

FEDERAL TOWNSITES

- PENDING -

Nightmute
Tuntutuliak

- OPEN -

Alakanuk
Aleknagik
Ambler
Andreafsky
Birch Lake
Chalkyitsik
Chignik Lagoon
Clarks Point

Egegik
Gulkana
Hyder
Kodiak
Kotzebue
Lower Kalskag
Meshik
Nikolski
Northway

Nulato
Perryville
Pilot Station
Rampart
St. Michael
Salchaket
South Naknek
Stevens Village
Upper Kalskag

FEDERAL TOWNSITES

- CLOSED -

| | | |
|----------------|------------------|-----------------|
| Akiachak | Hoonah | Noorvik |
| Akiak | Hooper Bay | Old Harbor |
| Akhiok | Hope | Ouzinkie |
| Alatna | Hydaburg | Pelican |
| Anaktuvak Pass | Juneau | Petersburg |
| Anchorage | Take | Portage |
| Angoon | Kaktovik | Port Alexander |
| Aniak | Kaltag | Port Graham |
| Baranof | Kasaan | Ruby |
| Barrow | Kasilof | Sand Point |
| Beaver | Kenai | Saxman |
| Bethel | Ketchikan | Scammon Bay |
| Birch Creek | Kiana | Selawik |
| Brevig Mission | King Cove | Seldovia |
| Buckland | Kivalina | Seward |
| Cantwell | Klawock | Shageluk |
| Canyon Village | * Kodiak | Shaktoolik |
| Chefornak | Kotlik | Shungnak |
| Chevak | * Kotzebue | Sitka |
| Chignik | Koyuk | Skagway |
| Chignik Lake | Koyukuk | Stebbins |
| Circle | Kwethluk | Stony River |
| Cordova | Larson Bay | Talkeetna |
| Craig | Levelock | Tanacross |
| Dillingham | Loring | Tanana |
| Douglas | Manokotak | Teller |
| Eagle | Marshall | Tenakee Springs |
| Eagle Village | McGrath | Tok |
| Eek | Matanuska | Toksook Bay |
| Ekwok | Metlakatla | Togiak |
| Emmonak | Mentasta | Tununak |
| English Bay | Moose | Twin Hills |
| Fairbanks | Moose Pass | Ugashik |
| Fort Yukon | Mountain Village | Unalaska |
| Galena | Nenana | Valdez |
| Girdwood | New Stuyahok | Wainwright |
| Golovin | Ninilchik | Wasilla |
| Graehl | Noatak | Whittier |
| Grayling | Nome | Wrangell |
| Haines | Nondalton | Yakutat |

TOWNSITE ACREAGE PATENTED TO THE TOWNSITE TRUSTEE

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| SURVEY NUMBER | NAME OF TOWNSITE | TOTAL ACREAGE | PATENT NUMBER | DATE OF PATENT |
|---------------|-------------------|---------------|---------------|----------------|
| 5068 | Akiak | 176.00 | 50-85-0045 | 11/7/84 |
| 4926 | Akhiok | 92.46 | 50-75-0188 | 6/23/75 |
| 4479 | Akiachak | 74.63 | 50-73-0124 | 1/31/73 |
| 4405 | Alakanuk | 249.621 | 50-73-0037 | 8/31/72 |
| 5581 | Alatna | 6.88 | 50-85-0300 | 4/12/85 |
| 4392 | Ambler | 279.53 | 50-73-0045 | 9/8/72 |
| 4480 | Anaktuvuk Pass | 75.06 | 50-75-0077 | 10/25/74 |
| 5507 | Andreafsky | 116.12 | 50-77-0076 | 3/4/77 |
| 1567 | Angoon | 37.35 | 1062403 | 3/30/33 |
| 3093 A&B | Aniak | 61.94 | 1170457 | 4/22/57 |
| 3291 A&B | Baranof | 9.456 | 1170764 | 6/6/33 |
| 4615 | Barrow | 12.54 | 50-66-0219 | 11/18/65 |
| 4615 | Barrow | 10.46 | 50-68-0058 | 9/18/67 |
| 4615 | Barrow | 760.06 | 50-65-0589 | 5/6/65 |
| 4895 | Beaver | 45.57 | 50-74-0059 | 1/31/74 |
| 3230 A&B | Bethel | 185.88 | 1148444 | 12/13/59 |
| 3770 | Bethel NW Add. | 183.241 | 50-66-0082 | 9/17/65 |
| 3790 | Bethel E. Add. | 65.416 | 1231570 | 4/10/63 |
| 4481 | Birch Creek | 23.12 | 50-74-0008 | 10/10/73 |
| 3453 A&B | Birch Lake | 36.14 | 1194455 | 4/9/59 |
| 4494 | Brevig Mission | 58.70 | 50-84-0428 | 4/06/84 |
| 4494 | Brevig Mission | 62.86 | 50-85-0040 | 11/6/84 |
| 4482 | Buckland | 237.31 | 50-84-0427 | 4/06/84 |
| 4419 | Canyon Village | 29.86 | 50-81-0098 | 5/1/81 |
| 4496 | Chalkyitsik | 186.63 | 50-77-0048 | 1/28/77 |
| 4421 | Chefornak | 56.08 | 50-73-0205 | 6/8/73 |
| 5023 | Chevak | 75.25 | 50-74-0134 | 4/13/74 |
| 4896 | Chignik | 37.34 | 50-84-0461 | 5/02/84 |
| 4896 | Chignik | 23.55 | 50-85-0043 | 11/6/84 |
| 4898 | Chignik Lagoon | 123.07 | 50-73-0044 | 9/8/72 |
| 4897 | Chignik Lake | 38.07 | 50-76-0224 | 7/16/76 |
| 3725 | Circle | 40.513 | 50-65-0346 | 12/10/64 |
| 4992 | Clarks Point | 218.46 | 50-84-0554 | 6/19/84 |
| 1686 | Cordova | 16.25 | 1042175 | 11/18/30 |
| 1379 | Cordova N. Add. | 6.25 | 893408 | 1/19/23 |
| 2981 A&B | Cordova S. Add. | 15.574 | 1138851 | 4/17/53 |
| 3345 A&B | Cordova Eyak Add. | 25.645 | 1223128 | 10/3/61 |
| 1429 | Craig | 46.088 | 924466 | 11/24/23 |
| 1429 | Craig | 13,125 Sq.Ft. | 1010542 | 1/9/28 |

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| SURVEY NUMBER | NAME OF TOWNSITE | TOTAL ACREAGE | PATENT NUMBER | DATE OF PATENT |
|---------------|---------------------------|----------------|---------------|----------------|
| 2732 A&B | Dillingham | 111.50 | 1130192 | 10/23/50 |
| 442 | Douglas | 24.82 | 622650 | 3/22/18 |
| 353 | Eagle | 537.47 | 40344 | 1/18/09 |
| 4484 | Eek | .86 | 50-86-0040 | 11/1/85 |
| 4483 | Eagle Village | 24.37 | 50-73-0137 | 2/28/73 |
| 4484 | Eek | 50.83 | 50-84-0611 | 7/26/84 |
| 4878 | Ekwok | 469.40 | 50-73-0035 | 8/31/72 |
| 4900 | Egegik | 124.65 | 50-85-0041 | 11/6/84 |
| 4402 | Emmonak | 602.69 | 50-74-0058 | 1/22/74 |
| 4900 | Egegik | 15.03 | 50-85-0188 | 3/1/85 |
| 4901 | English Bay | 119.68 | 50-73-0054 | 9/20/72 |
| 438 | Fairbanks | 408 | 122493 | 4/1/10 |
| 2760 A&B | Ft. Yukon | 147.10 | 1162702 | 7/31/56 |
| 4179 | Galena | 47.05 | 50-76-0186 | 6/28/76 |
| 5038 | Golovin | 140.77 | 50-76-0155 | 6/11/76 |
| 1348 | Graehl | 68.97 | 820900 | 8/30/21 |
| 4226 | Grayling | 113.10 | 50-70-0093 | 5/6/70 |
| 4226 | Grayling | 187.79 | 50-68-0251 | 5/28/68 |
| 4861 | Gulkana | 299.63 | 50-71-0049 | 6/4/71 |
| 1179 | Haines | 68.16 | 640530 | 7/15/18 |
| 2193 | Haines | 68.16 | 640530 | 7/15/18 |
| 1735 | Hoonah | 15.19 | 1055712 | 6/16/56 |
| 2097 | Hoonah | 11.70 | 1105801 | 10/26/59 |
| 3716 | Hoonah | 15.37 | 1226045 | 3/30/62 |
| 2128 | Hoonah | 11.07 | 1105801 | 10/26/39 |
| 4420 | Hooper Bay | 365.37 | 50-76-0089 | 12/12/75 |
| 1484 | Hope | 77.94 | 1120408 | 1/3/46 |
| 1427 | Hyder | 134.90 | 924465 | 11/24/23 |
| 1570 | Hydaburg | 183.84 | 1064687 | 6/6/33 |
| 1 | Juneau Anderson Addition | 5,000 Sq. Ft. | | 10/21/07 |
| 7 | Juneau | 108.49 | | 9/4/79 |
| 7 | Juneau | 121.52 | | 4/29/02 |
| 7 | Juneau | 14,000 Sq. Ft. | 1169624 | 3/26/57 |
| 7A(Amended) | Juneau | 4.52 | 1219438 | 5/5/61 |
| 4521 | Juneau-Gold Belt Addition | 1.234 | 1235691 | 4/9/64 |
| 1295 | Juneau Seater Add. | 17.58 | 784804 | 12/2/10 |
| 4694 | Juneau Indian Village | 3.52 | 50-65-0360 | 12/18/64 |

