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HUGHES, KOTzebue, MELDUTNA, SELAWIK,

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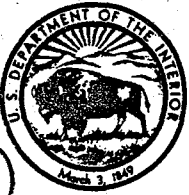


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STATE SELECTIONS





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

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To: DM's, DSD's, SC's, and M-AFS
From: State Director, Alaska
Subject: State Selection Handbook

Enclosed is the final draft of the subject handbook which includes current policy and procedural guidance for all phases of State selection application processing. Changes and revisions will be made as needed by the Division of Conveyance Management through the State/ANCSA coordinator and issued under instruction memorandum as replacement pages to the handbook.

Each BLM employee involved in the State conveyance program should have ready access to the handbook. In order to assure adequate copies are available, each DSD and DM is responsible for ordering the number of copies required by each office through Joe Labay (961) at 271-3340 by April 7, 1987. This will eliminate the need for subsequent copying by individuals or organizations.

Robert W. Arndorfer
DSD for Conveyance Management

Attachment:
1 State Selection Handbook (47 p)

MAR 26 1987

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STATE SELECTIONS

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- Chapter 2 2624 - School Sections in Place
- Chapter 3 2626 - Mental Health Grant
- Chapter 4 2627.1 - Community Grant Selections
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Flow Chart of State Selection Processing - (Reserved)

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CHAPTER 1 - STATE GRANTS - GENERAL - 2620

I. Information Relevant to All State Grants.

A. Purpose and Objectives.

This handbook provides technical information and describes uniform procedures for the orderly and expeditious processing of State Grant selections.

B. Statutory Authority and Entitlement.

1. Public Laws Which Affect State Selections.

a. Chronological List of Public Laws.

<u>SUBJECT/TITLE</u>	<u>Date</u>	<u>P.L. NO.</u>	<u>STATUTE</u>	<u>U.S.C.</u>
Educational Purposes Act School Sections in Certain States <u>NOT</u> in Alaska	2-22-1889		25 Stat. 670	48 U.S.C. 1460a
Educational Purposes Act School Sections in Alaska	3-4-1915	330	38 Stat. 1214	48 U.S.C. 353
Federal Power Act	6-10-1920	280	41 Stat. 1063	16 U.S.C. 791a
Extension of Reservation of School Sections to Embrace Mineral Secs. <u>NOT</u> IN ALASKA	1-25-1927	570	44 Stat. 1026	43 U.S.C. 870
Supplement to University Grant	1-21-1929	679	45 Stat. 1091	43 U.S.C. 852
Patent to School Sections	6-21-1934	440	48 Stat. 1185	43 U.S.C. 871a
Amendment to 1915 School Act Timber Sale & Disposition Under Mining Laws	8-7-1939	314	53 Stat. 1243	48 U.S.C. 353
Repeal of Act of August 7, 1939 Extension of Reservation of School Sections to Embrace Mineral Secs. <u>IN</u> Alaska	3-5-1952	270	66 Stat. 14	48 U.S.C. 353

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<u>SUBJECT/TITLE</u>	<u>Date</u>	<u>P.L. NO.</u>	<u>STATUTE</u>	<u>U.S.C.</u>
Submerged Lands Act	5-22-1953	31	67 Stat. 29	43 U.S.C. 1391
Alaska Mental Health Enabling Act	7-28-1956	830	70 Stat. 709	42 U.S.C. 273
Alaska Statehood Act	7-7-1958	85-508	72 Stat. 339	
Federal Aid to Highways Act	8-27-1958	85-767	72 Stat. 885	23 U.S.C. 101
Alaska Omnibus Act	6-25-1959	86-70	73 Stat. 141	
Amendment to Statehood Act Allowing State selection of lands in mineral leases, through 1-3-64	8-18-1959	86-173	73 Stat. 395	
Clarification of State's rights to select lands in mineral leases (5 year ext.)	9-14-1960	87-786	74 Stat. 1024	43 U.S.C. 852
Amendment to Statehood Act Allowing Community Grant selections of 160 Acres	10-8-1963	88-135	77 Stat. 223	
Amendment to Statehood Act Extension of State selection period through January 3, 1994	3-25-1964	88-289	78 Stat. 168	
Alaska Communications Disposal Act	11-14-1967	90-135	81 Stat. 441	40 U.S.C. 771
National Wild & Scenic Rivers Act	10-2-1968	90-542	82 Stat. 906	16 U.S.C. 1273
National Trails System Act	10-2-1968	90-543	82 Stat. 919	16 U.S.C. 1241
Alaska Native Claims Settlement Act (ANCSA)	12-18-1971	92-203	85 Stat. 688	43 U.S.C. 1601
Trans Alaska Pipeline Authorization Act	11-16-1973	93-153	87 Stat. 584	43 U.S.C. 1651
Federal Land Policy & Management Act (FLPMA)	10-21-1976	94-579	90 Stat. 2743	43 U.S.C. 1701
Alaska Natural Gas Transportation Act	10-22-1976	84-586	90 Stat. 2903	15 U.S.C. 719

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SUBJECT/TITLE	Date	P.L. NO.	STATUTE	U.S.C.
Public Rangelands Improvement Act	10-25-1978	95-514	92 Stat. 1803	43 U.S.C. 1751
Alaska National Interest Lands Conservation Act (ANILCA)	12-2-1980	96-487	84 Stat. 2371	43 U.S.C. 1601
Alaska Railroad Transfer Act (ARTA)	1-14-1982	97-468	96 Stat. 2556	45 U.S.C. 1201

b. Effective Date of Provisions Pertaining to Statehood. The effective date of provisions in some acts are governed by the date of the Statehood Act, July 7, 1958, while others reference the date of admission of Alaska into the Union. Alaska was admitted into the Union on January 3, 1959, the date that President Eisenhower signed the Proclamation "Admission of the State of Alaska Into the Union."

2. Regulations. Regulations are contained in Title 43 of the Code of Federal Regulations (CFR); Subtitle B - Regulations Relating to Public Lands; Chapter II - Bureau of Land Management, Department of the Interior.

3. Entitlement of Mineral Deposits. As stated in Sec. 6(i) of the Statehood Act "All grants made or confirmed under this Act shall include mineral deposits."

C. Policy/Precedent.

1. Policy Precedent for Specific Grants.
See Part II of Chapters 2 through 6 for Specific Grants.
2. State Land Conveyance Priorities.

a. Background. The State has traditionally requested conveyance of lands to be made in accordance with their priorities; however, it became a matter of law pursuant to Sec. 906(h)(2) of ANILCA, which states "The sequence of issuance of such tentative approvals [under the authority of the Statehood Act] shall be on the basis of priorities determined by the State. State priorities were also addressed in the settlement of Alaska vs. Reagan, et. al., No. A78-291 Civ., which was filed as a result of the Presidential Proclamation of December 1, 1978, pursuant to the Antiquities Act of June 8, 1906 (34 Stat. 225). The proclamation created 44 million acres of national monuments in 14 new units and 3 additions to existing national monuments and park units. As a result of this action the State filed suite claiming abuse of executive authority concerning the Antiquities Act. In the stipulation of the Agreement of August 15, 1981, the defendants (BLM) agreed to process, adjudicate, and convey 13 million acres per year until the State's statutory land entitlement is fulfilled. This figure is now adjusted annually in accordance with the general land conveyance priorities communicated by the State of Alaska to BLM, subject to availability of adequate resources and modifications necessitated by land status.

b. Priority Plan. Each fiscal year the State submits a land conveyance priority plan. The priority land to be conveyed is organized into two separate lists - land to be tentatively approved and land to be patented. A map is also submitted which is divided into numbered blocks in which the lands have been prioritized to comply with the State overselection priority ranking as specified in Sec. 906(f) of ANILCA. The State will accept patent to any adequately surveyed lands previously TA'd, but requests BLM first address the specific priorities on the patent list. The State also requests that after BLM has addressed all the lands on the TA list, other State selections will be processed in accordance with the priorities shown on the conveyance priority map.

c. Good Neighbor Policy List. In 1981, Secretary Watt invited the Western Governors to identify public lands which may be required to meet various community needs. Governor Hammond asked for "wish" lists from the various Alaskan communities. Lands identified by approximately 30 communities and local governments were analyzed by the Alaska Department of Natural Resources, and in July, 1981, Governor Hammond identified 47 parcels of federally-owned lands needed by communities and the State. BLM analyzed the status of each parcel to determine whether such parcels could be made available to the State. BLM, together with the State, developed a priority plan for the parcels under BLM control and DOI contacted other Federal agencies regarding parcels under their jurisdiction. The deadline for nominations from the State was September 1, 1982. On this date, the State amended its original submission with the addition of twelve new parcels, which completed the State's nomination of parcels under the "Good Neighbor Policy."

In the "Agreement Concerning Implementation of Alaska Railroad Waiver Amendments of Cook Inlet Region, Incorporated," made between CIRI and the State on December 13, 1982, CIRI, with certain specified conditions, agreed to waive all claims, including a claim under the Terms and Conditions, to properties on the "Good Neighbor List." Most of the 59 parcels identified as "Good Neighbor" selections have been conveyed to the State or determined to be not available for conveyance to the State. The remaining parcels are being processed as regular prioritized State selections, as the "Good Neighbor" program has lost its visibility and push.

4. Amendments. Prior to December 2, 1980, when Sec. 906(e) of ANILCA made provisions for top filing, lands which were not available at the time of State selection; but subsequently became available, were not considered to be validly selected by the State until the State included these lands in an amendment to its original application. These amendments must have been filed after the lands became available and must have a land description.

4. Top Filing (Sec. 906(e) of ANILCA). Subject to valid existing rights and Native selection rights under ANCSA, the State may file future selection applications for lands which are not available on the date of filing, other than lands within any conservation system unit or the NPRA. If otherwise valid, each such filing shall become effective without further action by the State on the date the lands become available for State selection, regardless

of whether such date occurs before or after expiration of the State's selection rights. The top filing in itself does not have a segregative effect, it only shows the State's interest for selection if any of the lands become available at a later date. For the top filing to automatically fall into place once the lands become available, the application requirements as stated in Part III of this chapter must be in order for the selection area.

5. Zones of Trepidation (ZOTs). This term was first used in State adjudication in 1985. Its origin was necessitated at a time when BLM and the State of Alaska were unable to come to an agreement as to how inholdings such as mining claims would be excluded in a TA document. The zone is the land area (buffer zone) encompassing the unsurveyed inholding(s) and additional adjacent lands within which the inholding could shift upon survey. No action was taken on the ZOT area at that time and the conveyance prefix ZT was used in the coding. The MOA of August 19, 1986 resolved this issue on areas being TA'd. However, a buffer area will need to be maintained when issuing patents. The rule is to leave a safe zone (in whole sections) when patenting areas adjacent to unsurveyed mining claim recordations.

6. Relinquishments. See Appendix C for procedures in processing relinquishment requests.

II. Selection Provisions.

A. Provisions Relevant to Specific Grants.

Selection provisions for each specific grant are listed in Part III of Chapters 2 through 6.

B. General Selection Provisions.

1. Vacant, Unappropriated and Unreserved Lands. The State is entitled to make selections from the public lands in Alaska which are vacant, unappropriated and unreserved at the time of selection, except, reserved National Forest lands which are vacant and unappropriated at the time of selection are available under the National Forest Community Grant. (43 CFR 76.7, 1963; 43 CFR 2627.1(a), 2627.2(a), and 2627.3(a), 1985)

2. Lands in Mineral Leases. Through January 3, 1969 (10 years after the date of admission of Alaska into the Union) the State could select lands in any lease, permit, license or contract (LPLC) issued under the Mineral Leasing Act of February 25, 1920, as amended, if the lands were otherwise available. After January 3, 1969, the LPLC segregated the lands from State selection. (Sec. 6(h) of the Statehood Act, as amended)

3. Public Land Orders Affecting State Selections.

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ORDER #	DATE	PURPOSE OF ORDER
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AA-2779/F-955	12/24/68	Multi-use mgmt classification.
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Segregated certain public lands from appropriation under Homestead Entries, Native Allotment Act, T&M Site Act & State selection. The Talkeetna-Chugach area was open to State selection under any grant but closed to Homestead Entries. The Denali Area was open to State selection under Community Grant. This classification was cancelled on 11/2/81.

4582 Udall Land Freeze	1/17/69	Withdrawal of all unreserved lands in Alaska, to determine Native interest and protect Native rights.
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Withdrawn from all forms of appropriation and disposition under the public land laws except locations for metalliferous minerals, and from leasing under the Mineral Leasing Act of 2/25/20. State applications filed before 1/4/69 to select unreserved lands embraced in leases, permits, licenses, or contracts issued under the Mineral Leasing Act of 1920, and applications by the State prior to 12/14/68 on other unreserved lands would be processed according to policies of the times. Other pending applications will be given the same status and consideration beginning at noon on April 2, 1971, as though there had been no intervening period. From 1/1/71 to 4/2/71, the State shall have a preferred right of selection. Revoked by ANCSA Sec. 17(d)(1), 12/18/71. State preference right extended through 3/28/72.

5150	12/28/71	Reserve utility/transportation corridor.
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Withdrawn from all forms of appropriation under the public land laws except location for metalliferous minerals, and from leasing under the mineral leasing laws. Inner core withdrawn from prospecting, location and purchase under mineral laws. (Many amendments - see PLO Books)

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ORDER #	DATE	PURPOSE OF ORDER
5169-5178	3/9/72	Reserve for Village/Regional Corp. selection; classification. Except for Village and Regional selection, withdrawn from all forms of appropriation under the public land laws and from location and entry under the mineral leasing laws. Sec. 17(d)(1) withdrawal was added to the primary withdrawal of the order to prevent disposition if the primary purpose of the withdrawal failed.
5179 (d)(2)	3/9/72	Withdrawal in aid of legislation concerning addition or creation of units of National Park, Forest, Wildlife Refuge, & Wild and Scenic Rivers Systems, & for classification. Withdrawn from all forms of appropriation under the public land laws and from location and entry under the mining laws and leasing under the mineral leasing laws.
5180 (d)(1)	3/9/72	Withdrawal for classification and protection of public interest. Withdrawn from all forms of appropriation under the public land laws, and from location and entry under the mining laws, except location for metalliferous minerals, and from leasing under the mineral leasing laws. Also placed (d)(1) withdrawal on lands in PLO 5150 corridor. Sec. 906(j) of ANILCA clarified effect of this classification on vacant status.
5183	3/9/72	Withdrawal for classification and in aid of legislation & to protect public interest. Withdrawn from selection by Regional Corps. under Sec. 12 of ANCSA.
5184	3/9/72	Withdrawal for classification or reclassification of areas withdrawn by Sec. 11, ANCSA. Withdrawn from all forms of appropriation under the public land laws, from location and entry under the mining laws, leasing under the mineral leasing laws. Available for State selection on 12/18/75, as far as lifting (d)(1) withdrawal. Sec. 11(a)(1) withdrawals, the 25 township withdrawal, continued to bar State selection until PLO 5561, as amended by PLO 5581, made the lands available on 10/1/76. Never reference PLO 5184 in decision, use Sec. 11(a) withdrawals. Regional Solicitor's opinion regarding PLO 5184 is Reference No. 2490 in PLO library.

ORDER #	DATE	PURPOSE OF ORDER
5185	3/9/72	Guarantees the State's preference right of selection of withdrawn lands, as stated in Sec. 6(g) of the Statehood Act. All lands which on 3/17/72 are vacant, unappropriated & not withdrawn, reserved, or segregated, are available for State selection; after 90 days, open generally.
5186	3/15/72	Classification & protection of public interest in lands not State selected. Withdrawn from all forms of appropriation under the public land laws except location of metalliferous minerals, and STATE SELECTIONS. (First State selection opening order since Udall land freeze.)
5187	3/15/72	A Sec. 17(d)(1) withdrawal on lands withdrawn for military purposes in Alaska for classification and protection of the public interest after the lands are no longer needed for military purposes. Pursuant to Sec. 906(j)(1) of ANILCA, this order still prohibits selection of the lands by the State.
5251	9/12/72	Modifies & corrects PLO 5179 and 5180. Deletes lands from 5179, adds to 5180 for classification & protection of public interest.
5252	9/12/72	Amends PLO 5173, 5176, 5178. Opens lands for State selection after 12/18/75.
5254	9/12/72	Amends PLO 5186, 5179, 5180. Deletes lands from 5179 & 5180, & adds to 5186, making lands available for State selection.
5353	7/17/73	Withdrawal of lands pending determination of eligibility of Native communities & for classification of withdrawn lands. Withdrawn from all forms of appropriation under the public land laws and from location & entry under the Mining laws, and leasing under the Mineral Leasing Act, but not from selection under Sec. 12 of ANCSA.

