



United States Department of the Interior

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BUREAU OF LAND MANAGEMENT

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

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To: DMs, Chief, Division of ANCSA and State Conveyances (960) and
Chief, Division of Operations (940)

From: State Director

Subject: Reservation of Rights-of-Way Issued to State of Alaska in State
Selection Patents

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DISTRICT OFFICE
ANCHORAGE, ALASKA

State selection patents are issued to the State of Alaska as a sovereign entity and not to any particular agency of the State government. Thereafter, fee title rests in the State of Alaska.

Once fee title to the land beneath an existing granted right-of-way is transferred to another party, the United States loses jurisdiction over the land and it no longer has the authority to take further administrative actions on the right-of-way grant.

In the case of lands patented to the State, which are crossed by rights-of-way issued to the State, regardless of which State agency is responsible for the right-of-way, the right-of-way interest held by the State merges with the State's fee upon issuance of the patent, and the right-of-way becomes a nullity. Therefore, rights-of-way granted to the State of Alaska, should not be listed as reservations or encumbrances on the State selection patent document. They should be mentioned in the Tentative Approval as existing rights that will not be reserved in the final certificate and patent.

Such rights-of-way may later be removed from the BLM records without issuing a formal decision, however, the State of Alaska, Department of Natural Resources has requested that we leave the right-of-way on our records for a year or so after issuance of patent, so they can be sure all such rights are shown on their records, which are constructed from ours.

When such a right-of-way is removed from our records, the State agency to which it was granted, should be notified by letter that we are clearing our records of the right-of-way and that in the future, they must deal with the appropriate State agency.

Fred Wolf
Acting

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