

applications F-80211 and F-80210, and Quitclaim Deed dated June 1, 1966; Sec. 19, excluding Alaska Native Claims Settlement Act Sec. 3(e) application F-80211; Secs. 20 to 36, inclusive.

Containing approximately 21,533 acres.

T. 25 N., R. 18 W. Secs. 12, 13, and 19; Secs. 23 to 26, inclusive; Sec. 27, excluding Native allotment F-17746 Parcel A; Secs. 30 to 33, inclusive; Sec. 34, excluding Native allotment F-17746 Parcel A; Secs. 35 and 36.

Containing approximately 8,946 acres.

T. 24 N., R. 19 W. Secs. 1 to 4, inclusive; Secs. 9 to 15, inclusive; Sec. 16, excluding Native allotments F-17648 and F-14352; Sec. 17, excluding Native allotment F-14352; Secs. 18 and 19; Secs. 20 and 21, excluding Native allotment F-14352; Secs. 22 and 23; Sec. 24, excluding Alaska Native Claims Settlement Act Sec. 3(e) application F-80211; Secs. 28 to 33, inclusive.

Containing approximately 15,105 acres.

T. 23 N., R. 20 W. Secs. 1 and 12.

Containing 1,280 acres.

T. 24 N., R. 20 W. Secs. 13 and 24.

Containing 1,280 acres.

Aggregating approximately 65,208 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-19328-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be non-navigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication, or lands are pending a determination under Sec. 3(e) of ANCSA. These exclusions DO NOT constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1613(f)), as amended; and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1616(b)), as amended, the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-19328-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 FOOT TRAIL — The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 FOOT TRAIL — The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

ONE ACRE SITE — The uses allowed for a one (1) acre site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

- a. (EIN 1 C3, C5, D9, L) An easement fifty (50) feet in width for an existing access trail from Evansville in Sec. 8, T. 24 N., R. 18 W., Fairbanks Meridian, northwesterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement, except vehicles over 3,000 lbs. gross vehicle weight will be limited to winter use only.
- b. (EIN 2 C1, C5, D9) An easement twenty-five (25) feet in width for an existing and proposed access trail from Evansville in Sec. 8, T. 24 N., R. 18 W., Fairbanks Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 4 C3, C5, L) An easement fifty (50) feet in width for an existing access trail from Evansville in Sec. 8, T. 24 N., R. 18 W., Fairbanks Meridian, southeasterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 6 C3, C5, L) An easement twenty-five (25) feet in width for a proposed access trail from Sec. 36, T. 24 N., R. 19 W., Fairbanks Meridian, southeasterly to public lands in Sec. 6, T. 23 N., R. 18 W., Fairbanks Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 19 C5, D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 10, T. 24 N., R. 19 W., Fairbanks Meridian, at the confluence of the John River and Koyukuk River on the right bank of the Koyukuk River and the right bank of the John River. The uses allowed are those listed above for a one (1) acre site.

f. (EIN 37 C5) An easement twenty-five (25) feet in width for a proposed access trail from EIN 4 C3, C5, L in Sec. 29, T. 24 N., R. 17 W., Fairbanks Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access is now provided for under existing law; and
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1613(c)), as amended, that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

A special use permit, YF-5-82, was issued to U.S. Geological Survey by U.S. Fish and Wildlife Service authorizing the use of helicopters within the Kanuti National Wildlife Refuge. As this permit expires October 1, 1982, this conveyance document will not be made subject to the permit.

Evansville, Inc., is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA, as amended. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 65,208 acres. The remaining entitlement of approximately 3,912 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate shall be issued to Doyon, Limited, when the surface estate is conveyed to Evansville, Inc., and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA, also the right to explore, develop, or remove mineral materials from the subsurface estate in lands within the boundaries of the Native village of Evansville shall be subject to the consent of Evansville, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week for four (4) consecutive weeks, in the TUNDRA TIMES.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 CODE OF FEDERAL REGULATIONS (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 29, 1982 to file an appeal.

Any party known or unknown

(waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Evansville, Inc.
Evansville, Alaska 99726

Doyon, Limited
Land Department
Doyon Building
201 First Avenue
Fairbanks, Alaska 99701

State of Alaska
Department of Natural Resources
Division of Research & Development
Pouch 7-005
Anchorage, Alaska 99501

/s/ Ann Johnson
Chief, Branch of
ANCSA Adjudication

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT — ALASKA

Notice for Publication
F-14840-A, F-14840-B
Alaska Native Claims Selection

On October 22, 1974, Thtteet' Ali, Inc., for the Native village of Birch Creek, filed selection application F-14840-A and on December 16, 1974, filed selection application F-14840-B, as amended, under the provisions of sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), as amended, for the surface estate of certain lands in the vicinity of Birch Creek, Alaska. Thtteet' Ali, Inc., in its applications, excluded the following bodies of water as being navigable:

Twin Island Lake located in Secs. 13, 14, 15, 22, 23, 24, and 26, T. 16 N., R. 9 E., Fairbanks Meridian;

Chioya Lake located in Secs. 6, 7, 8, 17, 18, 19, and 20, T. 16 N., R. 9 E., Fairbanks Meridian;

Unnamed lake in Secs. 7, 17, 18, 19, and 20, T. 17 N., R. 9 E., Fairbanks Meridian;

Unnamed lake in Secs. 15, 16, 21, and 22, T. 16 N., R. 9 E., Fairbanks Meridian; and

Unnamed lake in Secs. 8, 9, 10, 15, 16, and 17, T. 17 N., R. 8 E., Fairbanks Meridian.

Because these water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of ANCSA. Section 12(a) of ANCSA and Departmental regulation 43 CFR 2651.4(b) and (c) provide that the village corporation shall select all available lands within the township or townships within which the village is located. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries.