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|--------------------------|-----------------------------|--------------------------|--------------------------|---------------------------|
| 1871 Ext. of | Kake | 96.78 | 1062402 | 3/13/33 |
| 3851 | Kake Add. | 27.067 | 1235335 | 3/4/64 |
| 3852 | Kake | 83.69 | 50-75-0041 | 7/10/74 |
| 4234 | Kaktovik | 280.92 | 50-68-0022 | 8/3/67 |
| 1896 | Kasaan Indian Village | 22.00 | 50-73-0095 | 11/29/72 |
| 2970A | Kenai | 70.397 | 1134528 | 4/16/52 |
| 437 | Ketchikan | 68.21 | 159949 | 11/3/10 |
| 437 | Ketchikan | 0.23 | 1102348 | 4/25/39 |
| 437 | Ketchikan Tr. "F" | 0.65 | 50-74-0050 | 11/28/73 |
| 1297 | Ketchikan SE | 86.98 | 842724 | 1/13/22 |
| 1280 | Ketchikan Add. | 106.007 | 857461 | 4/5/22 |
| 4269 | Kiana | 172.25 | 50-68-0228 | 5/8/68 |
| 3866 | King Cove | 40.42 | 50-65-0101 | 8/17/64 |
| 5582 | Kivalina | 28.15 | 50-81-0094 | 4/21/81 |
| 1569 | Klawock | 192.73 | 1111711 | 7/22/41 |
| 1594 | Kodiak | 2.20 | 1143941 | 4/16/54 |
| 2537A | Kodiak | 82.018 | 1118913 | 8/19/44 |
| 2537B | Kodiak | 200.066 | 1129536 | 7/27/50 |
| 3066 A&B | Kodiak SE Add.#2. | 10.73 | 1148961 | 1/10/55 |
| 4497 | Kotlik | 514.46 | 50-73-0038 | 8/31/72 |
| 2083 | Kotzebue Add.#1 | 0.17 | 50-68-0229 | 5/8/68 |
| 2863 A&B | Kotzebue | 142.09 | 1152223 | 5/11/55 |
| 2645 | Kotzebue | 94.56 | 50-73-0036 | 8/31/72 |
| 4390 | Koyuk | 335.80 | 50-84-0429 | 4/06/84 |
| 3866 | King Cove | 40.42 | 50-65-0101 | 8/17/64 |
| 594 | Kodiak | 2.20 | 1143941 | 4/16/54 |
| 2537A | Kodiak | 62.018 | 1118913 | 1/10/55 |
| 2537B | Kodiak | 0.266 | 1129536 | 7/27/50 |
| 3066 A&B | Kodiak | 10.73 | 1148961 | 1/10/55 |
| 4497 | Kotlik | 514.46 | 50-73-0038 | 8/31/72 |

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|-------------------------|------------------------------|----------------|--------------------------|--------------------------------|
| 2083 | Kotzebue Add.#1 | 0.17 | 50-68-0198 | 5/8/68 |
| 2863 A&B | Kotzebue | 142.09 | 1152223 | 5/11/55 |
| 2407 | Kotzebue Add.#2 | 140.72 | 50-73-0172 | 4/9/73 |
| 4498 | Kotzebue Add. #2 | 140.72 | 50-73-0172 | 4/9/73 |
| 2645 | Kotzebue Add. | 94.56 | 50-73-0036 | 8/31/72 |
| 4488 | Koyukuk | 98.59 | 50-81-0099 | 5/1/81 |
| 4221 | Kwethluk | 197.57 | 50-73-0213 | 6/29/73 |
| 4873 | Lake Aleknagik | 45.37 | 50-77-0073 | 3/4/77 |
| 4872 4872 | Larsen Bay LARSEN BAY | 118.93 .06 | 50-75-0047 50-78-0082 | 9/13/74 8/4/78 <i>Supp.</i> |
| 4877 | Levelock | 223.29 | 50-76-0070 | 11/26/75 |
| 4569 | Loring | 5.38 | 50-66-0166 | 10/14/65 |
| 2098 | Loring Add. | 0.97 | 50-67-0302 | 12/7/66 |
| 4414 | Lower Kalskag | 316.54 | 50-74-0036 | 10/1/73 |
| 3140A | McGrath | 94.23 | 1148422 | 12/9/54 |
| 4875 | Manokotak | 332.32 | 50-73-0034 | 8/31/72 |
| 4415(Tract "A") 5578 | Marshall Meshik | 47.71 46.85 | 50-76-0013 50-90-0101 | 8/15/75 12/12/89 |
| 4362 | Mentasta Village | 47.02 | 50-73-0046 | 9/8/72 |
| 5578 | Meshik | 88.43 | 50-86-0347 | 8/7/86 |
| 4412 | Mountain Village | 43.28 | 50-84-0430 | 04/10/84 |
| 4026 | Nenana St. Marks Addition | 116.41 | 50-66-0235 | 12/16/65 |
| 4495 | New Stuyahok | 107.70 | 50-73-0039 | 9/1/72 |
| 4904 | Nikolski | 22.55 | 50-86-0001 | 10/1/85 |
| 3036 A&B | Ninilchik | 50.687 | 1168366 | 1/23/57 |
| 4486 | Noatak | 40.29 | 50-77-0086 | 4/08/77 |
| 4876 | Nondalton | 625.89 | 50-76-0277 | 9/17/76 |
| 5069 | Noorvik | 93.21 | 50-76-0082 | 12/05/75 |
| 4027 | Northway | 47.91 | 50-66-0028 | 8/3/65 |
| 4370 | Nulato | 118.45 | 50-76-0222 | 7/16/76 |
| 4793 | Old Harbor | 422.40 | 50-70-0089 | 4/20/70 |
| 4871 | Ouzinkie | 802.32 | 50-74-0165 | 6/24/74 |
| 2861A | Pelican | 49.85 | 1132747 | 8/13/51 |
| 1168 | Petersburg | 560.69 | 710415 | 10/02/19 |
| 2499 | Petersburg Skylark Add. | 20.26 | 1107049 | 2/19/40 |
| 4993 | Perryville | 70.32 | 50-86-0327 | 7/29/86 |
| 2009 | Port Alexander | 84.56 | 1094305 | 12/06/37 |
| 4489 | Pilot Station | 108.13 | 50-86-0502 | 9/22/86 |
| 4899 | Port Graham | 327.82 | 50-76-0019 | 8/29/75 |

