

(Continued from Page 18)

It conveys to Mentasta, Incorporated is 37,896 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act 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, aggregating approximately 65,170 acres, is considered proper for acquisition by Mentasta, Incorporated and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey 4362, located at Mentasta, Alaska, on both sides of the Old Mentasta Road, those portions described as follows:

Tract B, excluding Native allotment applications F-032026 (Anch.) and F-534 (Anch.); Tract D, excluding Native allotment applications F-032026 (Anch.), F-534 (Anch.), and F-12963 (Anch.).

Containing approximately 355 acres.

Copper River Meridian, Alaska (Unsurveyed)

T. 12 N., R. 9 E.
Secs. 3, 4, 9 and 10, all;
Sec. 15, excluding Native allotment application A-058197 and U.S. Survey 5247;

Sec. 16, excluding U.S. Survey 5247;
Sec. 20, excluding U.S. Survey 3331;
Sec. 21, excluding U.S. Surveys 4337 and 4976.

Containing approximately 5,043 acres.

T. 13 N., R. 8 E.
Sec. 1, excluding U.S. Survey 4362 and Native allotment application F-12148 (Anch.);
Sec. 2, excluding U.S. Survey 4362;
Secs. 3 to 10, inclusive, all;
Sec. 11, excluding U.S. Surveys 3615, 4362 and Native allotment application F-032026 (Anch.);
Sec. 12, excluding U.S. Surveys 3615, 4362 and Native allotment applications F-534 (Anch.), F-12148 (Anch.), F-12963 (Anch.), F-032036 (Anch.), F-17766 (Anch.) Parcel A and F-14587 (Anch.);
Sec. 13, excluding U.S. Survey 3615 and Native allotment applications F-14587 (Anch.) and F-17766 (Anch.) Parcel A;
Sec. 14, excluding U.S. Survey 3615;
Secs. 15 to 36, inclusive, all.

Containing approximately 21,976 acres.

Copper River Meridian, Alaska (Surveyed)

T. 13 N., R. 9 E.
Tract A, those portions more particularly described as: (protracted)

Sec. 1, all;
Sec. 2, excluding U.S. Survey 4361 and Native allotment application F-13721 (Anch.);
Sec. 3, excluding U.S. Survey 4361 and Native allotment applications F-12307 (Anch.), F-13059 (Anch.) and F-13735 (Anch.) Parcel B;

Sec. 4, excluding Native allotment applications F-13059 (Anch.) and F-13710 (Anch.) Parcel B and F-14582 (Anch.);
Sec. 5, excluding U.S. Surveys 4364 and 4385 and Native allotment applications F-13065 (Anch.) Parcel A and F-14582 (Anch.);
Sec. 6, excluding U.S. Surveys 3616, 4362 and 4364;

Sec. 7, excluding U.S. Surveys 3616, 4362, 4364 and Native allotment applications F-12963 (Anch.) and F-031218 (Anch.) Parcel A;
Sec. 8, excluding Native allotment applications F-12944 (Anch.) F-13710 (Anch.) Parcel A, F-14582 (Anch.), and Open-to-Entry leases ADL-49752, ADL-49753 and ADL-52492;

Sec. 9, excluding Native allotment application F-14582 (Anch.);
Sec. 10, excluding Native allotment application F-13735 (Anch.) Parcel B;
Sec. 11, excluding U.S. Survey 4361;

Secs. 12 to 16, inclusive, all;
Sec. 17, excluding Native allotment applications F-12944 (Anch.) and F-13713 (Anch.);
Sec. 18, excluding Native allotment applications F-12306 (Anch.) Parcel B, F-13707 (Anch.) and Open-to-Entry Leases ADL-51166, ADL-51709, ADL-53039 and ADL-53041;

Sec. 19, all;
Sec. 20, excluding Native allotment application F-13713 (Anch.);
Sec. 21, excluding Open-to-Entry

lease ADL 52410;
Secs. 22 and 23, excluding U.S. Survey 4016 and Native allotment application F-12052 (Anch.);
Secs. 24 to 31, inclusive, all;
Sec. 32, excluding Native allotment application F-13721 (Anch.) Parcel B;
Secs. 33 to 36, inclusive, all.

Containing approximately 21,189 acres.