For these reasons the water bodies which were improperly excluded in the applications of Thtteet' Ali, Inc., are considered selected.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of ANCSA, as amended, and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, as amended, aggregating approximately 64,230 acres, is considered proper for acquisition by Thtteet' Ali, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Fairbanks Meridian, Alaska
(Unsurveyed)

T. 17 N., R. 8 E.
Secs. 7 to 36, inclusive.

Containing approximately 18,488 acres.

T. 16 N., R. 9 E.
Sec. 1, excluding Native allotments F-12005 and F-17136;
Sec. 2, excluding Native allotment F-12005;

Secs. 3 and 4,
Sec. 5, excluding Native allotment F-14715;

Sec. 6, excluding Native allotment F-14726;

Sec. 7, excluding Native allotments F-14714 and F-14726;

Sec. 8, excluding Native allotments F-13836, F-14714, and F-14715;

Secs. 9, 10, and 11;

Sec. 12, excluding Native allotments F-023054 Parcel C and F-17136;

Sec. 13, excluding Native allotment F-023054 Parcel C;

Secs. 14, 15, and 16;

Sec. 17, excluding Native allotment F-13836;

Sec. 18, excluding Native allotments F-14716 Parcel B and F-17740 Parcel B;

Secs. 19, 20, and 21;

Sec. 22, excluding Native allotment F-12006;

Sec. 23, excluding Native allotment F-023054 Parcel B;

Sec. 24;

Sec. 25, excluding Native allotment F-14728;

Secs. 26 and 27.

Containing approximately 15,829 acres.

T. 17 N., R. 9 E.
Secs. 1 to 25, inclusive;

Secs. 27 and 28, excluding U.S. Survey No. 4481 and those lands within Airport lease F-21745; Secs. 29 to 32, inclusive; Sec. 33, excluding U.S. Survey No. 4481 and Native allotment F-023054 Parcel A;

Sec. 34, excluding U.S. Survey No. 4481;

Secs. 35 and 36.

Containing approximately 22,597 acres.

T. 17 N., R. 10 E.
Secs. 25 to 36, inclusive.

Containing approximately 7,316 acres.

Aggregating approximately 64,230 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14840-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be non-navigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reasons: Lands are no longer under Federal jurisdiction or lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions DO NOT constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)), as amended; and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1616(b)), as amended, the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14840-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 FOOT TRAIL — The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

ONE ACRE SITE — The uses allowed for a one (1) acre site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

- a. (EIN 1 C4, C5, M) A one (1) acre site easement upland of the ordinary high water mark on the right bank of Lower Mouth Birch Creek, in Sec. 25, T. 17 N., R. 10 E., Fairbanks Meridian. The uses allowed are those listed above for a one (1) acre site.
- b. (EIN 3 C5, M) A one (1) acre site easement upland of the ordinary high water mark on the left bank of Lower Mouth Birch Creek, in Sec. 34, T. 17 N., R. 8 E., Fairbanks Meridian. The uses allowed are those listed above for a one (1) acre site.
- c. (EIN 12 C5, M) A one (1) acre site easement upland of the ordinary high water mark on the right bank of Beaver Creek, in Sec. 33, T. 17 N., R. 8 E., Fairbanks Meridian. The uses allowed are those listed above for a one (1) acre site.
- d. (EIN 21 M) An easement for an existing access trail twenty-five (25) feet in width from the village of Birch Creek in Secs. 33 and 34, T. 17 N., R. 9 E., Fairbanks Meridian, northerly to public lands and on to Ft. Yukon. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- e. (EIN 26 C5) An easement for an existing access trail twenty-five (25) feet in width from Beaver Creek in Sec. 33, T. 17 N., R. 8 E., Fairbanks Meridian, easterly to Lower Mouth Birch Creek. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- f. (EIN 32 E) An easement for a proposed access trail twenty-five (25) feet in width from trail EIN 21 M in Sec. 36, T. 18 N., R. 9 E., Fairbanks Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until November 1, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Thtteet' Ali, Inc.
Birch Creek Village
via Fort Yukon, Alaska 99740

Doyon, Limited
Land Department
Doyon Building
201 First Avenue
Fairbanks, Alaska 99701

/s/ Ann Johnson
Chief, Branch of

the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended, any valid existing right recognized by ANCSA shall continue to have whatever right of access is now provided for under existing law;
3. The following third-party interest, identified by the U.S. Department of the Interior, Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

A granted road right-of-way permit, R-45-YF (formerly F-33840) issued to the State of Alaska, Department of Transportation and Public Facilities, to use and occupy certain lands on the Yukon Flats National Wildlife Refuge, for the purpose of maintenance of a public road from the village of Birch Creek to the Birch Creek Airport, located in Secs. 27 and 28, T. 17 N., R. 9 E., Fairbanks Meridian; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1613(c)), as amended, that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Thtteet' Ali, Inc., is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 64,230 acres. The remaining entitlement of approximately 4,890 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate shall be issued to Doyon, Limited, when the surface estate is conveyed to Thtteet' Ali, Inc., and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop or remove mineral materials from the subsurface estate in lands within the boundaries of the Native village of Birch Creek shall be subject to the consent of Thtteet' Ali, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week for four (4) consecutive weeks, in the TUNDRA TIMES.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 CODE OF FEDERAL REGULATIONS (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

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Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Thtteet' Ali, Inc.
Birch Creek Village
via Fort Yukon, Alaska 99740

Doyon, Limited
Land Department
Doyon Building
201 First Avenue
Fairbanks, Alaska 99701

/s/ Ann Johnson
Chief, Branch of