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ORDER #	DATE	PURPOSE OF ORDER
5391	9/14/73	Amends PLO 5173 & 5180; for classification of (d)(1) lands. Deletes land from 5180, subject to terms of 5173, including withdrawal from State selection.
5418	3/25/74	Amends PLO 5180, for classification and protection of public interest. See PLO 5180. Withdraws all unreserved public lands and those which may become unreserved, unless specified by another order.
5444	11/4/74	Revocation of withdrawals affecting patented or privately owned lands. All withdrawals made on land in which all right, title, or interest has been conveyed out of the U.S. are revoked, except for powersite reserves & classifications. Superseded by PLO 6590.
5561	12/16/75	Withdrawal for classification or reclassification of some areas withdrawn by Sec. 11, ANCSA. Opens lands withdrawn by Sec. 11(a)(1) which are not Native selected, to State selection effective 3/31/76. Does not affect deficiency lands. Amended by PLO 5581.
5581	3/31/76	Amends PLO 5561. Changes date from 3/31/76 to 10/1/76.
5584	5/20/76	Amends PLO 5179. Deletes lands.
5611	12/27/76	Clarifies PLO 5561. Provides that State selection preference right shall cease on 4/1/77. Thereafter the lands shall be available for selection under Sec. 14(h) of ANCSA and for selection under the Statehood Act.
5612	1/10/77	Corrects PLO 5611. Changes Stat. to USC and adds NOT reserved from State selection.

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ORDER #	DATE	PURPOSE OF ORDER
5653	11/16/78	Emergency withdrawal to protect resource values that would otherwise be lost. Closed to State selections.
5654	11/17/78	Amends PLO 5653. Clarifies language in introductory paragraph. When referencing withdrawal, use PLO 5653.
5657	1/26/79	Classification of lands for State selection, amends PLO's. Opens specified lands for State selection.
6092	11/20/80	Classification of lands for State selection, amends several PLO's. Opens lands withdrawn by specific PLO's for selection by the State.
6590	3/18/85	Supersedes PLO 5444. All withdrawals in Alaska which affect lands conveyed out of Federal ownership are revoked. Interests retained by the US shall not bar such revocation. Does not affect Powersite reserves and classification, National Forest withdrawals and withdrawals by Act of Congress, such as conservation system units and NPRA.

4. Preference Right for Selection. Section 6(g) of the Statehood Act contains provisions for a State preference right of selection upon the revocation of any order of withdrawal in Alaska. The revocation order shall provide for a period of not less than 90 days before the date on which it otherwise becomes effective during which period the State shall have a preferred right of selection under the Statehood Act, except as against prior existing valid rights, equitable claims subject to allowance and confirmation and other preferred rights of application conferred by law. If the State files a waiver of the preference provisions of Sec. 6(g), in connection with a specific revocation order, the order will not provide for such preference. (43 CFR 2627.4(a), 1985)

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III. Application Requirements.

A. Proper Format. 43 CFR 2627.3(c)(1). For Mental Health - See 43 CFR 2222.9-3 and 4 (1970), Appendix A of Chapter 3.

Although no special form is required, the application must be typewritten and signed by the proper agent for the State of Alaska. It must contain a reference to the act the selection is made under (e.g., July 7, 1958 (72 Stat. 339), as supplemented), and a certificate by the selecting agent showing the following:

1. The selection is made under and pursuant to the laws of Alaska.
2. His/Her official title and authority to make selections on behalf of the State of Alaska.
3. The cumulative acreage of all prior selection lists pending and finally approved for clear-listing or patenting does not exceed by more than 25 per centum the amount of State entitlement contained in the Alaska Statehood Act, as authorized in Section 906(f) of Public Law 96-487. See Part I of Chapter 2 through 6.
4. That no portion is occupied by the United States, and that the land is unoccupied, unimproved and unappropriated by any other persons and no part is claimed or occupied under the mining laws.
5. That the selection is no more than 160 rods along any navigable waters or that this requirement should be waived.
6. State all facts relative to medicinal or hot springs or other water bodies within the selection.

B. Filing Requirements.

1. The application must be filed in duplicate in the proper land office (Alaska State Office or Fairbanks Support Center) in which the lands are located. A nonrefundable filing fee of \$10 for each 5,760 acres or fraction thereof, must accompany the selection application. (43 CFR 2627.3(c))

C. Approvals.

1. Community Purposes Grant. See Part III(B)(2) and III(C)(2) of Chapter 4.

2. Lands North and West of the PYK Line. As described in Section 10 of the Alaska Statehood Act. (43 CFR 2627.3(a)(2)).

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a. All selections North and West of the PYK line, which were filed before December 2, 1980, received the needed special approval pursuant to Sec. 906(p) of ANILCA. Any subsequent State selection applications require written Presidential approval as delegated to the U.S. Department of Defense (DOD).

b. BLM requests approval from U.S. Department of Defense, Assistant Secretary, Installations and Logistics, The Pentagon, Washington D.C. 20330. For an example of the request see Illustration 1. The request should contain:

- (1) A reference to the act under which the selections are made.
- (2) A summary of Section 10 of the Alaska Statehood Act and Sec. 906(p) of ANILCA.
- (3) A description of the selection applications being submitted for approval, including the date filed, the number of selections, and the total acreage of the selections.
- (4) Enclosures:
 - (a) A copy of Secs. 6 through 10 of the Statehood Act and Sec. 906(p) of ANILCA.
 - (b) A map showing the approximate location. If there are several areas, some type of indexing/legend should be given.
 - (c) A list of the State selection serial numbers and the townships selected.
 - (d) Five copies of the selection applications.

c. Send a memo to the Director (311) informing him/her of the Request for Approval, along with a copy of the letter and enclosures which were sent to DOD. (Illustration 2)

D. Land Descriptions.

All selections shall be made in reasonably compact tracts and must include all available lands within its exterior boundaries. If surveyed, the legal description should be in accordance with the official plat(s) of survey. If unsurveyed, a description from an approved protraction diagram should be used. (43 CFR 2627.3(c))

E. Acreage Limitations.

1. School Lands Settlement. As per Sec. 906(b) of ANILCA, the State was granted the right to select 75,000 acres in full and final settlement of any and all claims arising under the Act of March 4, 1915. See Part II (B) of Chapter 2.

2. Alaska Mental Health Enabling Act. As per this act, the State was granted the right to select 1,000,000 acres. See Part I(A) of Chapter 3.

3. Community Purposes Grant. As per Sec. 6(a) of the Statehood Act, the State was granted the right to select 400,000 acres of National Forest lands and 400,000 acres of other public lands in Alaska. See Part III(B) and (C) of Chapter 4.

4. University Grants. As per the Act of January 21, 1929, the State was granted the right to select 100,000 acres in addition to specified school sections in place. See Part I(A) and (B)(1) of Chapter 5.

5. General Purposes Grant. As per Sec. 6(b) of the Statehood Act, the State was granted the right to select 102,550,000 acres. See Part I(A)(1) of Chapter 6.

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IV. Adjudication.

A. Research Steps Prior to Issuance of Decision.

1. Navigable Water Bodies. A navigability report is required for every conveyance issued to the State. The following steps should be taken:

a. Navigability Determination Has Not Been Received. Check WINTWP to see if a report has been received for the subject township (Window #944). If it is on the WINTWP, it could be in another State selection case file, or check with Navigability Section (961) for a copy. If navigability determination has not been made, request navigability determination by memorandum to Navigability Section (961); then code into ABSTR, history code 294 (Navigability Report Rqst).

b. Navigability Determination Has Been Received. Highlight and tab the determination, when received. Code into the ABSTR either history code 296 (Navigability Report Rcvd) or 521 (Nav Report Rcvd in Part). Indicate the date of the decision and the navigability determination on the case file checklist in appropriate block. (If water bodies are determined navigable within a surveyed township and survey has not excluded them, request additional survey if no other exclusion surveys are needed.)

2. ADP records.

a. ABSTR. Update to reflect the current status of the file.

b. TWPALL or MSK 021. Highlight regional selections, active mining claim recordations, rights-of-way, and any other pertinent applications. A MSK 021 indicates potentially excludable case types for State selection cases which may or may not be noted on the MTP's.

c. WINTWP. Highlight May 15 and July 24 lists (windows 871 or 1242), State land conveyance priorities, Iditarod Trail, CIRI pools and any other pertinent information. A WINTWP provides a list of all ADP windows created within a township which may indicate possible conflicts with a State selection or other useful information.

3. Historical Index. Highlight PLO's and any pertinent applications which affect the State's selection rights. If PLO's are not on the list of "Public Land Orders Affecting State Selections" (Chapter 1, Part II (B)(3)), include a copy of the PLO's in the case file.

4. MTP Status Review.

a. Remarks Column Notations. In remarks column write date State selection application was filed and date selection became valid. If there are several dates for separate tracts, indicate those dates also. Write the date of each pertinent PLO and the effect it had on the State selection. NOTE: The date of filing is the clocked date stamp on the application.

b. Depicting Status. Most State selection applications are filed for all lands within a township. The plat review needed to identify all available surface and subsurface lands can result in a complex record-keeping procedure. It has proven to be most beneficial and efficient to maintain a standard color-coding system. This system is identified as follows:

- (1) State Selection (this case file):
 - (a) Application - outline in yellow.
 - (b) TA/Approval - diagonal yellow.
 - (c) Patented - solid yellow.
- (2) State Selection (other than this case file):
 - (a) Application - outline in purple.
 - (b) TA/Approval - diagonal purple.
 - (c) Patented - solid purple.
- (3) Regional/Village Selection:
 - (a) Application - outline in green.
 - (b) IC'd - diagonal green.
 - (c) Patented - solid green.
- (4) Other claims of record (Native Allotments, Homesites, Trade and Manufacturing Sites, etc.).
 - (a) Application - outline in green.
 - (b) Patented - solid orange.
- (5) Mining Claim Recordations.
 - (a) Located prior to State selections - outline or write serial number in green.
 - (b) Located after State selection - outline or write serial number in brown.
- (6) Water Bodies.
 - (a) Navigable - solid blue.
 - (b) Meanderable - outline in blue.
- (7) Withdrawals that bar State selection - outline in red.

c. Acreage Tapes. Attach an acreage tape on right side of the plat noting whether acreage is for suspension, rejection, TA/Approval or patent. Indicate which sections have less than 640 acres by labelling acreage as to section, lot, aliquot part, etc.

d. Meanderable Waters. Before the 12/15/83 submerged lands policy change on acreage chargeability, the only waters excluded from TA's were tidal and navigable waters. Currently, water bodies over 50 acres in size and streams greater than 3 chains wide are also excluded. For purposes of calculating acreage where a stream is identified as navigable but an acreage figure is not available on the protraction sheet or MTP, the following formula can be used:

.063 wide x 80 chains = 5.04 acres per mile. (Single-Line Stream)

5. Survey Plats. Always use survey plats for calculating patent acreage. (NOTE: The State Selection Group Surveys which are protraction plats prepared in the office (Paper Surveys) pursuant to the MOU dated September 10 and 21, 1973, are no longer accepted by the State as official surveys.)

6. Identify Conflicts. Write down the date filed and any pertinent information on the MTP.

a. ANCSA Selections. If the ANCSA selection cannot be adjudicated at the present time, suspend the State selection as to the lands in conflict until a later date.

b. Mining Claims.

(1) Verify location, determine excludable acreage of each claim, and note acreages on MSK 021.

(2) Suspend the State selection as to the lands in the claims until adjudicated and/or surveyed.

(3) If the recordation does not meet the requirements of 43 CFR 3840 or was located after the State selection, refer the recordation to Minerals Adjudication (982).

c. Rights-of-way.

(1) Title Merging. If a right-of-way is granted to the State of Alaska, notify the State in the decision that the right-of-way will not be reserved since the lesser interest is merged with the State's full title when the lands are TA'd or patented. See Glossary 36a.

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(2) Authority for Reserving Rights-of-way.

(a) Any right-of-way granted prior to State selection is reserved (or made "subject to") pursuant to the act it was granted under.

(b) Any right-of-way granted after State selection, but prior to State conveyance, is reserved (or made "subject to") pursuant to the act it was granted under and Sec. 906(1) of ANILCA.

(c) Prior to ANILCA we had no authority to reserve certain federal appropriations such as Forest Service roads, Coast Guard lighthouses, etc. These can now be reserved pursuant to Sec. 906(1) of ANILCA which provides that all conveyances to the State shall be subject to any right-of-way or easement reserved for or appropriated by the United States prior to selection of the lands by the State. If the land has already been TA'd prepare a "Notification of Prior Valid Existing Rights" (see Illustration 3) to be approved by the State prior to reserving the right-of-way in the patent. The location of Coast Guard lighthouses should be verified prior to conveyance by contacting the U.S. Coast Guard in Juneau.

(3) Right-of-way Applications. State selection applications on lands crossed by a right-of-way application cannot be adjudicated until the right-of-way is granted or rejected. Contact the District Offices for information on the status of the right-of-way application and request appropriate action.

(4) Northwest Alaska Gas Pipeline. Since this right-of-way was granted one day prior to ANILCA, there have been some disputes as to how to handle State TA'd or selected lands that are crossed by this pipeline. The pipeline company has filed an appeal to resolve this matter (IBLA 85-434). At the present time, we are not adjudicating any State selections on lands crossed by this pipeline.

(5) Iditarod Trail. The Iditarod National Historic Trail is designated under the National Trails System Act of October 2, 1968 (82 Stat. 919) as amended by the Act of November 10, 1978 (92 Stat. 3511) which states, "the trail shall be administered by the Secretary of Interior and that whenever the Secretary makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purpose of this act". See Glossary 148a.

d. Power Projects. The filing of a proposed power project application reserves the lands from entry, location, or other disposal under the laws of the U.S. unless otherwise directed by the commission or by Congress. When the commission determines the value of the lands reserved or classified as a power site will not be injured or destroyed for purposes of power development by location, entry, or selection under public land laws, the Secretary, upon notice of such determination shall declare the lands open to entry, subject to the reservation stated in Sec. 24, Federal Power Act of June 10, 1920 41 Stat. 1063, 1075: This right shall be reserved in the patent. Thus, if lands in a power project have been opened by PLO (subject to

Sec. 24) they can be approved to the State, subject to Sec. 24. However, if the power project was filed after ANILCA, it is of no effect as to lands on the July 24 and May 15 lists, as all right, title and interest of the U.S. was conveyed to the State of Alaska pursuant to Sec. 906(d) and (g) of ANILCA.

e. Native Allotments/Settlement Claims. These applications are excluded from the lands in the TA, but are not mentioned in the decision.

f. Withdrawals. In the past, State selection applications were rejected as to withdrawn areas and the decision stated that the top filing shall continue to operate as a future selection application in the event the lands become available at a later date. Our present policy is to issue a decision which states that the lands are not available and that their filing is regarded as a future selection which will take effect at such time as the lands are opened to State selection. The State's filing has no effect upon the current status or management of the lands.

g. Reindeer Grazing Permits. Grazing permits are authorized by Sec. 12 of the Act of September 1, 1937, and regulations listed at 43 CFR 4300. The filing of an application for permit has no segregative effect. As the issuance of the permit is discretionary, the filing of an application will not create a right for such a permit, or to the use of the lands applied for pending the issuance of a grazing permit.

