

From: [Charlie Parr](#)  
To: [Karen Tilton](#); [John Bennett](#)  
Subject: school trust lands  
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In case you haven't seen this – interesting...clp

## Notice of Rescission of Department Order 143 School Trust Lands Litigation

The Commissioner of the Alaska Department of Natural Resources (DNR) has repealed Department Order (DO) 143 regarding School Trust Lands litigation.

DO 143 was implemented on December 21, 1998, in response to litigation, *Kasayulie v. State*, Alaska Superior Court Case No. 3AN-97-3782 CI (Kasayulie). This litigation included allegations that the State of Alaska breached the Public School Trust by transforming the land-based school trust into a monetary-based trust. In 1978, legislation (§ 2, ch. 182, SLA) redesignated school trust lands into general state lands and provided for contributions from all state land revenues into the Public School Trust Fund.

One possible outcome of the *Kasayulie* litigation was the court could have ordered that a land-based trust be recreated. Because of this potential outcome, it was important during the litigation to ensure that trust law principles were considered in DNR's ongoing management of former public school trust lands. DO 143 was issued to implement management policies for transactions involving the disposal of former school trust lands and resources. Because all school trust litigation has now been settled or dismissed without the creation of a land-based trust, the underlying purposes for DO 143 no longer exist.

In addition, DNR has determined that the 1978 legislation also redesignated into general land those lands granted to the State in lieu of school trust land under § 906(b) of the Alaska National Interest Lands Conservation Act as well as lands for which the Bureau of Land Management issued a decision after July 1, 1978, but for which it confirmed title had vested in the State before that date. Following repeal of DO 143, DNR intends to treat these two categories of land as general grant land.

Questions regarding the repeal of DO 143 should be directed to Kris Hess, Alaska Department of Natural Resources, 550 West 7th Avenue, Suite 1070, Anchorage, Alaska 99501-3577, [kris.hess@alaska.gov](mailto:kris.hess@alaska.gov) or (907) 269-8501.

Copies of DO 143 and the Commissioner's Rescission Decision are attached to this notice.

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### Attachments, History, Details Attachments

- [DO 143 Rescission Decision.pdf](#)
- [DO 143.pdf](#)

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