TOWNSITE ACREAGE PATENTED TO THE TOWNSITE TRUSTEE

| SURVEY NUMBER | NAME OF TOWNSITE | TOTAL ACREAGE | PATENT NUMBER | DATE OF PATENT |
|---------------------|---------------------------------|-----------------|-----------------------|-----------------------|
| 3367 A&B | Fairbanks Rabbit Island Add. | 39.66 | 11831136 | 6/17/58 |
| 5049 | Rampart | 91.61 | 50-76-0072 | 11/26/75 |
| 5088 | Ruby | 179.18 | 50-76-0151 | 4/21/76 |
| 5579 | Saint Michael | 230.57 | 50-85-0202 | 3/13/85 |
| 1901 A&B | Salchaket | 47.40 | 1110269 | 01/24/41 |
| 1652 | Saxman Indian Village | 364.97 | 1035992 | 04/07/30 |
| 5050 | Scammon Bay | 18.57 | 50-85-0366 | 05/30/85 |
| 4492 | Selawik | 120.40 | 50-84-0431 | 04/10/84 |
| 910 | Seldovia | .86 | 1143348 | 03/11/54 |
| 1770 | Seldovia | 100.165 | 1044313 | 03/20/31 |
| 3782 | Shageluk Village | 12.708 | 50-66-0420 | 03/29/66 |
| 4493 | Shageluk Village Addition | 98.59 | 50-76-0218 | 07/16/76 |
| 3779 & 4085 1473 | Shaktoolik Sitka | 25.935 0.879 | 50-68-0059 1159581 | 9/18/1967 05/14/56 |
| 3303 A&B | Sitka NW | 126.80 | 1165525 | 10/16/56 |
| 2865 A&B | Sitka North | 6.935 | 1139185 | 05/20/53 |
| 435 | Skagway | <i>192.29</i> | <i>59400</i> | <i>5/4/09</i> |
| 4417 | Shungnak | 1.91 | 50-87-0270 | 8/31/87 |
| 4417 | Shungnak | 188.27 | 50-84-0462 | 05/02/84 |
| 4417 | Shungnak | 276.20 | 50-85-0056 | 11/26/84 |
| 4491 | Stebbins | 110.68 | 50-84-0718 | 09/13/84 |
| 4393 | Stevens Village | 561.57 | 50-73-0055 | 09/20/72 |
| 4490 | Stony River | 109.11 | 50-74-0057 | 12/20/73 |
| 4879 | South Naknek | 119.40 | 50-87-0174 | 03/17/87 |
| 2754 A&B | Tanana | 55.59 | 1180100 | 03/06/58 |
| 4905 | Togiak | 76.10 | 50-75-0121 | 01/31/75 |
| 3726 | Tanacross | 15.66 | 1231568 | 04/10/63 |
| 3452 A&B | Teller | 41.069 | 1183134 | 06/17/58 |
| 1409 | Tenakee | 73.69 | 946673 | 10/20/24 |
| 5024 | Toksook Bay | 46.87 | 50-84-0508 | 05/17/84 |
| 5024 | Toksook Bay | 36.02 | 50-85-0042 | 11/6/84 |
| 4028 | Tununak | 82.80 | 50-74-0007 | 10/10/73 |
| 5580 | Twin Hills | 147.04 | 50-76-0276 | 09/17/76 |
| 4994 | Ugashik | 121.94 | 50-85-0057 | 11/26/84 |
| 1991 | Unalaska | 38.057 | 1083745 | 05/22/36 |
| 1992 | Unalaska E. Add. | 00.017 | 1105651 | 10/16/39 |
| 4988 | Unalaska S. Add. | 102.25 | 50-77-0063 | 02/11/77 |
| 4413 | Upper Kalskag | 438.85 | 50-85-0299 | 04/12/85 |
| 439 | Valdez | 3.55 | 50-66-0393 | 03/01/66 |
| 439 | Valdez | 354.73 | 273637 | 06/11/12 |
| 4418 | Wainwright | 426.16 | 50-77-0089 | 04/08/77 |

TOWNSITE ACERAGE PATENTED TO THE TOWNSITE TRUSTEE

| <u>SURVEY NUMBER</u> | <u>NAME OF TOWNSITE</u> | <u>TOTAL ACERAGE</u> | <u>PATENT NUMBER</u> | <u>DATE OF PATENT</u> |
|--------------------------|------------------------------|--------------------------|--------------------------|---------------------------|
| 2127 | Wrangell | 78.84 | 1105229 | 09/25/39 |
| 1119 | Wrangell | 56,856.7 Sq. Ft. | 50-69-0174 | 04/03/69 |
| 1815 | Wrangell | 377.642 | | 06/13/06 |
| 2096 | Wrangell E. Add. | 78.84 | 1105229 | 09/25/39 |
| 1569 | Wrangell | 24.85 | 1017752 | 07/24/28 |
| 1897 A&B | Yakutat Indian Village | 42.94 | 1108173 | 05/06/40 |
| 2881 | Yakutat Railroad | 43.54 | 1225483 | 02/27/62 |
| 3241 | Yakutat Second Add. | 0.95 | 1173235 | 07/10/57 |
| 3602 | Yakutat Third Add. | 2.08 | 1230876 | 02/14/63 |
| 4604 | Yakutat Ben Peterson Add. | 0.26 | 50-66-0110 | 09/22/65 |
| 4853 | Yakutat Fourth Add. | 81.22 | 50-67-0390 | 02/01/67 |

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(8) An application for surveyed land must describe the land by aliquot parts of legal subdivisions, not exceeding 5 acres. If the tract is situated in the fractional portion of a sectional lotting, the lot may be subdivided; where such subdivision, however, would result in narrow strips or other areas containing less than 2½ acres, not suitable for disposal as separate units, such adjoining excess areas, in the discretion of the authorized officer and with the consent of the applicant, may be included with the tract applied for, without subdividing, and the application will be amended accordingly. Where a supplemental plat is required to provide a proper description, it will be prepared at the time of approval of the application.

(9) All applications for unsurveyed land must be accompanied by a petition for survey, describing the land applied for with as much certainty as possible, without actual survey, not exceeding 5 acres, and giving the approximate latitude and longitude of one corner of the claim.

(f) *Filing fee.* All applications must be accompanied by an application service fee of \$10 which will not be returnable.

(Sec. 10, 30 Stat. 413, as amended; 48 U.S.C. 461)

Subpart 2564—Native Townsites

SOURCE: 35 FR 9601, June 13, 1970, unless otherwise noted.

§ 2564.0-3 Authority.

The Act of May 25, 1926, (44 Stat. 629; 43 U.S.C. 733-736) provides for the townsite survey and disposition of public lands set apart or reserved for the benefit of Indian or Eskimo occupants in trustee townsites in Alaska and for the survey and disposal of the lands occupied as native towns or villages. The Act of February 26, 1948 (62 Stat. 35; 43 U.S.C. 737), provides for the issuance of an unrestricted deed to any competent native for a tract of land claimed and occupied by him within any such trustee townsite.

§ 2564.0-4 Responsibility.

(a) *Administration of Indian possessions in trustee towns.* As to Indian

possessions in trustee townsites in Alaska established under authority of section 11 of the Act of March 3, 1891 (26 Stat. 1009; 43 U.S.C. 732), and for which the townsite trustee has closed his accounts and been discharged as trustee, and as to such possessions in other trustee townsites in Alaska, such person as may be designated by the Secretary of the Interior will perform all necessary acts and administer the necessary trusts in connection with the Act of May 25, 1926.

(b) *Administration of native towns.* The trustee for any and all native towns in Alaska which may be established and surveyed under authority of section 3 of the said Act of May 25, 1926 (44 Stat. 630; 43 U.S.C. 735), will take such action as may be necessary to accomplish the objects sought to be accomplished by that section.

§ 2564.1 Application for restricted deed.

A native Indian or Eskimo of Alaska who occupies and claims a tract of land in a trustee townsite and who desires to obtain a restricted deed for such tract should file application therefor on a form approved by the Director, with the townsite trustee.

§ 2564.2 No payment, publication or proof required on entry for native towns.

In connection with the entry of lands as a native town or village under section 3 of the said Act of May 25, 1926, no payment need be made as purchase money or as fees, and the publication and proof which are ordinarily required in connection with trustee townsites will not be required.

§ 2564.3 Native towns occupied partly by white occupants.

Native towns which are occupied partly by white lot occupants will be surveyed and disposed of under the provisions of both the Act of March 3, 1891 (26 Stat. 1095, 1099), and the Act of May 25, 1926 (44 Stat. 629).

§ 2564.4 Provisions to be inserted in restricted deeds.

The townsite trustee will note a proper reference to the Act of May 25, 1926, on each deed which is issued under authority of that act and each

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such deed shall provide that the title conveyed is inalienable except upon approval of the Secretary of the Interior or his authorized representative, and that the issuance of the restricted deed does not subject the tract to taxation, to levy and sale in satisfaction of the debts, contracts or liabilities of the transferee, or to any claims of adverse occupancy or law of prescription; also, if the established streets and alleys of the townsite have been extended upon and across the tract, that there is reserved to the townsite the area covered by such streets and alleys as extended. The deed shall further provide that the approval by the Secretary of the Interior or his authorized representative of a sale by the Indian or Eskimo transferee shall vest in the purchaser a complete and unrestricted title from the date of such approval.