Permit is issued at discretion of authorized BLM official, land manager, after consultation with Alaska Dept. of Fish and Game, subject to terms and conditions jointly agreed upon. Lands in grazing permits are subject to settlement, location & acquisition under the public land laws. When lands within permits are to be conveyed, the permittee is notified, and the permitted area reduced by the area involved in the settlement. This provision is included in the permit stipulation, and stated in the administrative decision issued prior to conveyance. A copy of the decision is sent to the District Office, and they reduce the permitted area. Permits have usually been issued for a one-year period, but sometimes up to 5 years.

h. Livestock Grazing Leases. Grazing leases are authorized by the Act of March 4, 1927; regulations at 43 CFR 4200. Leased lands are not subject to settlement, location, or acquisition under the non-public land laws applicable to Alaska, unless and until the District Manager determines that the lease should be cancelled or reduced. Sec. 316f of the Act provides that a lease may be made for such term as the Secretary deems reasonable, but not to exceed 55 years. When encountering a grazing lease or the records, proceed as follows:

(1.) Review the grazing lease; the lease should have a stipulation which states that the lease will be cancelled upon 30 days written notice to the lessee when the BLM is able to act upon the State's selection application. The lessee shall thereupon be entitled the right to apply to the State for a preference right grazing lease under A538.05-075, which specifies that the lessee shall enjoy any of the rights or benefits he enjoyed under the Federal lease, through the statutory life of the Federal lease.

(2.) Contact the District Office and coordinate a joint action. The District Office will issue a decision simultaneously with Conveyances' Administrative Decision/Draft TA or Patent. The appeal periods will run concurrently. At the end of the appeal period the lease will be cancelled or reduced accordingly and the lands will be conveyed to the State.

7. Checklist for State Conveyances. The checklist is stapled to left side of State selection case file. See Illustration 4 for sample of form.

8. Lands under Mineral Lease. Through January 3, 1969 (10 years after the date of admission of Alaska into the Union) the State could select lands in any lease, permit, license or contract (LPLC) issued under the Mineral Leasing Act of February 25, 1920, as amended, if the lands were otherwise available. After January 3, 1969, the LPLC segregated the lands from State selection. See Part I of Chapter 6.

B. Publication Procedures.

1. Requirement. The State is required to publish once a week for five consecutive weeks at its own expense, in a designated newspaper, and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent or certification for lands selected by the State (43 CFR 2627.4(c)).

2. Prior Publication. Determine if publication has been completed under another State selection for the lands to be conveyed. If previously published, even under a different grant, additional publication is not required. Place a copy of the proof of publication in your case file.

3. Supporting Documents. Use current copies of ABSTR's, WINTWP's, HI's, and MTP's. See part IV(A) of this chapter for adjudication procedures to verify that there are lands available for State selection. The exact lands available for conveyance do not have to be identified at this time.

4. Document Preparation. Prepare documents as shown in Part V(A) of this chapter.

5. Protests. Any person claiming lands that would be adversely affected by conveyance to the State may file a protest. Protestants must serve a copy of their objections on the State of Alaska, furnish evidence of a prior valid right, state the reason for their protest, and show evidence to BLM that their protest was delivered to the State of Alaska. If a protest is filed by an individual who has a valid federal claim, the protest may be dismissed by issuance of a decision. The decision should state that the lands within that claim will be excluded and not conveyed to the State. We can take no further action on the State's application until all protest(s) have been dismissed.

C. Combining Case Files.

1. When To Combine. If the lands in a township are selected under more than one State selection application of the same case type, those applications are combined into one case file as to the lands in that township. Normally, the serial number of the oldest case file should be retained. However, if lands were TA'd in latest serial number, reverse the process. Do not combine TA'd lands into another case file. The applications can be combined in part and remain in effect for any other selected townships. (See Illustration 5 for example of a combined decision.) If there are no remaining selected lands in a file after combining, the file can be closed. (See Part VI(F) of this chapter). Place combined and closed case file documents at the bottom of the active file documents under a divider card labeled "Case file (serial #) below this card." The closed file folder is processed with the active file to be sent to docket after decision is final. The only documents remaining in the closed case file are the decision combining and closing the case file and the ABSTR.

2. Updating ABSTR's.

a. Case Files with Township(s) Deleted.

1. Retain all history items
2. Enter history code 372 (Application Combined).
3. Put in remarks section: "Comb/w (serial #5 land desc.)."
4. Delete land description for remaining selected lands in the combined townships.
5. If there are no other remaining selected lands in a file after combining, see Part VI(D) of this chapter for closure of case file.

b. Retained Case Files.

1. Enter history code 372 (Application Combined).
2. Input land description for any lands not previously in this case file.
3. Input in remarks section: "Includes (serial #5 land desc.)."

D. Administrative Decision and Draft TA/Patent Procedures.

1. Supporting Documents. Use current copies of MTPs, ABSTR's, MSK 021's, WINTWP's, HI's, MTP's, and survey plats (if surveyed). See Part IV(A) of this chapter for adjudication procedures. If MTP's and HI's have any errors, be sure to make all corrections prior to sending decision to the State.

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2. Publication. Verify that publication has been directed and proof of publication has been received. If not, see Part IV(B) of this chapter.

3. Navigability Determination. Verify Navigability Determination has been received. If not, see Part IV(A)(1) of this chapter.

4. Identify Conflicts. See Part IV(F)(5) of this chapter.

5. Document Preparation. Prepare documents as shown in Part V(B)(5) of this chapter.

E. Appeals.

1. Standard Appeal Paragraph. All administrative decisions contain the standard appeal paragraph (See glossary 36a) stating the rights of any adverse party to file an appeal within 30 calendar days of receipt of the decision. All cert cards should be stapled to decision in case file.

2. BLM Loses Jurisdiction. If an appeal is filed, the BLM loses jurisdiction and can take no action until the appeal is resolved.

3. Receipt of an Appeal. The appeal should be sent to, or immediately given to the Paralegal (961). The paralegal will notify the Branch of any appeal and request that all pertinent documents be copied and sent to IBLA. The file must be sent within five days from the receipt of the appeal.

4. Adjudicator's Responsibilities. Remember, five day deadline.

a. Give a copy of the decision being appealed to the Paralegal Office so they can begin their paperwork.

b. Make, or request Document Processing to make, two copies of all information in the file that pertains to the issue being appealed, especially cert cards. Copy the complete file if not too large. Put these in two folders and mark "Dummy file #1" and "Dummy file #2". Be sure serial #, and casetype, and docket bar code is on the dummy files.

c. Give the two dummy files to the Paralegal for forwarding to IBLA and Solicitor's Office.

d. Retain the original file for answering questions, requests, etc.

e. Any public correspondence or questions after the appeal is filed should be referred to the Paralegal.

5. Procedures Required Following IBLA Decision.

a. Combine the IBLA dummy file with the original. Notify Docket if the dummy file has a bar code. (The Solicitor's Office retains their dummy file for any future references.)

b. Take any action required by IBLA.

c. Have MDE's input any necessary history or status changes in the ABSTR's.

V. Document Preparation.

A. Publication Directed.

1. Selection of Newspaper. From the list of "Newspapers to Be Used for Publication" (Illustration 6) determine which newspaper is located closest to the lands being published.

2. Format.

a. Decision: Glossary 4a.

b. Notice of Publication: Glossary 5a.

c. Letter to Newspaper: Glossary 6a.

d. A camera ready copy is required when sending publication to the Tundra Drums in Bethel. See Glossary 23a.

3. Final Package.

a. Copies to State:

(1) Use a tan folder which will be picked up by the State from a designated place in the Division of Conveyances. See Part V(B)(4) of this chapter.

(2) The folder should contain:

(a) An original and one extra copy of each document.

(b) A camera-ready copy (when sending to the Tundra Drums only).

(c) A green State selection cert card (Illustration 7), paper clipped to the left pocket of the folder, with the appropriate documents marked.

b. One copy, marked with a yellow dot, for each State selection case file, fastened on top in each file. Surname and date each copy in the upper right corner. If there are more than four files, you will receive only one copy. Attach a note to remind Secretary to make extra copies after signature.

c. One copy of the "Notice for Publication" for posting in the Alaska State Office public room.

d. Two copies marked with a blue dot. One for the BLM reading file and one for the Branch reading file.

e. One copy marked with a pink dot, for Doyon and Northwest Adjudication Branches only.

f. One copy of complete set for adjudicator.

4. ADP Coding. Fill out DTS (CAL004) with history code 300 (Publ Directed Newspaper) and status code 26 (Awaits Applicant Action), for each case file being published, then staple to front of first case file only.

5. Proof of Publication.

a. State must file proof of publication, with newspaper clipping attached, signed by an authorized employee of the designated newspaper.

b. After proof of publication has been received, code into ABSTR history code 291. (Proof of Publ Received) and update status code, as appropriate.

B. Administrative Decision and Draft TA/Patent.

The administrative decision issued to the State is in final form and is an appealable document. The draft TA/patent documents are not a part of the appealable decision. Instead, they are documents that BLM asks the State to review and to either accept the document as written or request that certain changes be made in the final TA or Patent documents as outlined in the MOA of August 19, 1986 (AA-59403). See Appendix A.

1. Format.

a. Decisions: Glossary 36a.

b. Draft TA's and TA's: Glossary 3a.

c. Draft patents and patents: Glossary 148a.

2. Draft Patents. As of August 28, 1985, BLM no longer is required to issue a TA to convey lands that are adequately surveyed but can proceed directly to draft patent and patent.

3. Land descriptions.

a. Draft TA and TA - See the MOA between the State and BLM. (Attachment 1 of Appendix A)

b. Draft Patent and Patent - See the Patent Handbook.

4. Final Package.

a. Copies to the State

(1) The State picks up the documents, which are put in folders instead of envelopes, from a designated place in the Division of Conveyances. Use a blue folder if there is a draft patent; a yellow folder if there is a draft TA, but no draft patent; or a tan folder for anything else such as publications or notices.

(2) The folders should contain:

(a) Original and one copy of each document.

(b) MSK 021's with draft TA's if there are mining claims to be excluded. Note the excludable acreage of each mining claim. Acreages will have to be handwritten on the MSK copy since no acreages appear in the computer.

(c) Aperture card of MTP, and Supplemental MTP or survey plat, if applicable. Duplicates of these cards are filed in the appropriate case file.

(d) Green State selection cert card (Illustration 7), paper clipped to the left pocket of the folder, with the appropriate documents marked.

(e) A note with the adjudicator or lead specialists name and phone number.

b. Any copies for other individuals or agencies with envelopes and certified mail cards, if needed.

c. One copy for each State Selection case file (marked with a yellow dot) fastened on top in each file. Surname and date each copy in the upper right corner. If there are more than four files, you will receive only one copy. Attach a note to remind Secretary to make extra copies after signatures.

d. Copies with routing sheets for any BLM offices (e.g., District Managers, Division of Resources, Branch of Pipeline Monitoring, etc.).

e. Three copies marked with a blue dot. One each for the BLM reading file, the Branch reading file, and the MDE's. See Appendix B for procedures.

f. One copy marked with a pink dot for Doyon and Northwest Adjudication Branches only.

g. One copy for the adjudicator.

5. ADP Coding. Fill out DTS (CALL004) with history code 274 (Dec and Proposed TA issued) for draft TA's or 623 (Decision issued) and/or 682 (draft patent issued) for draft patents. Staple to front of case file.

C. Final TA or Patent.

1. Document Preparation. When the Draft TA/patent is accepted by the State, prepare the final document to be signed after the appeal period has lapsed. Send copies to everyone who received a copy of the Administrative decision. MTP's, TWPALL's, and WINTWP's should be checked to be sure no relevant changes have taken place.

2. Final Package for TA. After the TA is signed, the Branch Secretary will prepare the copies for distribution and mailing. See Illustration 8 for transmittal letter that will be placed in the yellow folder for the State to pick up with the TA document.

3. Final Package for Patent. After the patent is signed, the Branch Secretary will impress and affix the seal, assign the patent number, and prepare the copies for distribution and mailing. See Illustration: 9.

4. ADP Coding. Complete the DTS (CAL004) with history code 328 (Tentative Approval Given); 519 (Patent Issued in Part); or 271 (Patent Issued). The status code should note the next action needed for the selection. Also, see Appendix B for MDE procedures.

VI. Post Adjudicative Actions.

A. Notation of Records.

After the document has been signed and the MDE's have returned the case file to you, verify that the computer input is correct. Route case file to ASO T&LS or FBX T&R to update MTP and return to adjudicator. When case file is returned, verify that MTP notations were made correctly and send to ASO Docket for filing.

B. Escrow Procedures.

This section is designed to furnish general guidance on State escrow payments.

1. Reference Materials.

- a. Applicable sections of CFR
- b. State Revenue Report
- c. Sec. 906(k)(2) of P.L. 96-487 (94 Stat. 2437)
- d. Solicitor's opinion dated March 29, 1983

2. Escrow Procedures. The State of Alaska shall be paid 90 per centum of any revenue received on or after December 2, 1980.

Upon issuance of TA or patent, run a TWPSER on legal description to identify any revenue generating case(s). If any files are identified with revenue due to the State, order file, current abstracts, and current plats, and determine percentage of file(s) withdrawn for State selection and percentage conveyed.

Using glossary 180a, fill in stop codes with appropriate information using revenue information from December 2, 1980 to present. Depending on the accounting office handling the revenue case, stop code 2 will be completed using one of the following: Chief, Branch of Field Support and Office Services (974), Attn: Carol Canterbury; Chief, Branch of Field and Office Services (974A), Attn: Louise Todd; or Fairbanks Support Center Manager (975), Attn: Martha Woodward. After signature, code revenue case abstract to reflect any actions. [Note: If revenue case(s) has not been identified for State Escrow Report, do so and incorporate information into Report for use by other branches.]

C. Succession of Interest.

See General Handbook Guidelines (2090)

D. Merger of Title.

See General Handbook Guidelines (2090)

E. Waiver of Interest.

See General Handbook Guidelines (2090)

F. Case Closure.

When there is no remaining federal surface or subsurface estate within the boundaries of a state selection area (normally a township) to which a selection or top filing could attach, the case file will be closed of record.

1. MTP Notations. Verify all MTP notations and correct any errors.
2. ABSTR
 - a. Verify all ABSTR entries.
 - b. ABSTR's of closed case files should have either history code 146 (case closed, no conveyance) or 099 (case closed, title trsf.) with the appropriate closed status code (82, 84, 87, 88, or 89).
 - c. If patented, assure that land description and acreage in patent document agrees with ABSTR entries.
 - d. Lock land description and note in remarks, "Land desc locked".
3. State Sign-off Sheet.
 - a. Format. (See Illustration 10.) Sign-off sheets should be typed. If patented, note patent numbers and acreages in spaces provided and state that the file has been closed of record. If not patented, also state that case file has been closed of record and explain the reason (e.g., serialized in error, combined, rejected, etc.). NOTE: The State does not have plans to audit General Purpose selections. Therefore, sign of sheets are not necessary for this casetype.
 - b. Final Package.
 1. Signed original to State and place it in designated location for the State to pick up.

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2. Case file copy is marked with a yellow dot.
3. Branch reading file copy is marked with a blue dot.

c. ABSTR

1. Input History Code 669 (State sign-off rqstd) and History Code 100 (audited to date, locked).
2. History Code 642 (State/BLM audit completed) is entered along with history code 100 when the State does its audit and verifies or modifies our information and returns the signed copy to BLM for placing in casefile.

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CHAPTER 2 - SCHOOL SECTIONS IN PLACE - 2624

I. Statutory Authority/Entitlements

A. Act of March 4, 1915.

1. Reservation of Certain Sections.

a. Common Schools. Section 1 of the Act of March 4, 1915 provided that when the public lands of the Territory of Alaska were surveyed, Secs. 16 and 36 in each township, if nonmineral in character, would be reserved from sale or settlement for the support of the common schools in the Territory of Alaska. The Act of March 5, 1952, extended this reservation to embrace sections mineral in character.

b. Agricultural College and School of Mines.

