any concerns with relinquishing the land in favor of the applicant or provide any strong support for retention of the State's selection. Relinquishment supports the success of the Dingell Act allotment program and is in the State's best interest.

XI. Decision

After considering the facts and public input described above, the Department finds it is in the best interest of the state to choose Alternative 3 and to relinquish the States' surface estate

selection of the previously described lands while maintaining the States' subsurface selection of all minerals excluding sand and gravel in favor of Dingell Act allotment application AA-96319.

Recommended by:



Meiglan Ray
Natural Resource Specialist 1
Realty Services Section
Division of Mining, Land and Water
Department of Natural Resources

08/18/2025

Date of Signature

Approved by:

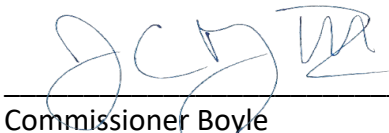


Lacy Hamner
Natural Resource Manager 2
Realty Services Section
Division of Mining, Land and Water
Department of Natural Resources

8/18/2025

Date of Signature

Approved by:



Commissioner Boyle
Department of Natural Resources

8.26.2025

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

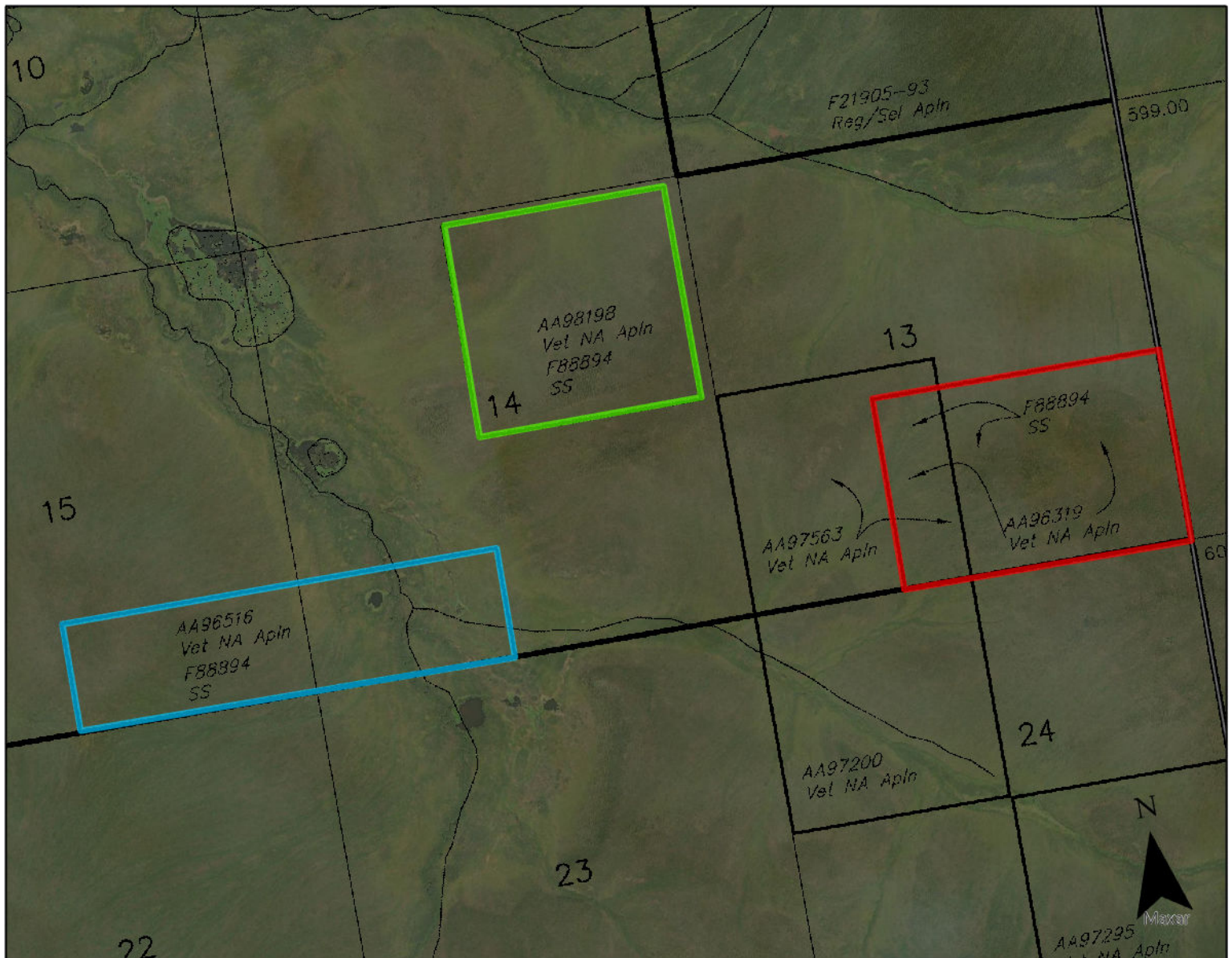
reconsideration to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

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

Native Allotment Applications: AA-96319, AA-96516, AA-98198

0 0.2 0.4 0.8 Miles



- AA-96319
- AA-96516
- AA-98198

AA-96319: Sec. 13, T. 20 N., R. 15 E., Copper River Meridian
AA-96516: Sec. 14, 15 T. 20 S., R. 15 E., Copper River Meridian
AA-98198: Sec. 14, T. 20 N., R. 15 E., Copper River Meridian

USGS QUAD 1:25,000
Tanacross B-4

For more information contact:
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