

**NOTICE OF ACTION**  
**RELEASE OF STATE INTEREST**  
**State Selection File GS-5393**

**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-96278.

**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 Available lands are those managed by the Bureau of Land Management (BLM), excluding lands withdrawn by Public Land Orders (PLOs), the Trans-Alaska Pipeline (TAPS) corridor,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-5393 constitutes the administrative record for this action.

#### **V. Location**

The allotment selection is located within DNR's Southcentral Region, within Sections 19 and 30, Township 19 South, Range 8 West, Fairbanks Meridian, Alaska.

*USGS Map Coverage:* Healy B-4

*Platting Authority:* Matanuska-Susitna Borough

*Regional Corporation:* Ahtna Incorporated

*Federally Recognized Tribe:* Native Village of Cantwell

*Village Corporation:* Native Village of Cantwell

Please see Attachment A for a visual depiction.

#### **VI. Legal Description**

Those lands, containing approximately 160 acres, located near Cantwell, Sections 19 and 30, Township 19 South, Range 8 West, Fairbanks Meridian, Alaska.

#### **VII. Selection History**

- Oct. 13, 1992, State General Grant Selection Application Submitted AA-075978
  - 12/30/1992 BLM Receipt for Application
  - 06/30/1993 Publication Directed
  - 11/19/1993 Affidavit of Publication Received
  - 12/20/1993 Topfiled
  - 06/24/1994 BLM Decision – State's Filing of No Effect as to sections 9 and 19-36. Lands Found Proper for Selection, Secs. 1-3 and 10-16. Available lands approved for Future Conveyance.
  - 08/24/1994 Tentative Approval of Secs. 1-3 and 10-16
- The lands are currently selected under GS-5393 and are ranked as a priority 2 for acquisition.

#### **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 June 6, 2025, through July 11, 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 Dingell Act Native Allotment relinquishment. Oil and Gas does not have any objection to the proposed relinquishment of the surface estate in F019S008W near Cantwell.
  - **DNR DMLW Realty response:** Thank you for your comment.
- **Resource Assessment & Development (RADS):**



## MEMORANDUM

Department of Natural Resources

STATE OF ALASKA

Division of Mining, Land & Water

*Resource Assessment  
& Development Section*

DATE: July 16, 2025

TO: Meiglan Ray, Natural Resource Specialist,  
Realty Services Section

FROM: Rob Earl, Natural Resource Specialist  
Resource Assessment & Development Section

SUBJECT: Agency Review, **Dingell Act Native Veteran Allotment Selection -- GS-5393**

Thank you for the opportunity to review and comment on the Proposed Relinquishment of State-Selected Land to the Federal Government for the Dingell Act Native Veteran Allotment Selection within GS-5393. The Resource Assessment & Development Section (RADS) has reviewed the available data, satellite imagery, and the applicable regional land use plan – Susitna Area Plan – and provides the following comments.

### **Background & Discussion:**

The proposed relinquishment consists of a parcel of Federal lands located within: Secs. 19 and 30, T. 19 S., R. 8 W., Fairbanks Meridian, containing approximately 160 acres. The proposed relinquishment is within the boundary of the Susitna Area Plan, but is not classified and is on state selected lands. The relinquishment of this parcel by the state will not preclude management of any surrounding state-selected lands. There are no RSTs in the area.

Incidentally, the parcel is at the extreme western edge of lands still managed under the Susitna Area Plan (SAP). Lands immediately to the west are classified Habitat under the Susitna Matanuska Area Plan (SMAP).

### **Recommendation:**

Taking all the above into account, RADS concurs with the relinquishment for Dingell Act Native Veteran Allotment GS-5393.

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

- **DNR Division of Geological and Geophysical Surveys (DGGGS)**: The DGGGS review of this relinquishment is attached in the Dingell Allotment Review 5393\_DGGGS document. The yellow highlight is for cross-checking references and can be safely removed from the document.