§ 2564.5 Sale of land for which restricted deed was issued.

When a native possessing a restricted deed for land in a trustee townsite issued under authority of the Act of May 25, 1926 (44 Stat. 629; 43 U.S.C. 733-736), desires to sell the land, he should execute a deed on a form approved by the Director, prepared for the approval of the Secretary of the Interior, or his authorized representative, and send it to the townsite trustee in Alaska. The townsite trustee will forward the deed to the Area Director of the Bureau of Indian Affairs who will determine whether it should be approved. Where the deed is approved it shall be returned by the Area Director, Bureau of Indian Affairs, through the townsite trustee to the vendor. In the event the Area Director determines that the deed shall not be approved, he shall so inform the native possessing the restricted deed, who shall have a right of appeal from such finding or decision to the Commissioner of Indian Affairs within sixty days from the date of notification of such finding or decision. The appeal shall be filed with the Area Director. Should the Commissioner uphold the decision of the Area Director, he shall notify the applicant of such action, informing him of his right of appeal to the Secretary of the Interior.

§ 2564.6 Application for unrestricted deed.

Any Alaska native who claims and occupies a tract of land in a trustee townsite and is the owner of land under a restricted deed issued under the Act of May 25, 1926 (44 Stat. 629; 43 U.S.C. 732-737) may file an application for an unrestricted deed pursuant to the Act of February 26, 1948 (62 Stat. 35; 43 U.S.C. 732-737), with the townsite trustee. The application must be in writing and must contain a description of the land claimed and information regarding the competency of the applicant. It must also contain evidence substantiating the claim and occupancy of the applicant, except when the applicant has been issued a restricted deed for the land. A duplicate copy of the application must be submitted by the applicant to the Area Director of the Bureau of Indian Affairs.

§ 2564.7 Determination of competency or noncompetency; issuance of unrestricted deed.

(a) Upon a determination by the Bureau of Indian Affairs that the applicant is competent to manage his own affairs, and in the absence of any conflict or other valid objection, the townsite trustee will issue an unrestricted deed to the applicant. Thereafter all restrictions as to sale, encumbrance, or taxation of the land applied for shall be removed, but the said land shall not be liable to the satisfaction of any debt, except obligations owed to the Federal Government, contracted prior to the issuance of such deed. Any adverse action under this section by the townsite trustee shall be subject to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with Part 4 of 43 CFR Subtitle A.

(b) In the event the Area Director determines that the applicant is not competent to manage his own affairs, he shall so inform the applicant, and such applicant shall have a right of appeal from such finding or decision to the Commissioner of Indian Affairs, within 60 days from the date of notification of such finding or decision. The appeal shall be filed with the Area Director. Should the Commissioner uphold the decision of the Area Direc-

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tor, he shall notify the applicant of such action, informing him of his right of appeal to the Secretary of the Interior.

(c) Except as provided in this section, the townsite trustee shall not issue other than restricted deeds to Indian or other Alaska natives.

(43 U.S.C. 733-735, 737)
(35 FR 9601, June 13, 1970, as amended at 41 FR 29122, July 15, 1976)

Subpart 2565—Non-native Townsites

SOURCE: 35 FR 9601, June 13, 1970, unless otherwise noted.

§ 2565.0-3 Authority.

The entry of public lands in Alaska for townsite purposes, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, is authorized by section 11 of the Act of March 3, 1891 (sec. 11, 26 Stat. 1099; 43 U.S.C. 732).

§ 2565.0-7 Cross reference.

Townsites in Alaska may be reserved by the President and sold as provided for in sections 2380 and 2381 of the Revised Statutes; 43 U.S.C. 711, 712. The regulations governing these townsites are contained in §§ 2760.0-3 and 2761.3.

§ 2565.1 General requirements.

(a) *Survey of exterior lines; exclusions from townsite survey.* If the land is unsurveyed the occupants must by application to the State Director, obtain a survey of the exterior lines of the townsite which will be made at Government expense. There must be excluded from the tract to be surveyed and entered for the townsite any lands set aside by the district court under section 31 of the Act of June 6, 1900 (31 Stat. 332; 48 U.S.C. 40), for use as jail and courthouse sites, also all lands needed for Government purposes or use, together with any existing valid claim initiated under Russian rule.

(b) *Petition for trustee and for survey of lands into lots, blocks, etc.* When the survey of the exterior lines has been approved, or if the townsite is on surveyed land, a petition, signed by a majority of occupants of the land,

will be filed in the proper office requesting the appointment of trustee and the survey of the townsite into lots, blocks, and municipal reservations for public use, the expense thereof to be paid from assessments upon the lots, as provided in § 2565.3(b) of this part.

(c) *Designation of trustee; payment required; area enterable.* If the petition be found sufficient, the Secretary of the Interior will designate a trustee to make entry of the townsite, payment for which must be made at the rate of \$1.25 per acre. If there are less than 100 inhabitants the area of the townsite is limited to 160 acres; if 100 and less than 200, to 320 acres; if more than 200, to 640 acres, this being the maximum area allowed by the statute.

§ 2565.2 Application; fees; contests and protests.

(a) *Filing of application; publication and posting; submission of proof.* The trustee will file his application and notice of intention to make proof, and thereupon the authorizing officer will issue the usual notice of making proof, to be posted and published at the trustee's expense, for the time and in the manner as in other cases provided, and proof must be made showing occupancy of the tract, number of inhabitants thereon, character of the land, extent, value, and character of improvements, and that the townsite does not contain any land occupied by the United States for school or other purposes or land occupied under any existing valid claim initiated under Russian rule.

(b) *Application service fee.* The trustee's application shall be accompanied by \$10 application service fee which shall not be returnable.

(c) *Expense money to be advanced by lot occupants.* The occupants will advance a sufficient amount of money to pay for the land and the expenses incident to the entry to be refunded to them when realized from lot assessments.

(d) *Contests and protests.* Applications for entry will be subject to contest or protest as in other cases.

Bureau of Land Management, Interior

§ 2565.5

§ 2565.3 Subdivision.

(a) *Subdivision of land and payment therefore.* After the entry is made, the townsite will be subdivided by the United States into blocks, lots, streets, alleys, and municipal public reservations. The expense of such survey will be paid from the appropriation for surveys in Alaska reimbursable from the lot assessments collected.

(b) *Lot assessments.* The trustee will assess against each lot, according to area, its share of the cost of the subdivisional survey. The trustee will make a valuation of each occupied or improved lot in the townsite and assess upon such lots, according to their value, such rate and sum in addition to the cost of their share of the survey as will be necessary to pay all other expenses incident to the execution of his trust which have accrued up to the time of such levy. More than one assessment may be made if necessary to effect the purpose of the Act of March 3, 1891, and this section.

(c) *Award and disposition of lots after subdivisional survey.* On the acceptance of the plat by the Bureau of Land Management, the trustee will publish a notice that he will, at the end of 30 days from the date thereof, proceed to award the lots applied for, and that all lots for which no applications are filed within 120 days from the date of said notice will be subject to disposition to the highest bidder at public sale. Only those who were occupants of lots or entitled to such occupancy at the date of the approval of final subdivisional townsite survey or their assigns thereafter, are entitled to the allotments herein provided. Minority and coverture are not disabilities.

§ 2565.4 Deeds.

(a) *Applications for deeds.* Claimants should file their applications for deeds, setting forth the grounds of their claims for each lot applied for, which should be corroborated by two witnesses.

(b) *Issuance of deeds; procedure on conflicting applications.* (1) Upon receipt of the patent and payment of the assessments the trustee will issue deeds for the lots. The deeds will be acknowledged before an officer duly authorized to take acknowledgements

of deeds at the cost of the grantee. In case of conflicting applications for lots, the trustee, if he considers it necessary, may order a hearing to be conducted in accordance with the Part 1850 of this chapter.

(2) No deed will be issued for any lot involved in a contest until the case has been finally closed. Appeals from any decision of the trustee or from decisions of the Bureau of Land Management may be taken in the manner provided by Part 1840 of this chapter.

§ 2565.5 Sale of the land.