(1) Section 1 of the Act of March 4, 1915 provided that when the public lands of the Territory of Alaska were surveyed, Sec. 33 in each township in the Tanana Valley between Latitudes 64° - 65° North and Longitude 145° - 152° West if nonmineral in character were reserved from sale or settlement for the support of a Territorial Agricultural College and School of Mines (now called the University of Alaska) when established upon the tract (site) granted by Sec. 2 of this Act. The Act of March 5, 1952 extended this reservation to embrace sections mineral in character.

(2) Section 2 of the Act of March 4, 1915 granted to the Territory of Alaska the lands in Sec. 6, T. 1 S., R. 1 W.; Sec. 1, T. 1 S., R. 2 W.; Sec 31, T. 1 N., R. 1 W.; and Sec. 36, T. 1 N., R. 2 W., Fairbanks Meridian. These lands were reserved and dedicated for use as the site of the Agricultural College and School of Mines which is now where the University of Alaska, Fairbanks is located.

2. In Lieu Lands. Section 1 of the Act of March 4, 1915 also provided "That where settlement with a view to homestead entry has been made upon any part of the sections reserved hereby before the survey thereof in the field, or where the same may have been sold or otherwise appropriated by or under the authority of any Act of Congress, or wanting or fractional in quantity, other lands may be designated and reserved in lieu thereof . . ." See Part II(A) of this chapter for policy/precedent concerning survey.

B. Mineral Lands Outside of Alaska (Act of January 25, 1927).

Section 1 of the Act of March 4, 1915 extended the reservation in the grant of school sections in place to embrace sections mineral in character except in Alaska.

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C. Confirmatory Patent Authorization (Act of June 21, 1934).

This Act authorized the Secretary of the Interior, upon application by a state, to issue patents as title evidence to numbered school sections in place which were granted for the support of common schools. The patent would list the date title vested with the State, and to what extent the lands are subject to prior conditions, limitations, easements or rights of way. This provision was repealed by FLPMA, but only as to nonmineral lands.

D. Reservation Extended to Include Mineral Lands (Act of March 5, 1952).

Section 2 amended Sec. 1 of the Act of March 4, 1915 by extending the reservation of school sections in place to embrace sections mineral in character. Pursuant to Sec. 3, this Act did not affect any lands included in existing reservations of or by the United States or lands in any valid application, claim or right unless and until such reservation, application, claim or right is relinquished or cancelled.

E. Partial Repeal of Confirmatory Patent Authorization (FLPMA).

Section 705(a) repealed the Act of June 21, 1934. It did not affect the Secretary's authority to issue confirmatory patents on mineral lands, since these lands were not included in the reservation of school sections at the time of the Act of June 21, 1934.

F. Statehood Act.

1. School Sections Reservation Provisions Revoked. Section 6(k) of the Statehood Act repealed Sec. 1 of the Act of March 4, 1915, as amended.

2. Previously Reserved School Sections Granted to State. Section 6(k) of the Statehood Act also provided that all lands reserved by Sec. 1 of the Act of March 4, 1915, as of July 7, 1958, are granted to the State upon admission to the Union (January 3, 1959) for the purposes for which they were reserved. Thus, title to unreserved, surveyed school sections vested with the State on January 3, 1959. Rights to any other school sections reserved by Sec. 1 of the Act of March 4, 1915 were extinguished. (Exception, established by precedent, as referenced in Part II(B) of this chapter - title to surveyed school sections which on the date of Statehood were within Federal withdrawals or appropriations vests with the State on the date the lands are released from the segregative effects of the Federal withdrawal or appropriation.)

G. Settlement of 1915 Act Claims (ANILCA).

Section 906(b)(1) includes provisions for "full and final settlement of any or all claims by the State of Alaska arising under the Act of March 4, 1915." (These provisions do not apply to land where title passed prior to ANILCA.) The State was granted 75,000 acres, which it shall be entitled to select, through January 3, 1994, from vacant, unappropriated and unreserved public lands. New regulations pursuant to Sec. 906(b)(1) of ANILCA have not been written.

II. Policy/Precedent.

A. Segregation of Lands Based on Survey Date.

The reservation of March 4, 1915 does not have the effect of segregating the lands until the date of approval/acceptance of the official plat of survey.

1. The Secretary held in the State of California, 24 L.D. 54 (January 30, 1897) "the date of a survey is fixed not by the date of the work in the field, but by the approval and filing of the map."

2. The Solicitor's Opinion, M-36243, 62 I.D. 22 (February 8, 1955) states "The reservation made by the act [of March 4, 1915] does not attach to a school section until it has been surveyed and the plat of survey approved or accepted by the Bureau of Land Management."

3. Pursuant to BLM Instruction Memorandum No. AK-84-466 and its enclosure of the February 21, 1984 Memorandum from the DSD for Cadastral Survey, "A survey is regarded as unofficial and lands are regarded as unsurveyed until the survey is approved and the plat filed in the proper land office."

B. Surveyed School Sections Under Federal Withdrawal or Appropriation.

Title to surveyed school sections reserved by Sec. 1 of the Act of March 4, 1915, if under a Federal withdrawal or appropriation, did not vest with the State on January 3, 1959. Title vests on the date the lands are released from the segregative effects of the Federal withdrawal or appropriation if prior to ANILCA.

1. The Secretary held in the State of Montana, 38 L.D. 247 (September 30, 1909), that "the State's title does not attach until the reservation is extinguished and the lands restored to the public domain."

2. In State of New Mexico, 59 I.D. 402 (February 12, 1947), the Secretary held that title to such a school section does not necessarily pass to the State by operation of law, because the withdrawal delays the vesting of State's title until the lands are removed from the withdrawal and restored.

C. Solicitor's Opinion on Conveyance Instruments.

Reference Part 1C of this chapter. A patent issued in accordance with 43 U.S.C. 8171(a) did not grant title, it only gave evidence that title had already vested. Solicitor's Memorandum of February 13, 1978 states that grants of school sections to the States are made by the applicable statutes and do not require any conveyance instruments to vest title. See Appendix D.

III. Selection Provisions.

A. Application for Confirmatory Patent.

The Act of June 21, 1934 authorized confirmatory patents; but as to nonmineral lands, the authority was revoked by FLPMA. Thus, only applications for confirmatory patents on mineral lands are valid. See Appendix D for Solicitor's Memorandum of February 13, 1978 regarding issuance of confirmatory decisions instead of patents.

1. The State is not required to pay any filing or conveyance fees in connection with the patenting of school sections in place under the Act of June 21, 1934; however, publication is required.

2. Applications shall be filed in the proper office in accordance with the provisions of 43 CFR 1821.2 .

B. Applications Pursuant to Sec. 906(b) of ANILCA.

Except as stated below, selections shall be made in conformance with the provisions for selection under Sec. 6(b) of the Statehood Act. See Part III(A) and (B) of Chapter 1.

1. Selections made under ANILCA Sec. 906(b) shall be in units of whole sections as shown on the official survey plat or protraction diagram, unless part of the section is unavailable or the land is otherwise surveyed or unless the Secretary waives the whole section requirement.

2. Lands selected and conveyed to the State under ANILCA Sec. 906(b) shall be subject to the provisions of Sec. 6(j) and (k) of the Statehood Act.

3. Upon exercising its selection rights under Sec. 906(b)(1), it will be deemed to have relinquished all claims to any right, title or interest to any school lands unsurveyed on that date or surveyed lands which were within federal reservations or withdrawals on that date.

IV. Adjudication.

A. Procedures Relevant to All State Grants.

See Part IV of Chapter 1.

B. Procedures Relevant Only to School Sections in Place Grant.

1. Plat Notations. The status plat notation "SG" 1-3-59 should appear for school sections where title vested on the date of Statehood, as described in Part I(F)(2) of this chapter, and no confirmatory patent was issued prior to the repeal of the Act of June 21, 1934, by Sec. 705(a) of FLPMA. If confirmatory patent was issued, the patent number should be annotated on the status plat in place of SG 1-3-59.

2. Decision Confirming Date Title Vested. On nonmineral reserved school sections, a decision will be issued to the State confirming the date that title did vest with the State and rejecting its selection application for confirmatory patent. A notarized formal acknowledgement will accompany the decision. The State can then record the decision in the proper recording district. See Appendix D for Solicitor's instructions and Illustration 11 for Example of Decision.

V. Document Preparation.

See Part V of Chapter 1.

VI. Post Adjudication Actions.

See Part VI of Chapter 1.

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CHAPTER 3 - MENTAL HEALTH GRANT - 2626

I. Statutory Authority/Entitlement

A. Alaska Mental Health Enabling Act (MHEA) of July 28, 1956

Section 202 of MHEA granted to the Territory of Alaska the right to select, within 10 years (through July 28, 1966) not to exceed 1,000,000 acres from the public lands in Alaska which are vacant, unappropriated, and unreserved at the time of selection. All income generated by these lands shall be administered by the Territory (State) as a public trust and all proceeds and income shall first be applied to meet the necessary expenses of the Mental Health program of Alaska.

B. Alaska Statehood Act

Section 6(k) confirmed this grant to the State of Alaska.

C. State/BLM Audit of Entitlement

In 1985 a joint audit of all selections made under this act was initiated between the BLM and State. The State of Alaska and the BLM completed the audit in March 1986 showing that the State has already received approval or patent to 1,005,896.543 acres and still has application on approximately 140,397 acres. There are many variables that enter into these figures (for example, third party interest in existence prior to the State's selection of the lands, administrative errors, erroneously charged acreage due to meanderable waters or other survey problems, and the outcome of the Tyonek lawsuit appeal). These variables are identified in the letter of June 2, 1986 from the State of Alaska; re. MH Audit. Since the State can no longer select lands under this Act, no action is currently being taken to either reject or relinquish the selection on these lands until all the issues have been resolved and a more accurate accounting of the conveyed land can be determined.

D. MHEA Litigation

1. Tyonek Lawsuit. 9th Circuit Court case A77-207 Civ. on the issue of whether approvals are the same as tentative approvals.

2. Cowper Case. This was a class action suit against the State. State v. Weiss, 706 P 2d, 681, 684(AK 1985).

II. Policy/Precedent

A. Adjudication Status.

At the present time, we are not adjudicating any selection applications with lands validly selected pursuant to MHEA because the State is at or near its full entitlement. Adjudication of invalid selections and conflict resolution are the major thrusts of this program at present. See Parts I(C) and (D) of this chapter.

B. March 1, 1966 Amendment.

This blanket amendment filed by the State of Alaska on March 1, 1966, is recognized as amending all Mental Health selections. See Illustration 12. Therefore, if the remaining selected lands were available on that date, the State potentially has a valid selection.

C. State Mental Health Priorities.

If additional entitlement is forthcoming after conflicts are resolved, the State will submit a priority list of the remaining mental health selection lands.

III. Selection Provisions.

See part III of Chapter I.

IV. Adjudication.

A. Procedures Relevant to All State Grants

See part IV of Chapter I.

B. Approval.

1. Pursuant to 43 CFR 2222.9-3(b)(2), 1970, mental health selections are approved, not tentatively approved, but cannot be patented until the lands are officially surveyed. see Appendix D).

a. Section 6(g) of the Statehood Act provides: "Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases. . . ."

b. Section 202(d) of the MHEA contains an almost identical provision except that there is no tentative approval requirement: "Following the selection of lands by the Territory pursuant to subsection (b), but prior to the issuance of final patent, the Territory shall be authorized to lease. . . ."

2. Documents approving Mental Health selections should say only "Approval Given." In the past, Mental Health lands were sometimes erroneously TA'd. Prior to patent, a modified decision must be issued to the State which deletes "tentative approval" and substitutes "approval" throughout these old documents (see Appendix F).

3. MHEA approvals are indicated on the MTP's by listing the serial number with MHA (Mental Health Approval) below it.

C. Civil Rights Act Reservation

Conveyances to the State pursuant to MHEA, must be made subject to Title VI of the Civil Rights Act of 1964, 78 Stat. 241. See glossary 148a.

V. Document Preparation.

See Part V of Chapter I. (Approvals are processed the same as TA's.)

VI. Post Adjudicative Actions.

See Part VI of Chapter I.

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CHAPTER 4 - COMMUNITY GRANT - 2627.1

I. Statutory Authority and Entitlement.

Pursuant to Sec. 6(a) of the Statehood Act the State is granted and entitled to select, within 25 years after the date of admission into the Union (amended by Sec. 906(a) of ANILCA to extend through January 3, 1994), not to exceed 400,000 acres of National Forest lands in Alaska and 400,000 acres of other public lands in Alaska for the purpose of furthering the development of and expansion of communities (43 CFR 2627.1(a)). Selections filed pursuant to this authority are National Forest Community Grant and Public Domain Community Grant State selections.

II. Policy/Precedent. Reserved.

III. Selection Provisions.

A. National Forest and Public Domain Community Grants.

1. Provisions Relevant to All State Grants. Unless otherwise indicated in this chapter, the regulations in 43 CFR 2627.3(a) to (d) apply to the grant and selection of lands for community purposes. These provisions are outlined in Part III(A) and (B) of Chapter 1.

2. Required Location or Use. Selected lands shall be adjacent to established communities or suitable for prospective community centers and recreational areas.

3. PYK Line. Although Sec. 6(a) of the Statehood Act does not specifically address selection of lands north and west of the PYK Line as addressed in Sec. 6(b) for general purposes grants, the regulations in 43 CFR 2627.1(a) state "no selections shall be made north and west of the line described in Sec. 10 of the Statehood Act without approval of the President or his designated representative." See Part III(C)(2) of Chapter 1 for procedures, when required.

4. Preference Right of Selection. Section 6(g) of the Statehood Act provides that upon revocation of any order of withdrawal in Alaska, the order of revocation shall provide a 90-day preference right of selection to the State, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. As used in this subsection "equitable claims" includes without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from the National Forest, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

5. Segregative Effect of Mineral Leases. Sec. 6(h) of the Statehood Act, as amended by the Acts of August 18, 1959, and March 25, 1964, provides that through January 3, 1969 (10 years after the date of admission of Alaska into the Union) the State could select lands in any lease, permit, license or contract (LPLC) issued under the Mineral Leasing Act of February 25, 1920, as amended, or under the Alaska Coal Leasing Act of October 20, 1914, as amended, if the lands were otherwise available. After January 3, 1969, these LPLC's segregated the lands from State selection.

6. Minimum Selection Acreage. Section 6(g) of the Statehood Act provides that all selections under the Statehood Act shall be made in reasonably compact tracts and shall contain at least 5,760 acres unless isolated from other tracts open to selection. The Act of October 8, 1963, amended Sec. 6(g) to permit a minimum selection of 160 acres for Community Grant selections.

B. Provisions Relevant to National Forest Community Grants.

1. Status of Lands. Pursuant to Sec. 6(a) of the Statehood Act, the State is entitled to select 400,000 acres from the lands within National Forests in Alaska which are vacant and unappropriated at the time of selection. Section 906(e) of ANILCA provided for filing of future selection applications (top filing). See Part I(C)(4) of Chapter 1 for information on top filing.

2. Approval. As stated in 43 CFR 2627.1(b) "where the selected lands are National Forest, the application for selection must be accompanied by a statement of the Secretary of Agriculture or his delegate [Regional Forester] showing that he approves the selection." If this approval is not found in the case file, check to see if it is included with another selection application filed around the same date.

C. Provisions Relevant to Public Domain Community Grants.

1. Status of Lands. Sec. 6(a) of the Statehood Act provides that the State is entitled to select 400,000 acres from other lands in Alaska that are vacant, unappropriated and unreserved at the time of their selection. Section 906(e) of ANILCA provides for filing of future selection applications (top filings). See Part I(C)(4) of Chapter 1 for information on top filing.

2. Approval. Public Domain Community Grant selections must have the approval of the Secretary of the Interior, as delegated to the appropriate District Manager. The recommendation concerning approval is based on the determination as to whether selection of the lands will further the expansion of an established community, or if the lands are suitable for prospective community centers and recreation areas. If this approval is not found in the case file, the adjudicator sends the file to the District Manager, requesting a recommendation concerning approval. See Illustration 13.

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IV. Adjudication

Except as listed below, adjudication procedures are the same as stated in Part IV of Chapter 1.