T. 13 N., R. 10 E.
Tract "A", those portions more particularly described as: (protracted)

Sec. 1, all;
Sec. 2, excluding U.S. Survey 4045 and Native allotment application F-8594 (Anch.) Parcel B;

Sec. 3, excluding Native allotment application F-17744 (Anch.) Parcel A;

Sec. 4, all;
Sec. 5, excluding U.S. Survey 5621;
Sec. 6, excluding U.S. Survey 5621;
Sec. 7, excluding Native allotment application F-12306 (Anch.) Parcel A;

Sec. 8, excluding Native allotment application F-12306 (Anch.) Parcel A;
Secs. 9 to 11, inclusive, all.

Containing approximately 6,637 acres.

T. 13 N., R. 11 E.
Those portions more particularly described as: (protracted)

Secs. 4 and 5, all;
Sec. 6, excluding Native allotment application F-12306 (Anch.) Parcel C.

Containing approximately 1,900 acres.

T. 14 N., R. 11 E.
Tract "A", those portions more particularly described as: (protracted)

Sec. 4, excluding U.S. Survey 4030;
Secs. 5 and 9, all;
Secs. 16 and 21, all;
Sec. 28, excluding U.S. Surveys 2980, 3030 and Native allotment application F-8594 (Anch.) Parcel C;

Sec. 32, excluding U.S. Surveys 2980, 3722, 4356 and Native allotment application F-14022 (Anch.) Parcel A;

Sec. 33, excluding U.S. Survey 2980.

Containing approximately 4,870 acres.

T. 15 N., R. 11 E.
Those portions more particularly described as: (protracted)

Secs. 16, 20, 21, 29 and 32, all.

Containing approximately 3,200 acres.

Aggregating approximately 65,170 acres.

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 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(p) (1976)) 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 casefile AA-6716-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, dog-sled, animals, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicles Weight (GVW)).

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

60 FOOT ROAD. The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dog-sled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

100 FOOT PROPOSED ROAD. The uses allowed on a one hundred (100) foot wide road easement are: travel by foot, dog-sled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks. All roads in this category must be proposed for construction within a five-year period. If the road is not constructed the easement will be reduced to a trail and the uses will be consistent with the trail width. If after the road has been constructed a lesser width is sufficient to accommodate the road, the easement shall be reduced to a 60 foot wide easement.

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

a. (EIN 2 C3, D1, L) An easement sixty (60) feet in width for an existing road on the Glenn Highway (Tok Cutoff) in Sec. 12, T. 13 N., R. 9 E., Copper River Meridian, westerly to the village of Mentasta Lake. The uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 3a C5, D9) An easement for an existing access trail twenty-five (25) feet in width from the Glenn Highway (Tok Cutoff) in Sec. 7, T. 13 N., R. 10 E., Copper River Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 5 C5, D1, L) An easement for an existing access trail fifty (50) feet in width from the Glenn Highway (Tok Cutoff) in Sec. 35, T. 13 N., R. 9 E., Copper River Meridian, southeasterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 8 C1, C5) A site easement upland of the ordinary high water mark in Sec. 3, T. 12 N., R. 9 E., Copper River Meridian, on the right bank of the Siana River at the southwest corner of the Siana River Bridge. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site easement.

e. (EIN 10 C3, C5, D1, D9, L) An easement for an existing access trail fifty (50) feet in width from Mentasta Lake Village in Sec. 1, T. 13 N., R. 8 E., Copper River Meridian, northwesterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

f. (EIN 11 C3, C5, D1, D3, D9, L) An easement for an existing access trail twenty-five (25) feet in width from the Glenn Highway (Tok Cutoff) in Sec. 21, T. 12 N., R. 9 E., Copper River Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 22 C5, D1, L) An easement for an existing access trail fifty (50) feet in width from the Glenn Highway (Tok Cutoff) in Sec. 28, T. 14 N., R. 11 E., Copper River Meridian, southerly paralleling the Little Tok River to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

h. (EIN 24a D1, L) An easement for an existing access trail twenty-five (25) feet in

width from the Glenn Highway (Tok Cutoff) in Sec. 8, T. 14 N., R. 11 E., Copper River Meridian, easterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

1. (EIN 33 C5) An easement for the upgrading and realignment of the Glenn Highway (Tok Cutoff) from the Siana River Bridge in Sec. 3, T. 12 N., R. 9 E., Copper River Meridian, northwesterly to Bertell Creek in Sec. 7, T. 13 N., R. 10 E., Copper River Meridian. The specific description of this easement is described in right-of-way application AA-14626. The uses allowed are those listed above for a one hundred (100) foot wide road easement.