(a) *Public sale of unclaimed lots.* After deeds have been issued to the parties entitled thereto the trustee will publish or post notice that he will sell, at a designated place in the town and at a time named, to be not less than 30 days from date, at public outcry, for cash, to the highest bidder, all lots and tracts remaining unoccupied and unclaimed at the date of the approval of final subdivisional townsite survey, and all lots and tracts claimed and awarded on which the assessments have not been paid at the date of such sale. The notice shall contain a description of the lots and tracts to be sold, made in two separate lists, one containing the lots and tracts unclaimed at the date of the approval of final subdivisional townsite survey and the other the lots and tracts claimed and awarded on which the assessments have not been paid. Should any delinquent allottee, prior to the sale of the lot claimed by him, pay the assessments thereon, together with the pro rata cost of the publication and the cost of acknowledging deed, a deed will be issued to him for such lot, and the lot will not be offered at public sale. Where notice by publication is deemed advisable the notice will be published once a week for 5 consecutive weeks in accordance with § 1824.3 of this chapter prior to the date of sale, and in any event copies of such notice shall be posted in three conspicuous places within the townsite. Each lot must be sold at a fair price, to be determined by the trustee, and he is authorized to reject any and all bids. Lots remaining unsold at the close of the public sale in an unincor-

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porated town may again be offered at a fair price if a sufficient demand appears therefor.

(b) *Sales to Federal, State and local governmental agencies.* (1) Any lot or tract in the townsite which is subject to sale to the highest bidder by the trustee pursuant to this section may in lieu of disposition at public sale be sold by the trustee at a fair value to be fixed by him to any Federal or State agency or instrumentality or to any local governmental agency or instrumentality of the State for use for public purposes.

(2) All conveyances under this section shall be subject to such conditions, limitations, or stipulations as the trustee shall determine are necessary or appropriate in the circumstances, including, where he deems proper, a provision for reversion of title to the trustee or his successor in interest. Any such provision for reversion of title, however, shall by its terms cease to be in effect 25 years after the conveyance.

(3) Conveyances under this section for lands within any incorporated city, town, village, or municipality may be made only after the proposed conveyance has received the approval of the city, town, or village council, or of the local official designated by such council. Such conveyances for lands within any unincorporated city, town, village or municipality may be made only after notice of the proposed conveyance, together with the opportunity to be heard, has been given by the proposed grantee to the residents or occupants thereof in accordance with the requirements for such notice in the case of the public sale of unclaimed lots in a trustee townsite. Any decision of the trustee which is adverse to a protest will be subject to the right of appeal under Part 1840 of this chapter. Upon filing of an appeal pursuant to that part, action by the trustee on the conveyance will be suspended pending final decision on the appeal.

§ 2565.6 Rights-of-way.

(a) Notwithstanding any other provisions of this part, the trustee is authorized to grant rights-of-way for public purposes across any unentered lands within the townsite. This au-

thority is expressly limited to grants of rights-of-way to cities, towns, villages, and municipalities, and to school, utility, and other types of improvement districts, and to persons, associations, companies, and corporations engaged in furnishing utility services to the general public, and to the United States, any Federal or State agency or instrumentality for use for public purposes.

(b) The trustee may in his discretion fix a reasonable charge for any grant under this authority to private persons, associations, companies and corporations, and to Federal and State agencies and instrumentalities, which charge shall be a lump sum. All grants shall be subject to such conditions, limitations, or stipulations as the trustee shall determine are necessary or appropriate in the circumstances. No grants of rights-of-way under this authority shall be made across or upon lands on which prior rights of occupancy or entry have vested under the law.

(c) Grants of rights-of-way under this section to Federal and State agencies and instrumentalities to private persons, associations, companies, or corporations affecting lands within any incorporated city, town, village, or municipality, may be made only after the proposed grant has received the approval of the city, town, or village council, or, where applicable, the municipal board or commission having authority under state law to approve rights-of-way for local public utility purposes. Grants of such rights-of-way to Federal and State agencies and instrumentalities and to private persons, associations, companies, or corporations within unincorporated cities, towns, villages, or municipalities may be made only after notice of the proposed grant, together with the opportunity to be heard, has been given by the proposed grantee to the residents or occupants thereof in accordance with the requirements for such notice in the case of the public sale of unclaimed lots in a trustee townsite. Any decision by the trustee which is adverse to a protest will be subject to the right of appeal under Part 1840 of this chapter. Upon the filing of an appeal, action by the trustee on the applica-

Bureau of Land Management, Interior

§ 2566.0-3

tion for right-of-way will be suspended pending final decision on the appeal.

§ 2565.7 Final report of trustee: disposition of unexpended moneys and unsold lots.

After the disposal of a sufficient number of lots to pay all expenses incident to the execution of the trust, including the cost of the subdivisional survey, the trustee will make and transmit to the Bureau of Land Management his final report of his trusteeship, showing all amounts received and paid out and the balance remaining on hand derived from assessments upon the lots and from the public sale. The proceeds derived from such sources, after deducting all expenses, may be used by the trustee on direction of the Secretary of the Interior, where the town is unincorporated, in making public improvements, or, if the town is incorporated such remaining proceeds may be turned over to the municipality for the use and benefit thereof. After the public sale and upon proof of the incorporation of the town, all lots then remaining unsold will be deeded to the municipality, and all municipal public reserves will, by a separate deed, be conveyed to the municipality in trust for the public purposes for which they were reserved.

§ 2565.8 Records to be kept by trustee.

The trustee shall keep a tract book of the lots and blocks, a record of the deeds issued, a contest docket, and a book of receipts and disbursements.

§ 2565.9 Disposition of records on completion of trust.

The trustee's duties having been completed, the books of accounts of all his receipts and expenditures, together with a record of his proceedings as provided in § 2565.8 of this part with all papers, other books, and everything pertaining to such townsite in his possession and all evidence of his official acts shall be transmitted to the Bureau of Land Management to become a part of the records thereof, excepting from such papers, however, in case the town is incorporated, the subdivisional plat of the townsite, which he will deliver to the municipal authorities of the town, together with

a copy of the townsite tract book or books, taking a receipt therefore to be transmitted to the Bureau of Land Management.

(Sec. 11, 26 Stat. 1099; 48 U.S.C. 355)

Subpart 2566—Alaska Railroad Townsites

SOURCE: 35 FR 9603, June 13, 1970, unless otherwise noted.

§ 2566.0-3 Authority.

It is hereby ordered that the administration of that portion of the Act of March 12, 1914 (38 Stat. 305; 43 U.S.C. 975, 975a-975g) relating to the withdrawal, location and disposition of townsites shall be in accordance with the following regulations and provisions.

(a) *Orders revoked.* All Executive orders heretofore issued for the disposition of townsites along the Government railroads in Alaska are hereby revoked so far as they conflict with §§ 2566.1 and 2566.2. This order is intended to take the place of all other orders making provisions for the sale and disposal of lots in said townsites along Government railroads in Alaska under the provisions of said Act.

(b) *Amendments—(1) Executive Orders 3529 and 5136.* Sections 2566.1 and 2566.2 are amended by E.O. 3529, Aug. 9, 1921 and E.O. 5136, June 12, 1929.

(2) The designation of the "Alaskan Engineering Commission" has been changed to "The Alaska Railroad." All matters which formerly were under the control of the chairman of said commission now are under the supervision of the general manager of the said railroad. The functions formerly exercised by the Commissioner of the General Land Office have been transferred to the Director, Bureau of Land Management.