#### Dingell Allotment Review (AA 96278)

##### PHYSIOGRAPHY

The review area is within the Broad Pass Depression Section of the Coastal Trough Physiographic Province. The section consists of a trough 5 miles wide with a glaciated floor containing long, narrow drumlin-like hills that parallel the trough axis and lakes that occupy depressions. The east side, in the review area, includes rolling morainal topography and outwash surfaces. Steep mountain walls bound the trough, but it is open on its south end to the Cook Inlet-Susitna Lowland. The trough's main streams are incised in rock-walled gorges a few hundred feet deep (Wahrhaftig, 1965).

##### GEOLOGY

The area consists of a mix of till and drift, ranging from Wisconsinan to middle Holocene age, characterized by a heterogeneous mixture of pebble-cobble gravel with rare to numerous large boulders, often overlain by 1 m of windblown silt. Covering much of the review area, between areas of till and drift, are abandoned-channel deposits consisting of highly variable deposits from former meltwater channels, ranging from lag deposits to mixes of clay, gravel, and varying degrees of grain size and sorting. Low-lying areas near the northwest corner of Section 30 include swamp deposits consisting of peat, organic silt, and organic sand, which are saturated, locally frozen, and ice-rich (Pinney, 2001). Based on the evaluation of imagery, eskers are present within the map area, consistent with Pinney's (2001) mapping of such features in adjacent areas.

##### PERMAFROST

Permafrost is continuous, underlying more than 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 with high silt content. Pinney (2001) suggests there is some instability on morainal slopes, and this could be enhanced by permafrost thaw.

##### SEISMIC HAZARDS

This parcel is located ~25 miles from the Denali fault, which has been active within the 150 to 15,000 years (Koehler and others, 2012). 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 moderate to higher moderate (Shumway, 2019). Standard best building practices should be used to accommodate the regional seismic hazard.

##### VOLCANIC HAZARDS

This area has been subject to ash fall from erupting Cook Inlet and Alaska Peninsula volcanoes. Past ash events include Spurr 1992, Redoubt 1989, Novarupta (Katmai) 1912, and multiple older tephras (Mulliken and others, 2018; Worden and others, 2018).

##### RADON

Radon, a naturally occurring cancer-causing radioactive gas, has been modeled to be high in this area (<https://maps.dggs.alaska.gov/radon/>). 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.

#### RESOURCE ASSESSMENT

There is some potential for construction material resources in this area, but given the potential for continuously frozen ground, development could be problematic. Important mineral occurrences, like the Golden Zone (mineral resource of 300,000 ounces of gold and 1.5 million ounces of silver), Ohio Creek (tin, tungsten, silver), and Coal Creek (tin, tungsten, lithium, tantalum) are approximately 10 to 12 miles away to the west. Several State mining claims in F019S, 009W are within 2-3 miles of the proposed Native allotment. There could be some potential conflict between resource development and users of this Native allotment. However, the Parks Highway acts as a barrier between the major known mineral resources and the proposed Native allotment. From a geologic perspective, there is negligible reason to oppose the relinquishment of these lands.

#### REFERENCES

- 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.
- 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>.
- Pinney, D.S., 2001, Surficial-geologic map of the Chulitna region, southcentral Alaska: Alaska Division of Geological & Geophysical Surveys Report of Investigation 2001-1C, 3 p., 1 sheet, scale 1:63,360. <https://doi.org/10.14509/3313>
- 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>.
- 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.
- **DMLW Public Access, Assertion, and Defense Section (PAAD):** This one appears to have worked with RSS to select these lands. There are no obvious trails within the selected lands while outside the selection there are several large trails. There are also no known RS 2477 ROW

within or near the parcel. The state holds no title interest in the small waters within the proposed allotment per AS 38.04.062.

- **DNR DMLW Realty response:** Thank you for your comment.
- **Department of Transportation, Statewide Right-of-Way (DOT):** 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.