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

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
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 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way, or easement, and the right of the 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 (88 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.
3. A right-of-way for material sites granted under the Federal Aid to Highways Act of August 27, 1958, as amended (72 Stat. 885; 23 U.S.C. 317) as to:

a. F-026112, E½NW¼, protracted Sec. 14, T. 13 N., R. 9 E., Copper River Meridian.

b. F-031654, protracted Sec. 35, T. 13 N., R. 9 E., Copper River Meridian.

c. F-029821, protracted Sec. 1, T. 13 N., R. 10 E., Copper River Meridian.

d. F-031377, protracted Sec. 1, T. 13 N., R. 10 E., Copper River Meridian.

e. F-029821, SW, protracted Sec. 4, T. 13 N., R. 10 E., Copper River Meridian.

f. F-031525, SW¼SW¼, protracted Sec. 5, T. 13 N., R. 10 E., Copper River Meridian.

g. F-029041, SW¼SE¼, protracted Sec. 6, T. 13 N., R. 10 E., Copper River Meridian.

h. F-031672, SE¼NW¼, protracted Sec. 1, T. 13 N., R. 10 E., Copper River Meridian and SW¼NW¼, Sec. 6, T. 13 N., R. 11 E., Copper River Meridian.

i. F-025169, NE¼NW¼, protracted Sec. 16, T. 14 N., R. 11 E., Copper River Meridian.

j. F-025172, SE¼SE¼, protracted Sec. 9, T. 14 N., R. 11 E., Copper River Meridian.

k. F-025372, E½, protracted Sec. 16, T. 15 N., R. 11 E., Copper River Meridian.

4. The following third-party interests, if valid, created and identified by the State of Alaska, as provided by Sec. 14(g) of ANCSA:

a. Right-of-way Permit, ADL 27074, traversing selected lands in protracted Secs. 5, 28, and 32, T. 14 N., R. 11 E., and protracted Secs. 29 and 32, T. 15 N., R. 11 E., Copper River Meridian.

b. Utility lease ADL-30089 located in SW¼SW¼SW¼ of protracted Sec. 16 and NW¼NW¼ of protracted Sec. 21, T. 14 N., R. 11 E., Copper River Meridian (Surveyed Tract A).

5. An easement for highway purposes, including appurtenant protective, scenic and service areas, extending 150 feet on each side of the centerline of the Glenn Highway (Tok Cutoff), as established by Public Land Order 1613 (23 F.R. 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898) and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, P.L.

86-70 (73 Stat. 141) as to protracted Secs. 3, 10, 15, 16, 20 and 21, T. 12 N., R. 9 E., protracted Secs. 11, 12, 14, 15, 22, 23, 27, 34 and 35, T. 13 N., R. 9 E., protracted Secs. 1, 2, 3, 4, 5, 6, 7, and 8, T. 13 N., R. 10 E., protracted Sec. 6, T. 13 N., R. 11 E., protracted Secs. 4, 5, 9, 16, 28, and 32, T. 14 N., R. 11 E., protracted Secs. 16, 20, 21, 29, and 32, T. 15 N., R. 11 E., Copper River Meridian, Alaska;

6. An easement and right-of-way 50 feet in width (25 feet on each side of the centerline), conveyed to RCA Alaska Communication, Inc., by Easement Deed dated January 10, 1971, F-13508, pursuant to the Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771, et seq.) as to: Protracted Secs. 3, 10, 15, 16, 20, 21, T. 12 N., R. 9 E., protracted Secs. 11, 12, 14, 15, 22, 23, 26, 27, 34, 35, T. 13 N., R. 9 E., protracted Secs. 1 to 10 inclusive, T. 13 N., R. 10 E., protracted Sec. 6, T. 13 N., R. 11 E., protracted Secs. 4, 5, 9, 16, 28, 32, T. 14 N., R. 11 E., protracted Secs. 16, 20, 21, 29, 32, T. 15 N., R. 11 E., Copper River Meridian, Alaska; and

7. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Mentasta, Incorporated 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 65,170 acres. The remaining entitlement of approximately 3,950 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to AHTNA, Inc. when the surface estate is conveyed to Mentasta, Incorporated, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above described lands.

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 ANCHORAGE TIMES and the TUNDRA TIMES. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska National Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99501 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until July 30, 1979 to file an appeal.
3. Any party known or unknown who may claim a property interest which 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 Alaska Native Claims Appeal Board.

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:

Mentasta, Incorporated
Mentasta Lake via
Tok, Alaska 99780

AHTNA, Inc.
Drawer G
Copper Center, Alaska 99573

State of Alaska
Division of Lands
323 East Fourth Avenue
Anchorage, Alaska 99501

/s/Robert D. Arnold
Assistant to the State Director
for ANCSA

publish 7/4, 7/11, 7/18, 7/25