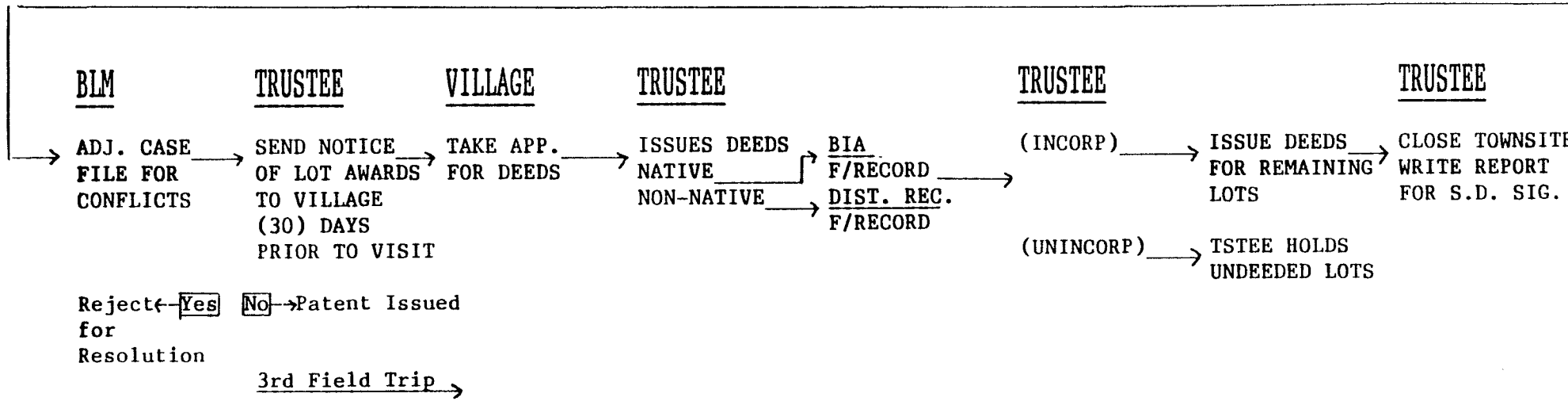
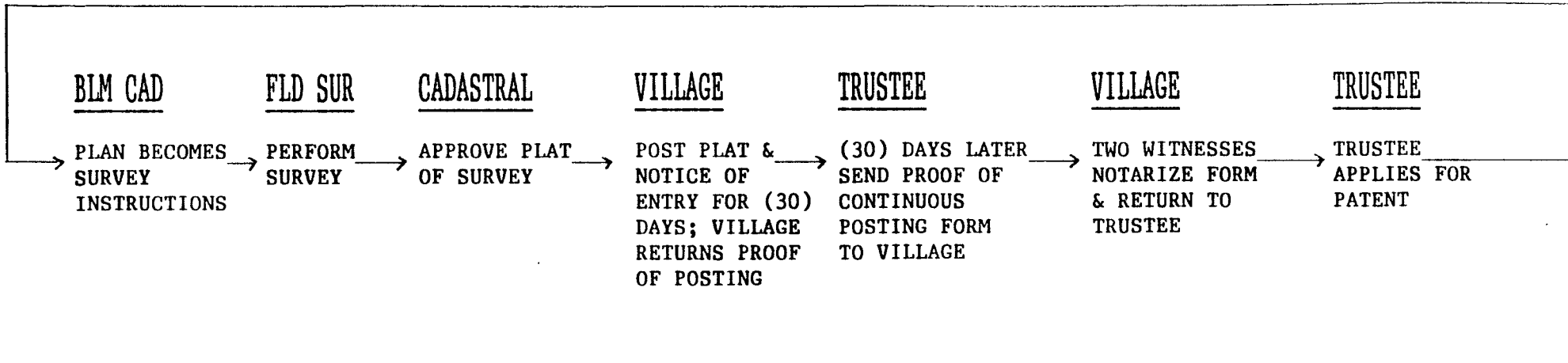
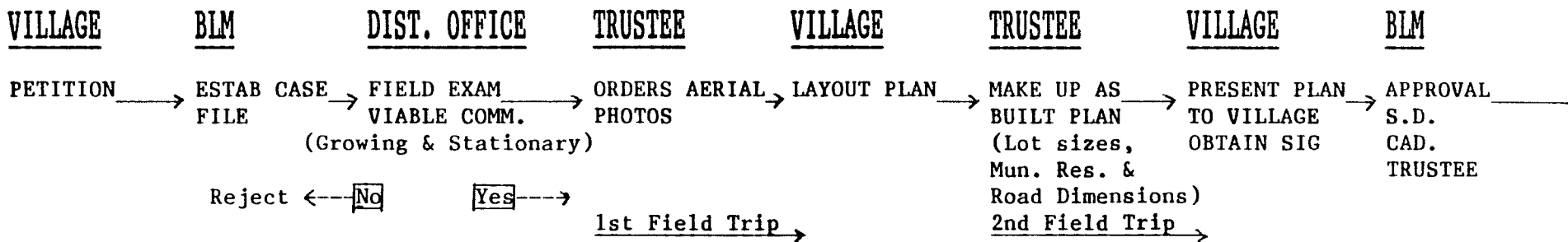
(3) Due to the change in organization, plats of Alaska Railroad townsites are not approved by an official of the Alaska Railroad.

(4) The State Director in Alaska has been designated as Superintendent of Sales of Alaska Railroad townsites.

(c) *Executive Order 5136.* (1) It is ordered that Executive Order 3489,

TOWNSITE FLOW CHART

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JUL 13 1984

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 701 C Street, Box 13
 Anchorage, Alaska 99513

TOWNSITE TRUSTEE'S LOT AWARDS
 MOUNTAIN VILLAGE TOWNSITE
 U.S. SURVEY 4412

Notice is hereby given that Gail Ozmina, Trustee for the Townsite of Mountain Village, U.S. Survey 4412, will be in Mountain Village on August 13, 1984 to distribute applications for deeds and assist townsite occupants in filing them. Those who were occupants of lots on December 18, 1971, the date of enactment of the Alaska Native Claims Settlement Act, or their assigns thereafter, are entitled to the lot they occupied. All those who began occupancy after December 18, 1971 and prior to October 21, 1976, the date of the approval of the plat of survey, may be entitled to the lot depending on the decision in a lawsuit which is pending in Federal Court in Anchorage. All claimants may file their applications for deeds by mailing them to the Townsite Trustee, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, or by delivering them to the Trustee in person. Each application must be signed by the claimant and two disinterested witnesses. Applications must be accompanied by a money order or check made payable to the Bureau of Land Management for the full assessment on the lot, or lots, applied for as shown on the list below, except Native claimants who are exempt from paying assessments.

Blank applications may be obtained from the office of the Townsite Trustee, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

MOUNTAIN VILLAGE TOWNSITE
U.S. SURVEY 4412

| | | | | | |
|--------------------|-------------------|---------------------|-------------------|---------------------|-------------------|
| <u>BLOCK No. 1</u> | <u>AMOUNT</u> | <u>BLOCK No. 9</u> | <u>AMOUNT</u> | <u>BLOCK No. 14</u> | <u>AMOUNT</u> |
| Lot 1 | 115.00 | Lot 1 | 263.00 | ALL | 340.00 |
| 2 | 500.00 | 2 | 157.00 | | |
| | | 3 | 391.00 | <u>BLOCK No. 15</u> | <u>AMOUNT</u> |
| <u>BLOCK No. 2</u> | <u>AMOUNT</u> | <u>BLOCK No. 10</u> | <u>AMOUNT</u> | ALL | Municipal Reserve |
| ALL | Municipal Reserve | ALL | 235.00 | | |
| <u>BLOCK No. 3</u> | <u>AMOUNT</u> | <u>BLOCK No. 11</u> | <u>AMOUNT</u> | <u>BLOCK No. 16</u> | <u>AMOUNT</u> |
| Lot 1 | 807.00 | Lot 1 | Municipal Reserve | Lot 1 | 94.00 |
| 2 | 511.00 | 2 | 133.00 | 2 | 69.00 |
| 3 | 361.00 | 3 | 108.00 | 3 | 50.00 |
| 4 | 406.00 | 4 | 190.00 | 4 | 129.00 |
| <u>BLOCK No. 4</u> | <u>AMOUNT</u> | <u>BLOCK No. 12</u> | <u>AMOUNT</u> | 5 | 71.00 |
| Lot 1 | Municipal Reserve | Lot 1 | 169.00 | 6 | 92.00 |
| 2 | 288.00 | 2 | 151.00 | 7 | 116.00 |
| 3 | 183.00 | 3 | 327.00 | 8 | 123.00 |
| 4 | 156.00 | 4 | 246.00 | 9 | 99.00 |
| 5 | 156.00 | 5 | 99.00 | 10 | 106.00 |
| 6 | 145.00 | 6 | 157.00 | 11 | 190.00 |
| 7 | 113.00 | <u>BLOCK No. 13</u> | <u>AMOUNT</u> | 12 | 158.00 |
| <u>BLOCK No. 5</u> | <u>AMOUNT</u> | Lot 1 | 226.00 | <u>BLOCK No. 17</u> | <u>AMOUNT</u> |
| Lot 1 | 379.00 | 2 | 178.00 | Lot 1 | 184.00 |
| 2 | 335.00 | 3 | 182.00 | 2 | 185.00 |
| 3 | 335.00 | 4 | 318.00 | 3 | 229.00 |
| 4 | 353.00 | 5 | 136.00 | <u>BLOCK No. 18</u> | <u>AMOUNT</u> |
| <u>BLOCK No. 6</u> | <u>AMOUNT</u> | 6 | 216.00 | ALL | 84.00 |
| 1 | 104.00 | 7 | 73.00 | <u>BLOCK No. 19</u> | <u>AMOUNT</u> |
| 2 | 140.00 | 8 | 266.00 | ALL | 158.00 |
| <u>BLOCK No. 7</u> | <u>AMOUNT</u> | 9 | 260.00 | <u>BLOCK No. 20</u> | <u>AMOUNT</u> |
| ALL | 134.00 | 10 | 256.00 | Lot 1 | 83.00 |
| | | 11 | 247.00 | 2 | 102.00 |
| <u>BLOCK No. 8</u> | <u>AMOUNT</u> | | | 3 | 137.00 |
| Lot 1 | 170.00 | | | | |
| 2 | 77.00 | | | | |
| 3 | 133.00 | | | | |