A. Navigability Determination. A navigability determination is not required for selections on lands which were reserved as National Forest lands on January 3, 1959, the date of admission of the State into the Union. In Glossary 36a, there is a paragraph which explains this situation and is used in the decision, rather than one of the standard navigability paragraphs.

B. Conveyance Documents. Conveyance documents must include the reservation pertaining to Title VI of the Civil Rights Act (43 CFR 17). This reservation is included in Glossary 148a. When preparing patents, note that in this glossary, there are different citation paragraphs for each type of State Grant.

C. Reservations Required by the Forest Service. In the Forest Service approval letter, it is important to note the reservations required by the Forest Service. Forest Service rights-of-way, such as roads, do not have the location plotted on the MTP, rather they are noted in the remarks column, for example, "AA-55505 R/W affects this Tp."

D. Approvals on a Portion of the Selection. Check Forest Service or District Office approval letter to see if complete selection was approved. In some instances all of the selected lands may not have been included. The selection application is subject to rejection as to any lands not approved for State selection.

V. Document Preparation.

See Part V of Chapter 1.

VI. Post Adjudication Actions.

See Part VI of Chapter 1.

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CHAPTER 5 - UNIVERSITY GRANT - 2627.2

I. Statutory Authority/Entitlement.

A. School Sections in Place Reserved by Act of March 4, 1915.

Provisions for reservations of certain sections for support of an Agricultural College and School of Mines and grant of certain sections for site of same are outlined in Chapter 2, School Sections in Place.

B. Act of January 21, 1929.

1. Additional Grant for Support of University of Alaska. In addition to those lands in Secs. 33 in the Tanana Valley reserved by Sec. 1 of the Act of March 4, 1915, Sec. 1 of the Act of January 21, 1929 granted to the Territory of Alaska for the exclusive use and benefit of the Agricultural College and School of Mines (now known as the University of Alaska), 100,000 acres of vacant, nonmineral, surveyed, unreserved public lands in Alaska.

2. University Shall Remain Under Control of Territory (State). Pursuant to Section 2 of the Act of January 21, 1929, the University, which was provided for in this act, shall forever remain under the exclusive control of the Territory (State). Any proceeds arising from the sale or disposal of any granted lands may not be used to support any sectarian or denominational school.

3. Lands Transferred and Confirmed to the Territory (State). Pursuant to Sec. 3 of the Act of January 21, 1929, all lands granted under this act were transferred and confirmed to the Territory (State).

4. Special Conditions. Sections 3 through 7 contain conditions pertaining to proceeds arising from the granted lands, mortgages, and leasing.

5. Audit. A State/BLM audit was completed in August, 1985. The entitlement acreage has been reviewed and the records indicate that 99,414.47 acres have been conveyed. The history and land record information has been locked in the abstract for each selection. These records should not be altered without clearing the request through the casetype manager.

C. Statehood Act.

1. Grants Include Mineral Deposits. Section 6(i) of the Statehood Act provided that "All grants made or confirmed under this act shall include mineral deposits."

2. Territorial Grants Confirmed. Pursuant to Section 6(k) of the Statehood Act "Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission."

II. Policy/Precedent.

Reserved.

III. Selection Provisions.

A. Selections Subject to Approval of the Secretary of Interior.

Lands granted by the Act of January 21, 1929 were to be selected by the State, under the direction and subject to the approval of the Secretary of Interior and subject to the conditions and limitations expressed in the Act.

B. Applications for Selection (43 CFR 2627.2(b)).

1. Applications to select lands under the University Grant of January 21, 1929 will be made by the proper selecting agent of the State and filed in the proper Land Office in which the lands are situated. Selections must be made in accordance with the law and regulations as set forth in 43 CFR 2620. See Part III(A) and (B) of Chapter 1.

2. Notice of selection and publication is required as provided by 43 CFR 2627.4(b) and (c). See Part IV(B) of Chapter 1.

3. The selections in any one list must not exceed 6,400 acres.

4. Each list must be accompanied by a certification of the selecting agent stating that the acreage selected together with the cumulative acreage total of all prior selection lists pending and finally approved for clear-listing or patenting does not exceed 100,000 acres.

5. No time limit was set for filing selections under the University Grant of January 21, 1929.

IV. Adjudication.

A. Procedures Relevant to All State Grants.

See Part IV of Chapter 1.

B. Clear-Listing.

1. Background. Prior to admission of Alaska into the Union, between 1938 and 1952, the Territory of Alaska submitted nine lists of lands for selection under the Act of January 21, 1929. The 1929 Act provided that the lands be selected under the direction of the Secretary of the Interior. The regulations contained in 43 CFR 76.6 (1938) contained several provisions concerning selection using the word "list," e.g., "Each list of selections must contain a reference to this Act;" "the selections in any one list shall not exceed 6,400 acres;" "No more than one serial number must be given to any list of selections;" "each list must be accompanied by a certificate of the selecting agent." The regulations also required that every application for selection be accompanied by a statement that the lands were unoccupied, unimproved, unappropriated, unreserved, etc. The approval/conveyance document for these selections, issued from the General Land Office in Washington, D.C.,

referred to the selections as "Territory of Alaska Clear List 1 through 9, and stated "this list . . . is hereby approved . . ." See Illustration 14 for an example of a Clear List document. (These documents are filed in the Title and Land Status Section, and also recorded on microfiche, in the Public Room.)

2. Abstract and MTP Notations. The conveyance prefix used for Clear-List approvals in the abstract land description is "CL", e.g., "CL00000001." The MTP notation lists the Clear-List Number, e.g., "Clear List No. 1."

3. Conveyance Document Changed From Clear List to Patent. After Alaska was admitted to the Union, policy changed, and the format for conveyance documents for selections under the Act of January 21, 1929 was changed to that of "patents". The first University Grant "Patent" was issued on July 7, 1960.

V. Document Preparation.

See Part V of Chapter 1.

VI. Post Adjudication Actions.

See Part VI of Chapter 1.

CHAPTER 6 - GENERAL PURPOSES GRANT - 2627.3

I. Statutory Authority/Entitlements.

A. Alaska Statehood Act. (As amended)

1. Section 6(b). The State was granted the right to select 102,550,000 acres from the vacant, unappropriated and unreserved public lands in Alaska within 25 years. This was extended through January 3, 1994 (10 years) by Section 906(a)(2) of ANILCA.

2. Section 6(g). Each selected tract shall contain at least 5,760 acres unless isolated from other tracts open to selection.

3. Section 6(h). The State was allowed 5 years (extended through January 3, 1969 by the Act of March 25, 1964) to select lands within a mineral lease, permit, license or contract (LPLC) issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437) as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), as amended.

a. Act of August 18, 1959. Amended Sec. 6(h) of the Statehood Act by eliminating the provision that such LPLC segregated the subject lands from State selection unless the LPLC was in effect on July 7, 1958. This was replaced with a provision that the State could select the lands under a LPLC, regardless of the effective date, through January 3, 1964 (extended through January 3, 1969).

b. Act of September 14, 1960.

(1) General Purposes Selection Provisions. Section 3 of this Act amended Sec. 6(h) of the Statehood Act by eliminating the requirement to select the entire area subject to a LPLC which is involved in a State selection. It also provided that when all the lands in a LPLC are selected, the patent for the selected lands shall vest in the State all right, title and interest of the U.S. in and to that LPLC which remains outstanding on the date of patent, provided that nothing therein contained shall affect the continued validity of the LPLC. Where only a portion of the LPLC is selected, there shall be reserved to the U.S. the minerals subject to that LPLC, together with the rights under or with respect to the LPLC. Upon termination of the LPLC, title to the reserved minerals shall pass to the State.

(2) Mineral Estate Selection Provisions. Section 4 of this Act amended Section 6(a) of the Statehood Act (see Part II (b)(1) of this chapter) by adding the following "Provided further, that for the purposes of this Section the term 'public lands of the United States in Alaska which are vacant, unappropriated, and unreserved' shall include, without limiting the use thereof, the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals." Therefore the State is entitled to receive patent to the mineral estate of lands disposed of with a reservation of minerals to the U.S., pursuant to Sec. 6 of the Statehood Act, as amended by this Act.

c. Act of March 25, 1964. This Act amended Sec. 6(h) of the Statehood Act by extending the deadline for State selection of lands in a LPLC by 5 years, from January 3, 1964 to January 3, 1969.

B. ANILCA.

1. Filing Deadline Extended. Section 906(a)(2) amended Sec 6(b) of the Statehood Act, to extend the State selection deadline by 10 years, from January 3, 1984 to January 3, 1994.

2. Prior Tentative Approvals Confirmed. Pursuant to Sec. 906(c)(1), all tentative approvals of selections pursuant to the Statehood Act were confirmed, subject only to valid existing rights and Native selection rights under ANCSA. All right, title and interest of the U.S. in such lands is deemed to have vested in the State as of the date of tentative approval; except, it did not apply to tentative approvals which were relinquished or revoked prior to ANILCA.

3. Future Tentative Approvals Confirmed. Section 906(c)(4) states that future tentative approvals, when issued, shall have the same force and effect as those existing tentative approvals which are confirmed by Sec. 906(c)(1) of this act. Because of this confirmation, tentative approvals can no longer be relinquished or revoked.

4. July 24, 1978 List. Section 906(d)(1) conveyed to the State of Alaska all vacant, unappropriated and unreserved lands specified in the "July 24, 1978 list" submitted by the State of Alaska; except those federal lands which are specified in a list dated October 19, 1979, also submitted by the State of Alaska. These conveyances are subject only to valid existing rights and Native selection rights under ANCSA. If any of the townships listed contain land within a conservation system unit, only those lands selected prior to this Act shall be conveyed by this subsection.

5. Top Filing. Section 906(e) gave the State the authority to top file - See Part I(C)(4) of Chapter 1.

6. May 15, 1978 List. Section 906(g) conveyed to the State of Alaska, all vacant, unappropriated and unreserved lands specified in the "May 15, 1978 wish list" submitted by the State of Alaska, which were lying outside of the conservation system units as amended by ANILCA. Also placed a 906(e) top filing on those lands from this list, which on the date of ANILCA were not available pursuant to 6(b) of the Statehood Act and ANILCA, as long as a top filing was appropriate.

7. Sec. 906(j). Clarifies the status of lands outside the boundaries of CSUs and the withdrawals listed in 906(j)(1-5) shall not, of themselves, remove the lands from the status of vacant, unappropriated, and unreserved lands for the purposes of Sec. 906(d) or (g) and future State selections pursuant to the Alaska Statehood Act or Sec. 906(b).

8. PYK Line Approval for Pre-ANILCA Filings. Section 906(p) gave the needed presidential (DOD) approval to any selection north and west of the PYK line filed prior to ANILCA. Any selections filed after December 2, 1980 which are north and west of the PYK line will require a written presidential approval, as delegated to the Department of Defense.

II. Policy/Precedent.

A. General Purposes. Lands selected under general purposes grant also include all reserved minerals.

B. Mineral Estate.

1. Solicitors opinion of January 7, 1966. In addition to selections under Section 6(a) of the Statehood Act, this opinion determined that the State may also select the reserved mineral estate, pursuant to Section 6(b).

2. Acreage Entitlement. Lands conveyed under a mineral estate selection are charged against the acreage entitlements of either Section 6(a) or (b) of the Statehood Act, as appropriate.

III. Selection Provisions.

A. Application requirements.

1. General Purposes. See Part III of Chapter 1.

2. Mineral Estate. Except as listed below the selection provisions are the same as stated in Part III of Chapter 1.

a. Selections are made by whole townships, with one selection application normally taking in many townships in a general area.

b. Conveyance is granted for the minerals reserved in any surface patent. There is no minimum acreage requirement.

B. Special Approvals.

1. General Purposes. See Part III(C)(2) of Chapter 1.

2. Mineral Estate. There are no special approvals required from the Department of Defense or the U.S. Forest Service.

IV. Adjudication.

A. General Purposes.

See Part IV of Chapter 1.

B. Mineral Estate.

1. Application for Reserved Minerals. The State's selection application attaches on the date a surface patent with reserved minerals is issued. If oil and gas is not reserved, contact the State to see if it will accept patent or if it wants to relinquish this part of it's selection.

2. Rejections.

a. The mineral estate application is rejected if the lands are also selected and will be adjudicated under another general purposes or a community purposes grant application. Lands conveyed under these grants include all minerals and any reserved minerals. Therefore, it is not necessary to have a mineral estate application if a general purposes application is already in place.

b. Mineral estate applications within a National Forest are rejected. Only selections filed under the National Forest community grant are proper to convey lands and minerals lying within a national forest.

3. ADP Records. Run a copy of the ABSTR, including only the land description for the township(s) you are working. Since most mineral estate ABSTR's are quite long, you may want to obtain a TWPALL by case type for your specific township. (For example, TWPALL 001N001W S CAS 262740). Audit the file and update the ABSTR. No WINTWP or complete TWPALL is needed.

4. MTP Status Review.

a. Obtain and check all surface patents in the township for reserved minerals and assure they are correctly noted to the MTP. All the patents should be listed on the historical index.

b. Color code only those lands which contain the reserved mineral(s) to be conveyed. Group the surface patents by townships and the types of minerals reserved, using a different color for each group of reserved minerals (for example, Blue for all coal only, yellow for all oil and gas only, pink for all coal, oil and gas). In the remarks column give a legend for the colors used. Also, run an acreage tape for each group of reserved minerals and attach to the MTP.

5. Surface Patents. If there are many existing patents with a retained mineral estate to be conveyed to the State, make a chart listing the surface patent number, description of the lands, and the minerals reserved in the patent. This should be put in the case file with copies of the existing patents.

V. Document Preparation

A. General Purposes.

See Part V of Chapter 1.

B. Mineral Estate. Mineral estate conveyances go directly to patent, without tentative approval. The draft patent(s) will be sent to the State with a decision, as outlined below, which gives the current status of the township(s) being worked.

1. Administrative Decision. See Illustration 15.

a. Give a brief history including selection number, date filed, lands being worked, and State's priority.

b. Tell the current action(s) being taken and the status of the township(s) upon completion of the action.

2. Draft Patent.

a. Prepare a draft patent(s) (Glossary 148a) to convey the minerals reserved in the surface patent(s). Patents should be grouped by the minerals reserved. (For example, if three surface patents in the township contain a reservation for oil and gas, and two contain a reservation for coal, oil and gas, two patents will be issued. The first will convey the oil and gas, and the second will convey the coal, oil and gas.) As with patents for both the surface and subsurface, the land descriptions on the reserved mineral estate patents will be taken from the official plat of survey. The patent will also include the surface patent serial number. For an example of a mineral estate patent, see Illustration 16.

b. Final Package should consist of:

(1) Copies to the State, use a blue folder containing:

(a) Two copies of the decision and each draft patent. (For easier reference, mark each draft patent with the color used on the work plat to note its groups of minerals).

(b) One copy of each surface patent containing reserved minerals to be conveyed.

(c) An aperture card of each township.

(2) One copy of the decision and of each draft patent (marked with a yellow dot) fastened on top in the file. (For easier reference, mark each draft patent with the color used on the work plat to note its group of minerals).

(3) Four copies marked with a blue dot. One copy each for the BLM reading file, the Branch reading file, and the MDE's.

(4) One copy marked with a pink dot for Doyon and Northwest Adjudication Branches only.

(5) One copy for the adjudicator.

3. Accepted draft patent.

a. Prepare a final package of the accepted (draft) patent. (See Part V(C)(3) of Chapter 1.)

b. Fill out the DTS (CALL004 sheet) with history code 519 (Patent Issued in Part) or 271 (Patent Issued) and 099 (Case Closed Title Transferred).

VI. Post Adjudicative Actions.

A. General Purposes.

See Part VI of Chapter 1.

B. Mineral Estate.

See Part VI of Chapter 1.

03/23/87

DOD Approval Request

U.S. Department of Defense
Assistant Secretary
Installations and Logistics
The Pentagon
Washington, D.C. 20330

Dear Sir:

Under the provisions of Section 6(b) of the Alaska Statehood Act of July 7 , 1958 (72 Stat. 339-340), the State of Alaska is entitled to receive patent to approximately 103 million acres of land. However, the State cannot select land north and west of the National Defense Line as established by Sec. 10 of the Act without the approval of the President or his designated representative. Subsequent to passage of the Act, this responsibility was delegated to the Department of Defense.

