

employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist

There are three reasons this protest was summarily dismissed on July 18, 2011:

1. The protest period ended on August 20, 1983, 60 days following mailing of the Relocation Notice. The protest received on March 21, 2007, was therefore, not timely filed; Include this verbiage word for word in your response to BLM
2. The protest filed by the State of Alaska does not state the land described in the allotment application is necessary for access to lands owned either by the United States, the State of Alaska, or a political subdivision of the State, to resources located thereon, or to a public body of water regularly employed for transportation purposes; and Be sure to address this in your response to BLM
3. This protest filed by the State of Alaska does not state with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist.

No appeals, comments or protests were received following the July 18, 2011 dismissal of the protest.

Applicable Legal Authority

The Native allotment application AA-7589 has been reviewed under the provisions of Sec. 905 of ANILCA, and was legislatively approved effective June 1, 1981.

Trails, Easements, and Rights-of Way

The State of Alaska claims that the land within allotment AA-7589 is subject to an R.S. 2477, 14 Stat. 253, right-of-way for RST 1413. The claimed R.S. 2477 right-of-way will not be listed in the Certificate of Allotment as the Federal government has no authority to adjudicate rights that are determined by State law.

Minerals

This doesn't mean we can't notify BLM of existing RS 2477's to fulfill our obligation to protect public access

All applications approved pursuant to the ANILCA are subject to the provisions of the Act of March 8, 1922, as amended.⁴ It has been determined that the described lands are without value for minerals; therefore, none shall be reserved to the United States.

The Certificate of Allotment will reserve the following to the United States:

A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 43 U.S.C. § 945.

⁴ 43 U.S.C. §§ 270-11 (1982) (repealed with a savings provision) and 270-12.