

Alaska Dispatch News

Published on *Alaska Dispatch News* (<http://www.adn.com>)

[Home](#) > State asks feds for transfer of 19,322 disputed acres on North Slope

[Dermot Cole](#) ^[1]

October 20, 2014

Main Image:

[Property dispute](#) ^[2]

When President Dwight D. Eisenhower inked the declaration under which the 49th state joined the union, no one thought that 55 years later, the state and federal governments would still be arguing about the map of Alaska.

A key part of the Alaska Statehood Act allowed the new state to select a land entitlement of about 104 million acres, with a goal of using that land as the basis for its future economy.

One of the earliest statehood selections for land on the North Slope later turned out to contain the largest oil field ever found in North America, a bonanza that has fueled the economy for nearly 40 years.

But completing the land selections, a real estate transaction that exceeds the size of California, has proven to be more difficult than anyone predicted.

Decades of delay followed because Congress didn't settle Native land rights until 1971, and a growing national environmental movement led to a [landmark 1980 law](#) ^[3] putting 100 million acres of Alaska into parks and other conservation units.

To date, the federal government has transferred almost 100 million acres, with 5 million acres yet to be settled upon.

But disputes continue over tracts of land that either are or are not eligible for state land selection.

On Friday, the [state sent a letter](#) ^[4] to the Bureau of Land Management asking for a "priority conveyance" of 19,322 acres that the state contends are west of the Arctic National Wildlife Refuge rather than in the refuge. The property is not far from the Point Thomson oil field and the state wants to offer it for oil and gas leasing.

For nearly a half-century, the state has periodically made claims to the property, while the federal government has argued that it rightly remains in federal hands.

The Parnell administration contends that the U.S. Fish & Wildlife Service has erroneous maps and doesn't know where its property ends. The state argues that land between the Canning River and the Staines River is not part of the refuge. It cites a proposed map published in 1957 that showed the western boundary at the Canning River.

But the status of the land is not that clear-cut.

For instance, the ANWR map on the state website [5] shows the Staines River as the boundary.

"The maps show the boundaries [6] of the conservation system units created or expanded by ANILCA, as of December 2, 1980," the state says. "The photographs of the maps were taken by state personnel within several days of the December 2, 1980 passage of ANILCA."

As part of the 1980 Alaska National Interest Lands Conservation Act, the Fish and Wildlife Service published a map showing the western boundary of the refuge extending past the Canning River to the Staines River.

Both river names originated with Sir John Franklin in 1828, one named for British Foreign Minister George Canning and the other for Sir Thomas Staines, a Royal Navy officer.

The federal government has long maintained that there is nothing wrong with its maps and that the land is part of the refuge. The Staines River is a distributary of the Canning River, which is the opposite of a tributary.

The Staines and Canning rivers flow from the same source and divide into two streams on the Arctic coastal plain, which is one reason why the Alaska Department of Fish and Game has long referred to the Staines as the "Staines River Branch of the Canning River."

But the state says its investigation shows that the Staines is "neither the west bank of the Canning, nor the extreme west bank of the Canning."

Natural Resources Commissioner Joe Balash said that a 1983 legal description by the Fish & Wildlife Service helps bolster its argument. The legal description uses the name Canning River, but the coordinates shown are for a spot several miles to the west on the Staines River.

This means that the legal description is either a "geographic impossibility," as the state says, or it is a possibility, based on the belief that the Staines is the west bank of the Canning.

The west bank property dispute is under review by the BLM land transfer office.

Source URL: <http://www.adn.com/article/20141020/state-asks-feds-transfer-19322-disputed-acres-north-slope>

Links:

[1] <http://www.adn.com/author/dermot-cole>

[2] <http://www.adn.com/image/property-dispute>

[3] <http://dnr.alaska.gov/commis/opmp/anilca/more.htm>

[4] http://dnr.alaska.gov/commis/priorities/ANWR_boundary.pdf

[5] http://dnr.alaska.gov/mlw/title/anilca/Arctic_NWR.pdf

[6] <http://dnr.alaska.gov/mlw/title/anilca/index.cfm>