



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

A-062976 (2627)
(964)

MAY 28 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

State of Alaska : **A-062976**
Title Administration :
Division of Technical Services :
Department of Natural Resources :
3601 C Street, Suites 900-984 : General Purposes Grant
Anchorage, Alaska 99503 : State Selection

Selection Application Suspended in Part Additional Lands Found Proper for Selection

On August 3, 1965, the State of Alaska filed general purposes grant selection application A-062976 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. 33 N., R. 2 W., Seward Meridian. These lands are on the State's FY-85 priority list C-22 and C-26 for patent.

Prior to the State's application, certain lands in this township were withdrawn for use by the Alaska Railroad by Public Land Order 544 of January 11, 1949. On December 16, 1975, Cook Inlet Region, Inc. filed selection application AA-11153-9 pursuant to the Act of December 18, 1971 (43 U.S.C. 1601) describing the lands within PLO 544. Although PLO 544 was conformed to survey and is no longer in this township, State selection application A-062976 is hereby suspended as to the lands formerly shown in that withdrawal, containing approximately 38 acres, pending adjudication of Cook Inlet Region Inc's selection application AA-11153-9. Patent to Tract A cannot be issued until adjudication of that application is completed and the Alaska Railroad has been surveyed.

On July 12, 1967, all the available lands in this township were tentatively approved to the State excluding various claims of record. These claims have since been patented except for applications A-059705 and A-063035 which were closed of record and application A-061772 which was reduced in size prior to the State's amendment of June 16, 1972. Therefore, these lands are proper for selection and will be tentatively approved at a later date.

The Bureau of Land Management has determined that the Chulitna River is the only navigable water body within this township.

An application for a license was filed with the Federal Energy Regulatory Commission on February 28, 1983, to construct a transmission line which crosses Tract A for the Susitna Hydroelectric Project No. 7114. Because this is only an application, and has not been granted, Power Project 7114 will not be reserved in the patent.

Pursuant to Sec. 906(k) of the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980 (94 Stat. 2371), the Escrow Unit will review and if appropriate, authorize payment of 90 percent of the rental to the State for that portion of right-of-way AA-44361 crossing the lands tentatively approved to the State.

Although a withdrawal 1 mile either side of the center line of the Parks Highway pursuant to Sec. 1311 of ANILCA appears on the plat, it is of no effect as to these lands since State Selection application A-062967 is a prior valid right.

The rights-of-way for the highway from Talkeetna to Summit and material sites mentioned in the tentative approval of July 12, 1967 will not be reserved in the grant since the lesser interests granted to the State under the Federal Aid to Highways Act of August 27, 1958 (72 Stat. 916), merge with the State's full title granted under the Alaska Statehood Act.

An appeal from this decision may be taken to the Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43, Code of Federal Regulations, Part 4, Subpart E. If an appeal is taken, the notice of appeal must be filed in the Alaska State Office of the Bureau of Land Management within 30 days of the receipt of this decision. Do not send the appeal directly to the Board. The appeal and case history file will be sent to the Board from this office. The regulations also require the appellant to serve a copy of the notice of appeal, statement of reasons, written arguments or briefs on the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 701 C Street, Box 34, Anchorage, Alaska 99513. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

An aperture card showing the current status of the township is enclosed.

(Sgd) Joe J. Labay

Section Chief, Branch of
State Adjudication

Enclosures:
Aperture card

cc:

State of Alaska (CM-RRR)
Department of Transportation
Right-of-Way Section
600 University Avenue, Suite F
Fairbanks, Alaska 99701

Alaska Power Authority (CM-RRR)
334 West 5th Ave.
Anchorage, Alaska 99501

Fred Fischler (CM-RRR)
Federal Energy Regulatory Commission
825 North Capitol Street, NE
Washington, D.C. 20426

State of Alaska (CM-RRR)
Department of Transportation
Central Region
Right-of-Way Section
Pouch 6900
Anchorage Alaska 99502