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

- Department of Fish and Game
- Department of Forestry
- DNR Land Sales Section
- DMLW Southcentral Regional Land Office

## **IX. Public Comment**

Public notice of the proposed relinquishment was conducted from June 6, 2025, through July 11, 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
- Ahtna, Inc.
- Native Village of Cantwell
- Copper River Native Association
- Cantwell Post Office
- Cantwell Community Library
- Cantwell Businesses
- Neighbors/property owners within approximately 10 miles

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

- **Brenda Cox:** I am for relinquishment of the State entitlement land in the AA-96278 application. In cases like this the person was in the military and unable to participate in the original land allotment.
  - **DNR DMLW Realty response:** Thank you for your comment.
- **David Hayden:** I received a notice requesting input on the proposed relinquishment of state entitlement lands for AA-96278. I own property nearby in the vicinity in the Broad Pass area. It looks like there is a four wheeler path on the northwest side. I support this as long as it is for a recreational cabin, house or subsistence purposes and public access is not impeded on this four wheeler path or trail.
  - **DNR DMLW Realty response:** Our specialists worked with the allottee to ensure the northern boundary of the property does not interfere with the pre-existing multiuse trail.

- **Joseph Baldwin:**

June 19, 2025

Department of Natural Resources  
Division of Mining, Land & Water  
Reality Service Section  
550 West 7th Avenue, Suite 1050A  
Anchorage, Alaska 99501-3579

subject: Dingell Act Native Veteran Allotment AA-96278

This letter is in response to the Public Notice requesting comments and your letter to me dated June 6, 2025, regarding the public notice about my application AA-96278.

After looking at many locations I found that this selection meets all of my needs and is included on BLM's land maps as being available subject to being relinquished by the State of Alaska:

1. The parcel avoids easements in the area.
2. I can get to the parcel from the Parks Highway using an existing public easement without crossing Federal, State or private lands.
3. There are no competing applications for this parcel.

I look forward to having this parcel relinquished by the State of Alaska so that the Bureau of Land Management (BLM) can continue processing my application AA-96278.

I am available at the following address and phone number to answer any questions:

Joseph Allen Baldwin

[Redacted]  
[Redacted]  
[Redacted]

Sincerely,

*Joseph A Baldwin*  
Joseph A Baldwin

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

## **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. The Middle Fork Chulitna Trail parallels the northern side of the allotment but remains outside the allotment boundary. 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 two entitlement lands due to moderate mineral estate potential and proximity to existing infrastructure. The surrounding land ownership pattern is a mix of State, Native Corp. lands, private lands, with Denali National Park on the west side of the valley. The lands are accessible via the Chulitna Trail network, which is a multi-season and use trail network running east from the Parks 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 (named 3a, C5, L) overlapping the trail 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.

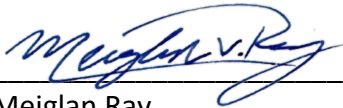
Alternative 3: Relinquish the State's surface estate selection and maintain the State's subsurface selection on all minerals excluding sand and gravel.

This decision considers all of the public and agency review comments received. 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 States surface estate selection of the above-described state selection and maintain the State's subsurface selection on all minerals excluding sand and gravel in favor of Dingell act allotment application AA- 96278.

#### **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 above described state selection while maintaining the subsurface selection to facilitate Dingell act allotment application AA-96278.

Recommended by:



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

8/18/2025

Date of Signature

Approved by:

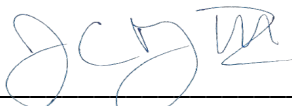


Lacy Hamner  
Natural Resource Manager 2  
Realty Services Section  
Division of Mining, Land and Water  
Department of Natural Resources

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](mailto: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 Application AA-96278



 AA-96278

**Sections 19 and 30, Township 19 S.,  
Range 8 W., Fairbanks Meridian**

0 0.25 0.5 1 Miles

USGS QUAD 1:25,000  
Healy B-4  
For more information contact:  
Meiglan Ray  
Department of Natural Resources  
Division of Mining, Land, and Water  
Realty Services Section  
Phone: 907-334-8697  
Email: meiglan.ray@alaska.gov