Section 10 of the Statehood Act authorized the President to establish one or more special defense withdrawals in the area north and west of a line commonly called the PYK line because it roughly follows the Porcupine, Yukon and Kuskokwim Rivers beginning at the Alaska-Canadian border.

Although Sec. 906(p) of the Alaska National Interest Lands Conservation Act of December 2, 1980, provides that the Presidential approval of land selection north and west of the line described in Sec. 10 of the Alaska Statehood Act would no longer be necessary for lands already selected, it does require approval for future State selections. On _____ (date) _____, the State filed applications for approximately _____ (#) _____ acres. Of these lands, _____ (#) _____ townships are located above the PYK line depicted by the dark areas as numbered 1(B), 2(A), 6(C) and 7(D) which are encircled on the enclosed map. The numerical designation is the State's priority preference for land conveyance.

Enclosed is a listing of both serial number and description of the lands needing approval. We are sending five copies of each of the State's selection applications, with the BLM serial number stamped on each one, under separate cover.

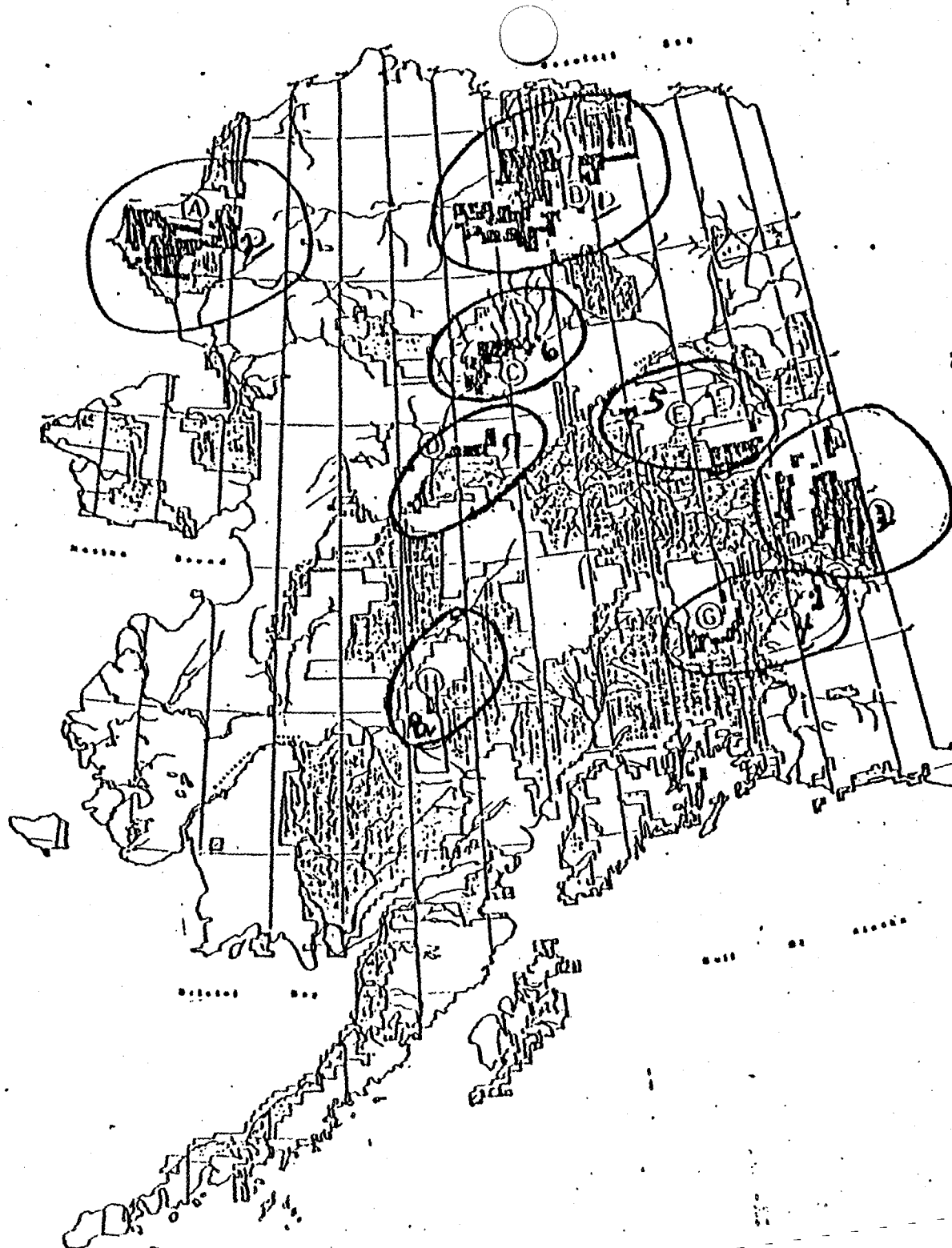
In accordance with the procedures established between the Departments of Interior and Defense, we are requesting that these selections of lands by the State of Alaska be reviewed and if found to be acceptable, approved by the Department of Defense. If you have any questions, please contact _____, Chief, Branch of _____, telephone number (907) _____.

Your assistance in expediting an early decision on these lands will be greatly appreciated.

Sincerely yours,

Enclosures:

1. Secs. 6-10, Alaska Statehood Act
2. Sec. 906(p) of ANILCA
3. Map
4. List of Serial Numbers and Townships
5. Selection Applications



Selection Area	Approx. Ac.
2 (A) Delong Mountains	2,150,000
1 (B) Central Arctic	2,450,000
6 (C) Alutka Hills	745,000
7 (D) Melozilna	580,000
5 (E) Circle	2,960,000
3 (F) Fortymila	420,000
4 (G) South Denali	120,000
8 (H) Lime Hills	
Total: 10,000,000	

The numbers represent the priority order in which the State wishes to receive these selections.

1(B) Central Arctic Area

Umiat Meridian

T. 1 N., R. 1 E.	(F-00001)
T. 2 N., R. 2 E.	(F-00002)
T. 3 N., R. 3 E.	(F-00003)
T. 4 N., R. 4 E.	(F-00004)
T. 5 N., R. 5 E.	(F-00005)
T. 6 N., R. 6 E.	(F-00006)
T. 7 N., R. 7 E.	(F-00007)
T. 8 N., R. 8 E.	(F-00008)
T. 9 N., R. 9 E.	(F-00009)
T. 10 N., R. 10 E.	(F-00010)

Memo to Director (311)

Memorandum

To: Director (311)

From: State Director, Alaska

Subject: State Selections North and West of the National
Defense Line Established by Section 10 of the Alaska
Statehood Act

Attached is a copy of the letter sent to the Department of
Defense seeking approval for (# of selections) State selection
applications filed (date filed). Copies of the applications are
(enclosed or being sent under separate cover).

Enclosures:
DOD ltr (w/enclosures #-#)
(Enclosure # (under separate cover)) optional if many
applications

Notice of Prior Valid Rights

JAN 30 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE

Title Administration	:	AA-18049
Division of Technical Services	:	
Alaska Department of Natural Resources	:	National Forest
3601 C Street, Suites 900-984	:	Community Grant
Anchorage, Alaska 99503	:	State Selection

Notification of Prior Valid Existing Rights

Pursuant to the provisions of Sec. 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), the State of Alaska received tentative approval to approximately 6,285 acres of land near Thorne Bay within the Tongass National Forest on August 22, 1980, as amended January 27, 1981.

On September 25, 1981, the U.S. Forest Service filed application AA-45089 for forest development roads and log transfer site. Although the roads and log site listed were constructed prior to the date the State selected this land, evidence of appropriation was not filed with this office until after the tentative approval had been issued, and the rights-of-way were therefore not reserved in the tentative approval.

Sec. 906(1)(1) of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371, 2442), provides that, "All conveyances to the State under Sec. 6 of the Alaska Statehood Act, this Act or any other law, shall be subject to . . . any right-of-way or easement reserved for or appropriated by the United States prior to selection of the underlying lands by the State of Alaska." Since the rights-of-way were granted prior to conveyance to the State, we request the State's agreement that the grant will be made subject to the following rights-of-way:

1. Forest Development Road (FDR) 30 (formerly 5000), an easement 100 feet in width for an existing road beginning at a point on the forest boundary in the NE4NW4, Sec. 28, thence southeasterly for 1.2 miles to the forest boundary in the NW4NW4, Sec. 27, T. 71 S., R. 84 E., Copper River Meridian. Constructed by the Forest Service in 1958. Reconstructed in 1968.
2. Forest Development Road (unnumbered) an easement 66 feet in width for an existing loop road beginning at the log transfer site in the SE4NE4, Sec. 28, T. 71 S., R. 84 E., Copper River Meridian, thence northeasterly for approximately 0.4 miles to the intersection with FDR 30 and southeasterly to its intersection with FDR 30-128. Constructed by the Forest Service in 1961.
3. Forest Development Road 30-128 (formerly part of FDR 5000), an easement 66 feet in width for an existing road beginning at the intersection with FDR 30 in the SW4NE4, Sec. 28, to the southernmost gate of LPK's shop area in the SW4NW4, Sec. 27, T. 71 S., R. 84 E., Copper River Meridian. Built by the Forest Service in 1968.
4. Log transfer site (Northside Thorne Bay), an easement 200 feet by 200 feet containing approximately 1.0 acres for an existing log transfer site above mean high water at the terminus of Forest Development Road (FDR) 30, in the SE4NE4, Sec. 28, T. 71 S., R. 84 E., Copper River Meridian. Constructed by the Forest Service in 1959 and reconstructed in 1969.

(Sgd) Joe J. Labay

~~Acting~~ Chief, Branch of State
Adjudication

The State hereby requests that the prior existing rights-of-way listed above be included in the grant.

Title Administration

Date

CHECK LIST FOR STATE SELECTION FINAL CERTIFICATES

Section 6() of the Alaska Statehood

Serial Number _____ Act of July 7, 1958 (72 Stat. 1339), as amended.

Description _____

Containing _____ acres Current Status _____ ADP Printout Corrected

The lands were available for selection on date of filing. ___ No ___ In Part

By ltr/amend of _____, apln now covers all lands presently available.

Selection is compact: ___ At least 5,760 Ac.; ___ Is An Isolated Tract.

___ \$10 filing fee for each 5,760 Ac. ___ Community Grant (160 Acres or more)

___ PUBLICATION DIRECTED

Adjudicator

___ PROOF OF PUBLICATION FILED

___ Current Status

___ ADP Printout Obtained & Verified

___ Covers all Lands in Sel Apin

___ Conflicts on Remaining Lands

___ Withdrawals

___ Other

___ Mining Claims Conflicts

___ Native Allotment's Min'd

___ Navigable Water Determination _____

___ Conflicts Rejected, Excluded or Suspended

___ Required Approvals Filed

___ Money to be escrowed

___ CIRI Interest

___ Tentative Approval Given

___ FLPMA ANTICIA

PATENT RESERVATIONS

___ Act of August 30, 1890 (A-1)

___ Act of March 12, 1914 (A-2)

___ Act of August 27, 1958 (A-5) as to _____

for _____

___ 44 LD 513 Right-of-Way (A-6) as to _____

for _____

___ Reservations and Conditions of the Civil Rights Act of 1964 (F-1)

___ Oil & Gas Reservation ___ Prior Leases ___ Leases to be transferred to State

Serial Numbers Lands

___ Other _____

Adjudicator

___ FC agrees with TA ___ Issue Partial Patent (St. Sec. 104 _____)

___ All land in apln patented. CASE CLOSED.

Combined Decision

JUN 13 1985

CERTIFIED MAIL
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DECISION

State of Alaska	:	F-024571
Title Administration	:	F-027416
Division of Technical Services	:	
Department of Natural Resources	:	
3601 C Street, Suites 900-984	:	General Purposes Grant
Anchorage, Alaska 99503	:	State Selections

Selection Applications F-024571 and F-027416
Combined in Part
Additional Lands in Application F-024571
Found Proper for Selection

On December 11, 1959, as amended June 16, 1972, the State of Alaska filed general purposes grant selection application F-024571 under the provisions of Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), as amended, for all available lands in T. 1 S., R. 3 W., Fairbanks Meridian. These lands are on the State's FY-85 priority list C-9 for tentative approval.

State selection application F-027416 was also amended on June 16, 1972 to include all available lands in the same township. For administrative convenience, the available lands within T. 1 S., R. 3 W., Fairbanks Meridian, are hereby deleted from F-027416 and added to and combined with selection application F-024571. Application F-027416 continues to include the remaining lands in Tps. 2 and 3 S., R. 3 W., Fairbanks Meridian.

The lands in the N2NE4SE4SE4, Sec. 9 were previously selected by homestead application F-027120 which was closed of record May 11, 1966. These lands, therefore, were proper for selection when the State filed its amendment on June 16, 1972 and will be tentatively approved at a later date.

NEWSPAPERS TO BE USED FOR PUBLICATION

Anchorage Times
P.O. Box 40
Anchorage, Alaska 99510

Anchorage Daily News
Pouch 6616
Anchorage, Alaska 99502

The Frontiersman
Box D
Palmer, Alaska 99645

~~The Cheechako News
P.O. Box 4070
Soldotna, Alaska 99669~~ *closed 4/30*

Cordova Times
P.O. Box 200
Cordova, Alaska 99574

Ketchikan Daily News
Box 7900
Ketchikan, Alaska 99901

Wrangell Sentinel
P.O. Box 798
Wrangell, Alaska 99929

Daily Sitka Sentinel
P.O. Box 799
Sitka, Alaska 99835

The Seward Phoenix Log
P.O. Box 97
Seward, Alaska 99664

Fairbanks Daily News-Miner
200 North Cushman Street
Fairbanks, Alaska 99701

Nome Nuggett
Box 610
Nome, Alaska 99762

Juneau Empire
235 Second Street
Juneau, Alaska 99801

The Pioneer
All Alaska Weekly
P.O. Box 970
Fairbanks, Alaska 99701

Kodiak Mirror
Box 1307
Kodiak, Alaska 99615

Tundra Times
P.O. Box 104480
Anchorage, Alaska 99501
(For Publications near
Fairbanks)

Kodiak Times
P.O. Box 1698
Kodiak, Alaska 99615

The Valley Sun
Land Company Building
Wasilla, Alaska 99687

The Tundra Drums
P.O. Box 868
Bethel, Alaska 99559

NOTICES MUST BE PUBLISHED IN THE NEWSPAPER OF GENERAL
CIRCULATION NEAREST THE LAND

State Selection Cert Cards

Department of the Interior Bureau of Land Management Alaska State Office	Serial No. _____
I certify that on this date I received from the Bureau of Land Management the following Document(s):	
<input type="checkbox"/> Decision	<input type="checkbox"/> Patent
<input type="checkbox"/> Proposed TA	<input type="checkbox"/> Other
<input type="checkbox"/> TA	
_____ (Date)	_____ (Name)
	State of Alaska Dept. of Natural Resources (Addressee)

Tentative Approval Transmittal Letter

IN REPLY REFER TO



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

2627 (964)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Gentlemen:

We are pleased to transmit the enclosed Tentative Approval.

This document confirms that all right, title, and interest of the United States in and to the described lands is vested in the State of Alaska.

Sincerely yours,

Stanley H. Bronczyk
Chief, Branch of State Adjudication

Enclosure:
TA

Patent Transmittal Letter

IN REPLY REFER TO



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

1862 (964)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Gentlemen:

We are pleased to transmit the enclosed patent.