| <u>BLOCK No. 21</u> | <u>AMOUNT</u> |
|---------------------|---------------|
| Lot 1 | 153.00 |
| 2 | 135.00 |
| 3 | 277.00 |
| 4 | 262.00 |

| <u>BLOCK No. 22</u> | <u>AMOUNT</u> |
|---------------------|-------------------|
| Lot 1 | Municipal Reserve |
| 2 | 222.00 |
| 3 | 137.00 |
| 4 | 106.00 |
| 5 | 52.00 |
| 6 | 144.00 |
| 7 | 172.00 |
| 8 | 152.00 |
| 9 | 144.00 |
| 10 | 114.00 |
| 11 | 135.00 |

| <u>BLOCK No. 23</u> | <u>AMOUNT</u> |
|---------------------|-------------------|
| Lot 1 | Municipal Reserve |
| 2 | 152.00 |
| 3 | 213.00 |
| 4 | 198.00 |
| 5 | 198.00 |
| 6 | 274.00 |
| 7 | 172.00 |
| 8 | 185.00 |

| <u>BLOCK No. 24</u> | <u>AMOUNT</u> |
|---------------------|---------------|
| ALL | Water Supply |

Gail Ozmina
TOWNSITE TRUSTEE

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
ALASKA TOWNLOT DEED APPLICATION
(Act of March 3, 1891; 43 U.S.C. 732)

6
FORM APPROVED
OMB NO. 1004-0025
EXPIRES: ~~12/31/89~~ 3/31/93

1. Name(s) (first, middle initial, last)

Address (include zip code)

hereby applies to the Trustee for the townsite of _____, Alaska, for a deed
to the following-described tract of land located in the townsite

Lot Number

Block Number

U.S. Survey Number

2. Are there improvements situated on this tract? Yes No (if "yes," describe)

3. Give the history of occupancy of this tract for the past _____ years for which you have knowledge (specify to the best of your knowledge the number of years of occupancy of these lands; if others have occupied these lands during these years show the length of time and how they acquired their interest; tell how you acquired your interest)

4. I have used and occupied this tract since (date)

5. I HEREBY CERTIFY That there is no one living on, or claiming an interest in, this tract other than myself and the statements made above are true, complete, and correct to the best of my knowledge and belief.

(Date)

(Signature of applicant)

(Date)

(Signature of applicant)

STATEMENT OF TWO DISINTERESTED WITNESSES

(A disinterested witness is a person who has no interest in the tract and who is not related to the applicant)

We, _____ and _____

HEREBY CERTIFY That we have read the above statements made by the applicant and, from personal knowledge, know that statements are true.

(Date)

(Signature)

(Date)

(Signature)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this Alaska Townlot Deed Application and Statement of Witnesses.

AUTHORITY: 43 U.S.C. 732.

PRINCIPAL PURPOSE: The information is to be used to process the application for a townlot deed.

ROUTINE USES: (1) The adjudication of the applicant's rights to the land or resources. (2) Documentation for public information in support of notations made on land status records for the management, disposal, and use of public lands and resources. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

Information is being collected to identify improvements placed on a townlot which the applicant is occupying, and for which he/she is requesting a deed.

Information will be used to determine if the land sought is available and whether the applicant is an eligible claimant pursuant to specified law and regulation.

The obligation to respond is required to obtain a deed pursuant to the specified law and regulation under which the application is made.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0028

Expires: May 31, 1990

SEE INSTRUCTIONS
ON REVERSE

NATIVE INDIAN OR ESKIMO OF ALASKA
TRUSTEE DEED APPLICATION

Acts of May 25, 1926 (44 Stat. 629) and February 26, 1948 (62 Stat. 35)

| | |
|---|----------------------------|
| 1. Name of applicant(s) (first, middle initial, last) | Address (include zip code) |
|---|----------------------------|

hereby applies to the trustee for the townsite of _____, Alaska
for a Restricted Deed Unrestricted Deed to the following-described tract of land located in the above-named townsite

Lot Number _____, Block Number _____, U.S. Survey Number _____

2. Are there improvements on this tract? Yes No (If "yes," describe)

3a. Give history of the occupancy of this tract (list others who have occupied this land, for what period of time, and how they acquired their interest; tell how you acquired your interest)

b. How many years does this history cover?

4. Have you used and occupied this tract? Yes - No - (If "yes," give date)

I HEREBY CERTIFY That there is no one living on, or claiming an interest in, this tract other than myself and that the statements made above are true and correct to the best of my knowledge and belief and are made in good faith.

(Date) (Signature of Applicant)

(Date) (Signature of Applicant)

STATEMENT OF TWO DISINTERESTED WITNESSES

(Witness must be a person who is not interested in the tract and not related to the applicant)

We,
and
hereby certify that we have read the above statements made by the applicant and from personal knowledge know that the statements made are true to the best of our knowledge and belief and are made in good faith.

(Date) (Signature of Witness)

(Date) (Signature of Witness)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

CERTIFICATION BY BUREAU OF INDIAN AFFAIRS

(For Use in Unrestricted Deed Applications Only)

I CERTIFY That to the best of my knowledge and belief
 is is not competent to manage his own business affairs.

(Authorized Officer)

(Date) (Title)

INSTRUCTIONS

Prepare in duplicate. Applications must be typed or printed plainly in ink. Submit original to Townsite Trustee and copy to BIA Area Director.

SPECIFIC INSTRUCTIONS

Item 1 - Application for either a restricted or unrestricted deed may be made. One of these blocks must be checked. See 43 CFR 2564.0-3.

The Paperwork Reduction Act of 1990 (44 USC 3501, et seq.) requires us to inform you that:

This information is being collected to establish the applicant's claim to lands under the specific Alaska Townsite law identified herein.

This information will be used to determine if the lands sought are available for conveyance and whether the applicant is an eligible claimant pursuant to the specific law and regulation under which the application is made.

The obligation to respond is required to obtain Trustee deed pursuant to the specific law and regulation under which the application is made.

IF YOU HAVE A RESTRICTED DEED, YOUR LOT IS:

1. Not subject to property taxes.
2. Can be mortgaged with BIA approval.
3. Income "directly derived" from the property is not taxable.
4. BIA furnishes free management services involving leases, rights-of-way and other use purposes.
5. Cannot be sold or encumbered without BIA approval.
6. If individually owned and the owner dies, the estate is probated by the Examiner of Inheritance for the Interior Department at a nominal cost.
7. No creditor can force sale of the property to collect a judgment or other debt owed.
8. Can be changed to unrestricted by application to and approval by the BIA.
9. Cannot be lost by adverse possession.

IF YOU HAVE AN UNRESTRICTED DEED:

1. Your lot is taxable.
2. You can do as you please with it without permission from anyone.
3. It cannot be changed to a restricted deed.
4. If you take an unrestricted deed, your Social Security and Welfare benefits may be reduced.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
Anchorage, AK

NATIVE RESTRICTED DEED

THIS INDENTURE, made this 29th day of July, in the year of our Lord one thousand nine hundred and eighty-eight, by and between Gail Ozmina as trustee for the townsite of Mountain Village, in the State of Alaska, party of the first part, and Theodore Kokrine, of P.O. Box 32102, Mountain Village, Alaska, 99632, party of the second part,

WITNESSETH, That said party of the first part, as such trustee, by virtue of the power vested in and conferred upon her by the terms of section 11 of the Act of Congress approved March 3, 1891 (26 Stat. 1095), the Act of Congress approved May 25, 1926 (44 Stat. 629), and the regulations thereunder and the patent issued to her thereon, by these presents does grant; convey, and confirm unto said party of the second part and his heirs and assigns all the following lot, piece, and parcel of land situated in the townsite of Mountain Village, State of Alaska, described as follows, to-wit:

Lot Two (2), Block Twenty-three (23), as shown on the official plat of U.S. Survey 4412, Alaska, Mountain Village Townsite, as accepted by the Chief, Division of Cadastral Survey, for the Director on September 27, 1979, and located within the Bethel Recording District.