Sincerely yours,

Stanley H. Bronczyk
Chief, Branch of State Adjudication

Enclosure:
Patent

Patent No. _____

FY-86 Patent Priority _____

State Sign-Off Sheet

BLM #

STATE #

It is hereby agreed that the following is an accurate accounting of a portion of the State's entitlement under the Alaska Statehood Act of July 7, 1958:

Patent Number

Acreage

Date

Bureau of Land Management

Date

State of Alaska

Sample Decision Confirming Date Title Vested

OCT 08 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Eklutna, Inc.	:	AA-6661-A
550 West Seventh Avenue	:	
Suite 1550	:	
Anchorage, Alaska 99501	:	
Title Administration	:	A-067672
Division of Technical Services	:	School Sections in Place
Alaska Department of Natural	:	
Resources	:	A-055409
3601 C Street, Suites 900-984	:	Mental Health Grant
Anchorage, Alaska 99503	:	State Selections

Title Confirmation

State Selection Application A-067672 Rejected
State Selection Application A-055409 Rejected in Part
Village Selection Application AA-6661-A Rejected in Part

By decision dated May 31, 1985, the State of Alaska and Eklutna, Inc., were rejected as to the lands in Sec. 36, T. 16 N., R. 1 W., Seward Meridian. At the request of the State and Eklutna, that decision was vacated in its entirety on June 12, 1985, to allow the State and Eklutna to complete negotiations for implementation of the North Anchorage Land Agreement. The decision of June 12, 1985, also stated that when the negotiations were terminated, the rejection decision would be reissued. This office has since been notified that those negotiations are now complete. Therefore, the decision of May 31, 1985, is hereby reissued in this decision.

On May 6, 1966, the State of Alaska filed selection application A-067672 for issuance of patent to lots 2 and 3, E2, E2W2, Sec. 36, T. 16 N., R. 1 W., Seward Meridian, as evidence of title under the Act of June 21, 1934 (48 Stat. 1185, 43 U.S.C. 871(a)) to lands which were reserved for school purposes by Sec. 1 of the Act of March 4, 1915 (38 Stat. 1214).

The Act of March 4, 1915, provided that when the public lands of the Territory of Alaska were surveyed, Secs. 16 and 36 in each township would be reserved from sale or settlement for the support of common schools in the Territory of Alaska.

The surveyed lands described above were reserved by Sec. 1 of the Act of March 4, 1915, but were in a withdrawn status on January 3, 1959, when Sec. 6(k) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) confirmed the grant and transferred the available school sections to the State.

The Secretary held in the State of Montana, 38 L.D. 247 (September 30, 1909), "that State's title does not attach until the reservation is extinguished and the lands restored to the public domain." In State of New Mexico, 59 I.D. 402 (February 12, 1947), he held that title to such a school section does not necessarily pass to the State by operation of law, because the withdrawal delays the vesting of State's title until the lands are removed from the withdrawal and restored.

Although the plat of survey for Sec. 36 was accepted June 13, 1957, title did not vest with the State on the date of Statehood as the lands were withdrawn by Secretarial Order of October 30, 1936, as amended by Departmental Order of December 18, 1942, for possible inclusion in an Indian reservation. Public Land Order 2427 of July 5, 1961, revoked the withdrawal effects of the above listed orders as to the lands in Sec. 36, T. 16 N., R. 1 W., Seward Meridian, among others. Title to lands no longer needed for the purpose for which they were withdrawn, vests with the State on the date the lands are released from the segregative effects of the withdrawal. Therefore, title to lots 2 and 3, E2, E2W2, Sec. 36, T. 16 N., R. 1 W., Seward Meridian, containing 549.45 acres vested with the State on July 5, 1961, the date the lands were restored.

The Act of June 21, 1934 (48 Stat. 1185) (43 U.S.C. 871(a)), which authorized the Secretary of the Interior, upon application by a State, to issue a confirmatory patent to a numbered school section in place, was repealed by Sec. 705(a) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743). However, the Solicitor's Opinion of February 13, 1978, stated that grants of school sections to the States are made by the applicable statutes and do not require any conveyance instruments to vest title. A patent issued in accordance with 43 U.S.C. 871(a) did not grant title, it only gave evidence of title already vested. Navajo Tribe v. Utah, 80 I.D. 441 (1973).

School section in place selection application A-067672 for issuance of confirmatory patent is, therefore, rejected as to the above-described lands. A notarized formal acknowledgment is enclosed which will allow this decision to be recorded in the proper recording office. The case file will be closed on the records of this office when this decision is final.

March 1, 1966 Amendment

March 1, 1966

Mr. Burton W. Silcock, Director
Bureau of Land Management
Cordova Building
Anchorage, Alaska

Ref: State Blanket Land
Selection Applications

Dear Mr. Silcock:

Our attention has been directed to two separate letters the State addressed to the Bureau on July 30 and September 6, 1963, concerning the procedure followed by the State with regard to the filing of Blanket Land Selection Applications.

The purpose of this letter is to rescind, effective January 1, 1966, both above referred two letters and specifically that portion inserted in all State Blanket Selection Applications, viz: "The State's filing is not intended to attach in cases where a valid entry is relinquished and subsequently filed upon."

Thank you for your cooperation.

Sincerely yours



ROSCOE E. BELL
Director

JEF:mjm

cc records
ELM, Engineering
Lands and Mineral Officer

Sample Letter Requesting District Manager ApprovalAA-56321 (2627)
()

Memorandum

To: District Manager

From: Chief, Branch of _____

Subject: Public Domain Community Grant Selection Application _____

Please provide your recommendations concerning approval of the selection of lands in public domain community grant State selection application _____, addressing the criteria in 43 CFR 2627.1(a) and (c). The Statehood Act provides that "Selection of lands outside of national forests will be approved by the authorized officer of the Bureau of Land Management if, all else being regular, he finds that approval of a selection of lands adjacent to an established community will further expansion of an established community, or if the lands are suitable for prospective community centers and recreational areas." An MTP with the State selection outlined in yellow is included in the enclosed case file.

Enclosure:
Case File _____

Clear List

4-207
(May 1954)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON 25, D. C.

FSLR

May 6, 1963

I HEREBY CERTIFY that the annexed photostatic copy of
University of Alaska Clear List No. 4, Anchorage, is a

true and literal exemplification of the record on file in
this office in my custody.

IN TESTIMONY WHEREOF, I have hereunto subscribed
my name and caused the seal of
this office to be affixed, at
the city of Washington, on the
day and year above written.

William E. ...

.....
Certifying Officer

LIST NO. 4

GRANT FOR ALASKA AGRICULTURAL COLLEGE AND SCHOOL OF MINES,

NOW THE UNIVERSITY OF ALASKA

TERRITORY OF ALASKA

Act of January 21, 1929 (45 Stat. 1091)

2,195.68 acres

APPROVED Oct. 17, 1955 - RMB/FSP

DATE

Oct. 21, 1955 - Memorandum to AREA ADMINISTRATOR enclosing one uncertified copy of clear list for recording and filing in the Land Office.

Oct. 20, 1955 - one certified copy of clear list to be transmitted to the Governor.

Nov. 8, 1955 ACKNOWLEDGED BY GOVERNOR

Nov. 15, 1955 ACKNOWLEDGED BY AREA ADMINISTRATOR

11-17-55 POSTED ON TRACT BOOK J. G. F. R.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington 25, D. C.

OCT 17 1955

TERRITORY OF ALASKA CLEAR LIST NO. 1

The Territory of Alaska has selected the following described public land in part satisfaction of the Grant of 100,000 acres for Alaska Agricultural College and School of Mines purposes made by the Act of January 21, 1929 (45 Stat. 1091-1093; 48 U.S.C.A. Sec. 354 a-f), now the University of Alaska:

Anchorage 021674
Filed October 20, 1954

Seward Meridian, Alaska

T. 1 N., R. 13 W.

- Section 24 SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 26 W $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 25 NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
- Section 35 E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$

T. 1 N., R. 12 W.

- Section 17 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$
- Section 19 Lot 3, 4, B $\frac{1}{2}$
- Section 20 NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
- Section 21 SW $\frac{1}{4}$, NE $\frac{1}{4}$
- Section 30 Lots 1, 2, 3, 4, S $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

containing in the aggregate 2, 195.68 acres.

The selected land has been found to be subject to selection, being surveyed, unreserved, unappropriated public land of the United States, within the limits of the Territory of Alaska and free from adverse claims of record.

The Geological Survey reported that its record indicates that there are no valuable deposits of minerals, either metalliferous or nonmetalliferous, within the area specified.

Therefore, and under authority of Departmental Order No. 2583 of August 16, 1950, and Bureau of Land Management Order No. 541 as amended on July 28, 1955 (B.L.M. R. 5555), this list embracing 2,195.68 acres is hereby approved subject to valid rights existing at date of selection; but excepting and reserving to the United States a right-of-way over and across the land for ditches and canals constructed by the authority of the United States, as directed and required by the act of Congress approved August 30, 1890 (26 Stat. 391; 43 U. S. C. 945), also excepting and reserving to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with the Act of March 12, 1911 (38 Stat. 305); and there is, also, reserved from the lands hereby granted, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the Act of July 24, 1947 (61 Stat. 418).

The area heretofore certified under this grant, together with land included in this list, aggregates 13,891.53 acres, leaving a balance of 86,108.37 acres due the Territory under said grant.

For the Director, Bureau of Land Management

Rose M. Beall

Acting Chief, Patents Section

A-058732 (2627)
(964)

Mineral Estate Decision

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

State of Alaska	:	A-058732
Title Administration	:	
Division of Technical Services	:	
Alaska Department of Natural Resources	:	
3601 C Street, Suites 900-984	:	Reserved Mineral Estate
Anchorage, Alaska 99503	:	State Selection

Reserved Mineral Estate Proper for Conveyance

On February 18, 1963, the State filed selection application A-058732 for the reserved mineral estate in T. 4 S., R. 15 W., Seward Meridian, among others. These lands are on the State's FY'86 tentative approval priority B list.

Since the only reserved minerals in this township are addressed in the enclosed draft patents, State selection application A-058732 is hereby closed as to the remainder of this township.

Attached is an aperture card showing the current status of this township and draft patents as to the mineral estate available in this township.

Section Chief, Branch of
State Adjudication

Enclosures:
Aperture cards
Draft patents
Surface patents

Mineral Estate Patent

Anchorage 058732

WHEREAS

State of Alaska

is entitled to a patent pursuant to Section 6(b) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, as amended by the Acts of September 14, 1960, 74 Stat. 1025, and March 25, 1964, 78 Stat. 168, for the minerals reserved to the UNITED STATES in the following-described lands in the hereinbelow-identified patents:

Seward Meridian, Alaska.

T. 4 S., R. 15 W.,	Patent Number
Sec. 24, SE4SW4;	50-65-0656
Sec. 25, N2NE4,	50-65-0656
NE4NW4; and	50-65-0656
Sec. 34, lot 1.	50-66-0064

Containing 168.66 acres, as shown on plat of survey accepted December 19, 1919.

T. 4 S., R. 15 W.,	Patent Number
Sec. 34, lot 8.	50-66-0064

Containing 6.93 acres as shown on supplemental plat of survey accepted May 18, 1949.

Aggregating 175.59 acres.

WHEREAS, the surface rights of and to the above-described lands were patented with the following-described mineral interests and estates reserved to the UNITED STATES:

All the coal, oil and gas in the lands so patented, . . . the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of March 8, 1922 (42 Stat. 415).

Mineral Estate Patent

Anchorage 058732

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the said STATE OF ALASKA, the above-described mineral interests and estates in the above-described lands; TO HAVE AND TO HOLD the same together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said STATE OF ALASKA, forever; subject to all the reservations and exceptions, other than the minerals specified above, contained in the aforesaid patents.

AGREEMENT REGARDING CONVEYANCES TO THE STATE OF ALASKA

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

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

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

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

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

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

Witnesseth:

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

I. ADMINISTRATIVE DECISION AND TENTATIVE APPROVAL CONVEYANCE DOCUMENT.

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

II. SELECTED SURVEYED LAND WITHOUT CONFLICTING EXCLUSIONS.

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

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

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

- A. When tentatively approved land is included in an approved/accepted survey and no exclusions are involved in the patent area, a draft patent will be sent by BLM to the State for a 30-day review. The State will review the draft patent and return its comments within 30 days of receipt of the draft. Comments will be reviewed and incorporated into the final patent. If the comments are found to be unacceptable by BLM, both parties must mutually agree to an acceptable change.
- B. When tentatively approved land is included in an approved/accepted survey and exclusions (except as to submerged lands) identified in the tentative approval as a result of survey do not move from the section where identified in the tentative approval or the section depicted on the BLM status plat at the time of conveyance, a draft patent will be sent by BLM to the State. The State will review the draft patent and return its comments within 30 days of receipt of the draft. Comments will be reviewed and incorporated into the final patent. If the comments are found to be unacceptable by BLM, both parties must mutually agree to an acceptable change.
- C. Draft patents will exclude the section(s) where the unpatented federal mining claims are located (such exclusions by section(s) shall only be made for mining claims unless otherwise mutually agreed to by both parties).

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

- A. When tentatively approved land is included in an approved/accepted survey and exclusions appear to move out of the sections identified at the time of tentative approval, with the State's concurrence, the patent may exclude land identified as an exclusion in a tentative approval of the same township and grant type, even if there are multiple tentative approvals for one township. With the State's concurrence, the patent may also exclude any land listed as an exclusion in a single tentative approval, even if the tentative approval contains more than one township.
- B. The BLM will notify the State of the approved/accepted plat of survey and request by notice the State's concurrence in conforming the title to the plat of survey. At the same time, the BLM shall send a draft patent for review by the State.
- C. The notice document (see Attachment II) shall contain:
 - 1. A statement that the notice is issued pursuant to 43 USC 1746.
 - 2. Identification of the exclusions which appear to have moved within the township and/or tentative approval; and
 - 3. A concurrence/non-concurrence signature block for the State.
 - a. If the State concurs, the State will sign the notice and request that the final patent be issued.
 - b. If the State does not concur, the State will notify the BLM of the reasons for non-concurrence and:
 - (1) The State will request BLM to suspend all further action until the conflict can be resolved; or
 - (2) If the conflict can not be resolved, BLM may request a voluntary reconveyance from the State or litigate to recover title.

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

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

This agreement will become effective when signed by both parties.

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

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

Michael J. Pold
State Director, Alaska
Bureau of Land Management

Aug 19, 1986
Date

Ernest C. Kunnicke
Commissioner, State of Alaska
Department of Natural Resources

Aug 19, 1986
Date

Attachment I

Tentative Approval

Exclusion Wording Format

The following described surveyed/unsurveyed lands, which are considered proper for acquisition by the State, are hereby tentatively approved:

T. 8 N., R. 5 W., Fairbanks Meridian, Alaska

Secs. 1 to 24, inclusive;
Sec. 25, the land formerly within mining claim recordation F-44924;
Secs. 26 to 36, inclusive;

Excluding from the lands tentatively approved herein, the following interests of record which are presently shown in the lands described below, subject to conformance to survey:

The Innoko NWR, Secs. 1, 2, 12 and 13;
The Yukon Flats NWR, Sec. 24;
U.S. Survey No. 4156, Sec. 26;
U.S. Survey No. 4476, Secs. 31 and 32;
Mineral Survey No. 2036, Secs. 24, 25 and 26;
Native allotment applications:

F-12971, Sec. 3;
F-13505, Secs. 4 and 9;
F-14227, Parcel D, Secs. 7 and 18;
F-11985, Sec. 8;
F-14227, Parcel C, Secs. 8, 9, 16 and 17;
F-75, Parcel B, Secs. 24 and 25;
F-13730, Sec. 25;

Mineral survey application F-65262 (MS 2447), which includes mining claim recordations F-61496 through F-61514, which appears to be located within Secs. 21, 22, 23 and 25;

Mining claim recordations F-37580 through F-37585, F-52058, F-52059, F-55452 through F-54471, F-61249, F-61250, and F-63466 through F-63707, which appear to be located within Secs. 1, 2, 9 through 16, 21 through 24, 26, 28, 29, 35 and 36.

The lands conveyed contain approximately 17,470 acres.

Attachment II

2627 (964)

NOTICE

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

Conformance to Plat of Survey Requested

By tentative approval(s) dated _____, certain lands within (legal description: T. _____, R. _____, _____ Meridian) were conveyed to the State of Alaska. The plat(s) of survey describing these lands (were/was) (accepted/approved) on _____ and _____.