Subject to the condition that the above-described land shall not be alienated or encumbered without the consent of the Secretary of the Interior, and shall not be subject to taxation, to levy and sale in satisfaction of debts, contracts, or liabilities, or to any claims of adverse occupancy or law of prescription, and subject to the further condition that there is reserved from the operation of this conveyance the land covered by the established streets and alleys extended upon and across the said tract.

According to the official plat of survey of said townsite, subject to rights and reservations in said patent expressed. To have and to hold the same, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, his heirs, executors, administrators, and assigns forever.

IN WITNESS WHEREOF said party of the first part, as trustee, has hereunto set her hand and seal on the date and year first above written.

In the presence of:

Lisa M. Hoff

Ed Smalley

Gail Ozmina
Gail Ozmina, Trustee for the
Townsite of Mountain Village,
State of Alaska

Form 2560-7 (April 1977)

TRIPLICATE

HISTORY OF THE TOWNSITE PROGRAM

From March 3, 1891 to Present

Act of March 3, 1891

This Act established the Townsite Program. The method used for segregation and disposition of public lands as townsites is as follows:

A group of residents files a petition with the Interior Department to establish and survey a townsite and appoint a Trustee. Once the petition is filed and serialized, it segregates the land from other forms of entry. The petition is noted on the public land records. The Townsite Trustee, after consulting with the village council, prepares a plan of survey. When the survey is completed, a plat is prepared and officially approved. The initial plat shows the exterior boundaries of the townsite and the subdivisional boundaries of the occupied portion. Unoccupied portions are sometimes labeled "unsubdivided"; sometimes simply shown as a lettered tract with no lots indicated. The date of the subdivisional survey is critical. Up to that date, rights to land within the townsite can be acquired simply by occupancy.(1) Upon survey approval, the Trustee applies for patent to the land within the exterior boundaries as shown on the plat. When patent is received, the Trustee proceeds to make lot awards, collecting (from non-Natives only) a pro rata share of the survey cost. As unsubdivided tracts become occupied, successive subdivisional surveys and, upon approval, additional lot awards may be made. Lots which are unoccupied on the date of subdivisional survey approval are deeded to the incorporated municipality, if incorporated, or the traditional or IRA village.

Act of May 25, 1926

In 1926 Congress enacted "An Act to authorize the issuance of deeds to certain Indians or Eskimos for tracts set apart to them in surveys of townsites in Alaska and to provide for the survey and subdivision of such tracts." The purpose of this legislation was to authorize the issuance of deeds to Alaskan Natives who previously could not obtain deeds to the lots they occupied because the Act of March 3, 1891, extending townsite laws to Alaska had been construed as not applying to lands in the possession of Natives.

Act of February 26, 1948

After 1948, Alaska native individuals could apply for unrestricted townsite deeds, which removed restrictions as to sale, encumbrance, or taxation of the land.

1/Now superseded by FLPMA (No occupancy is allowed on unsubdivided tracts after October 21, 1976)

Saxman Opinions - 1959

A Department of Interior legal opinion held that disposition of unoccupied lots by public auction was inconsistent with the Native Townsite Act. A subsequent opinion based on the 1959 opinion, held that the Trustee could not convey unoccupied lots in a Native townsite to a municipality. Under the Saxman opinions, the Trustee had to retain unoccupied lots for future occupation by individual Natives instead of offering the lots for sale and then conveying unsold lots to the municipality. The Trustee, however, continued to hold vacant, unsubdivided land within the patented area open for entry and occupancy by both Natives and non-Natives until the filing of the final subdivisional plat.

January 17, 1969

On January 17, 1969, anticipating congressional passage of a Native Claims Settlement Act, Interior Secretary signed PLO 4582 withdrawing the entire State from most forms of entry or settlement. This freeze included petitions for townsites.

ANCSA - December 18, 1971

When the Alaska Native Claims Settlement Act was enacted on December 18, 1971, section 17(d) revoked PLO 4582 but permitted further withdrawals which for the most part have kept Alaska closed to settlement. With minor exceptions the only land in Alaska open to non-mineral entry after 1971 was in pending townsites. Some feel this was a major oversight. However, with passage of this Act, no more petitions could be filed requesting that a townsite be established and surveyed.

FLPMA - October 21, 1976

Repealed the townsites laws. Now if a survey is made after this date, occupancy is based on the date FLPMA was passed (October 21, 1976).

Klawock Case - November 11, 1976

The Trustee's authority to permit non-Natives to occupy the unsubdivided portion of a Native townsite was challenged in the City of Klawock v. Gustafson case. The City of Klawock appealed a decision by the Townsite Trustee to issue deeds to non-Natives occupying lots in a Native Townsite. The Federal District Court issued a decision on November 11, 1976 upholding the Trustee's decision. The court overturned the reasoning of the Saxman Opinions by concluding that the 1926 Alaska Native Townsite Act was concerned with issuing deeds to Native Alaskans rather than establishing exclusively Native townsites. Based on this interpretation, the court decided that non-Natives had a right to establish occupancy on unsubdivided lands in Native townsites. The court also concluded that unoccupied townsite lots were to be made available to municipalities rather than being retained by the Trustee for occupancy by Natives.

Attorney Fees for Klawock Case

The attorneys for Klawock petitioned the district court for the award of attorney fees, claiming that the value of the vacant lots (which cities could now obtain) created a common fund from which the attorney fees could be paid. The district court denied the request, but the 9th Circuit Court of Appeals ruled that the litigation benefited cities throughout Alaska, and that the vacant lots would provide a common fund from which to pay the attorney fees.

Aleknagik Natives, Ltd. v. U.S.A. - March 19, 1985

The village corporations of Aleknagik, Ekwok and Nondalton filed suit in Federal District Court contending that the Alaska Native Claims Settlement Act (ANCSA) terminated the operation of all townsite laws on all townsite lands that were vacant and unsubdivided at the time of ANCSA's passage in 1971, making them available for village corporation selection. The Secretary of the Interior disagreed. It was his contention that the filing of the petition by a majority of the residents of a future Federal townsite operated to segregate the land from further disposal under the public land laws (thus making them unavailable for village corporation selection). The U.S. District Court agreed with the Secretary of the Interior, and on March 19, 1985, granted summary judgment in favor of the federal defendants. The ninth Circuit Court of Appeals affirmed the District Court decision on December 19, 1986.

Two villages, Port Graham and English Bay, intervened in the Aleknagik case. They agreed that the townsite land could not be selected by the village corporations established under ANCSA, but argued that the vacant land should be turned over the IRA and traditional village councils because there was no municipality established under State law in those villages. On July 17, 1987, the District Court ordered the Trustee to convey remaining townsite land to the councils. The order was affirmed by the Ninth Circuit Court of Appeals on September 22, 1989.

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

ALEKNAGIK NATIVES LIMITED, vs. UNITED STATES OF AMERICA, et al
et al.

THE HONORABLE JAMES M. FITZGERALD CASE NO. A77-200 CIVIL

Deputy Clerk

Reporter

Recorder

LINDA CHRISTENSEN

X Janis Roller

APPEARANCES:

PLAINTIFF: JAMES BAMBERGER

DEFENDANT: JACK ALLEN

PROCEEDINGS: HEARING ON MOTION FOR RECONSIDERATION:

At 9:03 a.m. court convened.

RECEIVED
REGIONAL SOLICITOR, USDI

Statements of Court and counsel heard.

JUL 20 1987

Plaintiff's motion for attorney fees - DENIED.

ANCHORAGE, ALASKA

At 9:24 a.m. Judge and counsel met in chambers.

At 9:47 a.m. court reconvened.

Court placed findings on the record re motion for reconsideration:

Petitioners Port Graham and English Bay's motion for reconsideration
GRANTED.

IT IS ORDERED THAT the Townsite Trustee is directed to convey the
remaining lands held in trust to petitioners for the benefit of
the village inhabitants without restriction as to nationality or
race.

At 9:50 a.m. court adjourned.

cc: J. Vollintine
J. Bamberger (AK LEGAL SERV)
D. Smith (AUSA)
J. Reeves (BOGLE)

JUL 20 8 22 AM '87
ALASKA

DATE: JULY 17, 1987

DEPUTY CLERK'S INITIALS: LC

C.F. No. 1