At the time of tentative approval, the following prior claims of record (were/was) excluded from the tentative approval(s) to the State:

<u>Serial #</u>	<u>Claims of Record</u>	<u>Location</u>
-----------------	-------------------------	-----------------

As a result of the survey, these claims of record appear to have moved to the following locations:

<u>Serial #</u>	<u>Claims of Record</u>	<u>New Location</u>
-----------------	-------------------------	---------------------

Pursuant to 43 USC 1746, and the "Agreement Regarding Conveyances to the State of Alaska" between the BLM and State dated August 20, 1986, the Bureau of Land Management requests the State's agreement in conforming the State's interest in the lands conveyed by the tentative approval(s) dated _____ to the plat of survey. If the State concurs, please sign below and return it to this office. If the State does not concur, please notify this office of reasons for such non-concurrence.

Chief, Branch of State
Adjudication

As a duly authorized official of the State of Alaska, I do hereby concur with the adjustment of the State's title to that shown on the plat(s) of survey described above and request the final patent be issued.

STATE OF ALASKA

Date

MDE Guidelines
Draft TA's, TA's, Draft Patents, Patents, etc.

When the case file comes to the MDE with a routing slip indicating acres for:

- a. Draft TA'd
- b. TA'd
- c. Patented
- d. Rejected
- e. Suspended
- f. Reviewed

Then do the appropriate steps.

Administrative Decision/Draft TA's:

1. Record the acres on the ledger.
2. Verify the amount of acres from the Draft TA against the routing slip.
3. Keep the MDE's copy of the Administrative Decision until the end of the appeal period (40 days) and the TA comes back finalized.
(Discard the Draft TA portion and keep only the Decision portion.)
4. Put all the information in the computer from the CALL 004 (DTS) sheet or from the abstract; update the history & land description.
5. Pull a clean abstract and put it in the case file.
6. Initial and date the routing slip.
7. Put the case file on the shelf to wait for the end of the appeal period (40 days) or until the State returns the Draft TA.

Final TA's:

1. Record the acres on the ledger.
2. Verify the amount of acres from the Final TA against the routing slip.
3. Attach a copy of the Final TA to the matching Administrative Decision and keep to place in the Public Room (973B) at the end of the month.
4. Put all the information in the computer from the CALL 004 (DTS) sheet or from the abstract; update the history and land description.
5. Pull a clean abstract, verify acres from Decision against abstract and put abstract in the case file.
6. Initial and date the routing slip.
7. Return case file to the appropriate adjudicator.

Draft Patents:

1. Process the Draft Patent with Administrative Decision the same as the Draft TA instructions.
2. When an Administrative Decision is not required follow steps 1 and 2 under Draft TA. Discard Draft Patent after receipt of Final Patent

Final Patent:

1. The MDE will receive the State selection case file with a copy of the Patent inside.
2. There will be 2 copies of the Patent attached to the case file; for these 2 copies do as follows:
 - a. One copy is to be kept in the branch for reference.
 - b. The other copy is to be put in a binder so at the end of the month it can be taken to the Public Room (973B).
3. Record the Patent acres on the ledger.
4. Enter the date the patent was signed.
5. Record all information in the computer from the CALL 004 (DTS) sheet.
6. Enter patented land description the same way the patent reads, either by:
 - a. Sections, Lots, Aliquot Parts
 - b. Tracts
 - c. All
7. Make sure that the land description and acres on the patent match the land description and acres on the abstract.
8. Initial routing slip.
9. Return the case file to the appropriate adjudicator.

Rejections:

1. Record the acres on the ledger.
2. Verify the amount of acres from the Decision against the routing slip.
3. Put all the information in the computer from the CALL 004 (DTS) sheet or from the abstract; update the history and land description.
4. Pull a clean abstract and put it in the case file.
5. Initial and date the routing slip.
6. Return the case file to the appropriate adjudicator.

Suspensions and Reviews:

Follow the same steps listed above for Rejections.

2044y



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

(961)

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

MAY 21 1986

Memorandum

To: Branch Chiefs (960)

From: Deputy State Director for Conveyance Management (960)

Subject: Processing Relinquishment Requests for State and Native Selections

As we come closer to fulfilling the Native and State entitlements, we will be requesting and receiving more relinquishments of previously filed selections.

Relinquishments are to be made by letter from the applicant and may be submitted by BLM serial number if the entire application is to be relinquished. If only a portion of the application is relinquished, a legal description will be required.

In accordance with 43 CFR 1825.1(b) the filing of a relinquishment does not automatically take effect. The BLM shall formally acknowledge acceptance of the relinquishment; after which the selection must be cancelled pursuant to the relinquishment and the cancellation noted on the tract books (BLM records, MTP's, etc.) in the proper office.

Normally, we will not accept relinquishments that are conditional. However, these can be accepted if in our review it is determined that the condition has been met or will automatically occur based on law. An example would be where a 14h(1) application is located on a Native allotment application within a core township. If the Regional corporation stated that they relinquish the application on the condition that the land will be conveyed to the village corporation or Native allottee, we can accept the relinquishment, because it is certain that the lands will either be conveyed to the Native allottee or to the village corporation.

Where there is a pending ANCSA 12(a) or 12(b) selection and the regional corporation states that it relinquishes a 14(h)(1) selection contingent upon the conveyance of the underlying selection to a village corporation, we will not accept the relinquishment if the condition has not been met. In this situation we will state our reason for not accepting the relinquishment and reject the application in a decision.

If our review indicates that the relinquishment may be contrary to a law, then we will write the applicant telling them that the relinquishment is not accepted and that the selection will be adjudicated at a later date. This situation would happen where a village corporation is relinquishing a parcel that is less than 1,280 acres from within the boundaries of a selection.

Robert H. Anderson

Solicitor's Opinion, Memorandum Dated February 13, 1978



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

FEB 13 1978

MEMORANDUM

To: Director, Bureau of Land Management (322)

Through: Assistant Secretary--Land & Water Resources

From: Associate Solicitor--Energy & Resources

Subject: Issuance of title evidence for granted school sections

This is in reply to your memorandum of December 9, 1977, in which you asked our advice on whether it is still possible to issue title evidence for granted school sections.

As you correctly pointed out in your memorandum, the Act of June 21, 1934 (43 U.S.C. §871a) was expressly repealed by Section 705(a) of FLPMA. It is clear from the legislative history of FLPMA that the original intent of Congress in repealing the 1934 Act was to transfer its authority to FLPMA; however, Section 208 of FLPMA as finally enacted does not contain such authority. Section 208 was derived from Section 211 of S. 507, 94th Cong. 1st Sess., which provided: "Consistent with his authority to dispose of national resource lands, the Secretary is authorized to issue deeds, patents, and other indicia of title" This provision could have been construed to retain the authority previously contained in the 1934 Act. Section 208 of FLPMA, however, does not allow such a construction. It states: "The Secretary shall issue all patents or other documents of conveyance after any disposal authorized by this Act. The Secretary shall insert in any such patent or other document of conveyance he issues ... such terms, covenants, conditions, and reservations as he deems necessary to insure proper land use and protection of the public interest" The numbered school section grants to States are not disposals authorized by FLPMA, and the Secretary should not insert in confirmatory patents the types of terms and conditions required by Section 208.

-2-

Although the 1934 Act has been repealed and there is no new patent authority in FLPMA to replace it, 43 U.S.C. §870(d)(4) still requires that the Secretary "shall, upon application by a State, issue patents to the State" for mineral lands in place granted to a State for support of schools. Even though 43 U.S.C. §871a has now been repealed, it would still be proper for any such patent for mineral lands to include the information previously required by Section 871a.

Where the lands in place granted to the State are found to be nonmineral in character, there is now no express authority to issue as evidence of title a document in the form of a "patent", and therefore it appears that this type of document should not be issued as evidence of title. However, there is nothing to prevent BLM from issuing a document to the State, in the form of a letter or otherwise, which is not designated a "patent" but which provides the information necessary to determine the date on which title vested in the State. See 43 C.F.R. §2623.1. The fact that such information is provided in a document which does not purport to be a "patent" will, by itself, show that the Department has determined that the lands are nonmineral in character. It does not appear necessary or desirable to issue such a document under authority of Section 315(a) of FLPMA or entitle it a "recordable disclaimer of interest in land." It does not appear that Section 315 was designed to cover this type of situation, and Section 315 contains certain procedural requirements.

In your memorandum you asked us to consider four specific options for furnishing to States evidence of title to granted school sections. Our responses follow in the same order as the options were listed.

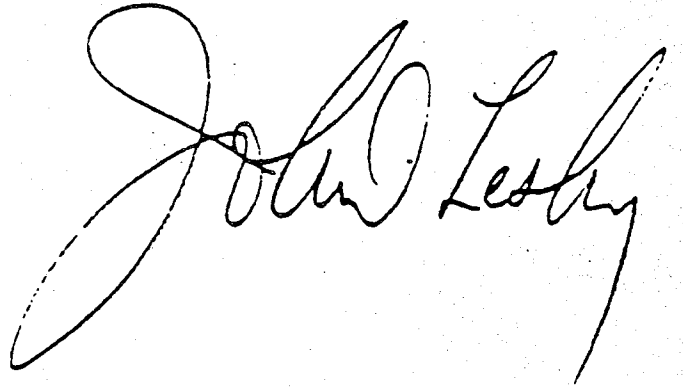
1. It would be proper to request amendatory legislation to reinstate 43 U.S.C. §871a in view of the fact that new authority to replace it was not provided for in FLPMA and 43 U.S.C. §870(d)(4) still refers to issuance of patents in accordance with §871a. (But see 4, below.)

2. It appears that it would be awkward to try to amend Section 208 of FLPMA to provide the repealed authority, because Section 208 contains requirements concerning imposition of terms and conditions and compliance with State and local land use plans which do not appear applicable to State school grants.

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3. Grants of school sections to the States are made by the applicable statutes, and do not require any conveyancing instrument to vest title. A patent issued in accordance with 43 U.S.C. §871a did not grant title, it only gave evidence of title already vested. Navajo Tribe v. Utah, 80 I.D. 441 (1973). As explained above, any document issued as evidence of title for nonmineral school grants need not be issued under Section 315 of FLPMA.

4. In the absence of an amendment to FLPMA restoring 43 U.S.C. §871a, the procedures explained above should handle the problem.

A handwritten signature in black ink, reading "John Lesby". The signature is written in a cursive style with large, sweeping loops for the letters "J" and "L".

Adjudication of State Selections

Chapter 3

43 CFR 2222.9-3, 1970

§ 2222.9-3

Title 43—Chapter II

Title 4

(3) All facts relative to medicinal or hot springs or other waters upon the lands must be stated.

§ 2222.9-3 Grant for mental health program.

(a) *Authority.* The Act of July 28, 1956 (70 Stat. 709, 711, 712), as supplemented July 7, 1958 (72 Stat. 339; 343; 48 U.S.C. 46-3) (referred to in this section as "the act"), grants to the State of Alaska the right to select, within 10 years from July 28, 1956, not to exceed the unsatisfied portion of one million acres from the public lands in Alaska which are vacant, unappropriated, and unreserved at the time of selection.

(b) *Lands subject to selection; patents; minerals.* (1) Under the act, the State may select any vacant, unappropriated, and unreserved public lands in Alaska, whether or not they are surveyed whether or not they contain mineral deposits, except that no lands may be selected that lie north and west of the line described in section 10 of the act without approval of the President or his designated representative. Where the preference provisions of § 2222.9-5(a) do not apply, selections by the State of lands covered by an application filed prior to the State selection will be rejected when and if such application is allowed. Conflicting applications and offers for mineral leases, and permits, except for preference right applications filed pursuant to the mineral leasing acts and the regulations of this chapter, whether filed simultaneously with or prior or subsequent to the filing of a selection of this part, will be rejected if such selection is approved by the authorized officer of the Bureau of Land Management for survey, if applicable, and patenting.

(2) Patents will be issued for all selections approved under the act by the authorized officer of the Bureau of Land Management but such patents will not issue unless or until the lands are officially surveyed.

(3) Patents issued under the act will convey to the State all mineral deposits in the selected lands.

(c) *Applications for selection.* (1) Applications for selection of lands under the act will be made by the proper agent of the State and will be duplicate, in the land office of the district in which such selected lands are situated. No special form is required

but it must be typewritten and must contain the following information:

(i) A reference to the act of July 28, 1956 (70 Stat. 709), as supplemented.

(ii) A certificate by the selecting agent showing:

(a) That the selection is made under and pursuant to the laws of the State.

(b) The acreage selected and the cumulative acreage of all prior selection lists pending and finally approved for clear-listing or patenting.

(c) His official title and his authority to make the selection on behalf of the State.

(d) That no portion of the selected land is occupied for any purpose by the United States and that to the best of his knowledge and belief the land is unoccupied, unimproved, and unappropriated by any person claiming the land other than the applicant, and that at the date of the application no part of the land claimed or occupied under the mining laws.

(e) That the selected land does not extend more than 160 rods along the shore of any navigable water or that such restriction has been waived or should be waived. (§ 2024.2 of this chapter.)

(f) All the facts relative to medicinal or hot springs or other waters upon the selected lands.

(iii) If the selected lands are surveyed, the legal description of the lands in accordance with official plats of survey.

(iv) If the selected lands are unsurveyed and are described by approved protraction diagrams of the rectangular system of surveys, such description is required.

(v) If the selected lands are unsurveyed and are not described by approved protraction diagrams, a description of the lands and a map or maps, in duplicate, sufficient to permit ready identification of the location, boundaries, and area of the lands.

(2) Selections must be accompanied by a filing fee of \$10 for each 5,760 acres or fraction thereof in the selection which fee is not returnable

(3) All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved. A tract will not be considered compact, if it excludes other public lands available for selection within its exterior boundaries.

(4) Segregation, publication. § 2222.9-5 (b) and (c).

(d) *Effect of approval of selection.* Following the selection of lands by the State pursuant to the requirements paragraph (c) of this section the State shall be authorized to lease and make conditional sales of such selected lands pending survey of the lands, if necessary and issuance of patent.

§ 2222.9-4 Grant for general purpose

(a) *Statutory authority.* (1) The act of July 7, 1958 (72 Stat. 339-343), referred to in paragraph (a) to (d) of this section as "the act," grants to the State of Alaska the right to select, within 10 years from January 3, 1959, not to exceed 102,550,000 acres from the public lands in Alaska which are vacant, unappropriated and unreserved at the time of selection. The act of September 14, 1958 (74 Stat. 1024), defines vacant unappropriated, unreserved public lands in Alaska to include the retained or reserved interest of the United States lands which have been disposed of with reservation to the United States of minerals or any specified mineral minerals.

(2) The act further provides that selection shall be made in the area north and west of the line described in section 10 thereof (72 Stat. 345) without the approval of the President or his designated representative.

(b) *Lands subject to selection; patents; minerals.* (1) The act as amended August 18, 1959 (73 Stat. 395), provides that any lease, permit, license, or contract issued under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. et seq.), as amended, or under the Alaska Coal Leasing Act of 1914 (38 Stat. 730 U.S.C. 432 et seq.), as amended, referred to in this section as "the mineral leasing acts," shall have the effect of withdrawing the lands subject thereto from selection by the State, unless the State files an application to select such lands within a period of five years after January 3, 1959.

(2) Under the act, the State may select any vacant, unappropriated, unreserved public lands in Alaska, whether or not they are surveyed whether or not they contain mineral deposits. For the purposes of selection leases, permits, licenses, and contracts issued under the mineral leasing acts of 1914 and 1920 will not be considered appropriation of lands if the selection

Sample Wording Changing TA to Approval

1. Decision Heading.

Decision(s) of (date) Modified in Part

2. Standard Paragraph.

By decision(s) dated (date), the lands within Mental Health selection application (serial No.) were found proper for conveyance and approved for patent as provided by the Act of July 28, 1956, as amended. Any form of the words "Tentative Approval" in the title and the body of the decision(s) are hereby deleted and replaced with the appropriate form of the single word "Approval."