

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

1531.3 SCOMM 56A: JNT. SPEC. MENTAL HEALTH TRUST LAND, 1987 385

Effective date — Section 70, ch. 21, May 10, 1985, in accordance with AS SLA 1985, makes this section effective 01.10.070(c).

Sec. 39.05.060. Appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions. (a) Each member of the following shall be a citizen of the United States:

- (1) Local Boundary Commission;
 - (2) Alcoholic Beverage Control Board;
 - (3) Employment Security Advisory Council;
 - (4) Alaska State Housing Authority;
 - (5) Board of Fisheries;
 - (6) Board of Tourism;
 - (7) [Repealed, § 72 ch 59 SLA 1982.]
 - (8) [Repealed, § 36 ch 124 SLA 1975.]
 - (9) the Governor's Commission on the Involvement of Young People in Government;
 - (10) Board of Game.
- (b) The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. Appointments are subject to confirmation by a majority of the members of the legislature in joint session.

(c) [Repealed, § 56 ch 21 SLA 1985.]

(d) A vacancy occurring during a term of office is filled in the same manner as the original appointment is made and for the balance of the unexpired term. Each member holds office at the pleasure of the governor notwithstanding the member's term. (§ 6 ch 64 SLA 1959; am § 2 ch 34 SLA 1960; am § 2 ch 89 SLA 1964; am § 2 ch 90 SLA 1967; am § 10 ch 96 SLA 1967; am § 1 ch 107 SLA 1969; am § 30 ch 46 SLA 1970; am § 2 ch 121 SLA 1971; am § 36 ch 124 SLA 1975; am §§ 34-36 ch 206 SLA 1975; am § 72 ch 59 SLA 1982; am §§ 56, 57 ch 21 SLA 1985)

Effect of amendments. — The 1985 amendment, effective May 10, 1985, repealed subsection (c), concerning initial appointments of board or commission

members, and deleted "Initial terms date from February 1 before appointment." at the beginning of subsection (d).

Chapter 20. Compensation and Allowance

Article

1. Salaries (§§ 39.20.010, 39.20.030)
2. Leaves of Absence (§§ 39.20.245, 39.20.310)

Article 1. Salaries.

Section

10. Annual salary of governor
30. Annual salary of lieutenant governor

Sec. 39.20.010. Annual salary of governor. The annual salary of the governor is \$81,648. (§ 1 ch 39 SLA 1959; am § 1 ch 115 SLA 1965; am § 4 ch 101 SLA 1969; am § 4 ch 193 SLA 1970; am § 5 ch 34 SLA 1974; am § 7 ch 148 SLA 1976; am § 9 ch 263 SLA 1976; am § 6 ch 3 SLA 1980; am § 21 ch 3 SLA 1980; am § 2 ch 87 SLA 1985)

Effect of amendments. — The 1985 amendment, effective July 16, 1985, substituted "Annual" for "Monthly" in the catchline and "annual" for "monthly" and

"\$81,648" for "equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska."

Sec. 39.20.030. Annual salary of lieutenant governor. The annual salary of the lieutenant governor is \$76,188. (§ 1 ch 40 SLA 1959; am § 2 ch 115 SLA 1965; am § 1 ch 123 SLA 1967; am § 5 ch 101 SLA 1969; am § 5 ch 193 SLA 1970; am § 6 ch 34 SLA 1974; am § 8 ch 148 SLA 1976; am § 10 ch 263 SLA 1976; am § 7 ch 3 SLA 1980; am § 22 ch 3 SLA 1980; am § 3 ch 87 SLA 1985)

Effect of amendments. — The 1985 amendment, effective July 16, 1985, substituted "Annual" for "Monthly" in the catchline and in the section substituted

"annual" for "monthly" and "\$76,188" for "equal to Step F, Range 28 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska."

Article 3. Leaves of Absence.

Section

245. Donation of leave
310. Exceptions

Sec. 39.20.245. Donation of leave. (a) An officer or employee may donate one or more days of personal leave a year to the memorial scholarship revolving loan fund, or to a scholarship account in the fund, under AS 14.43.250 — 14.43.325. The commissioner of administration shall pay to the account of the memorial scholarship revolving loan fund, or to a scholarship account in the fund, an amount equal to the value of the day or days of personal leave contributed by the officer or employee.

SCR 36

Offered: 5/10/86
Referred: Ruler,

Original sponsors: Josephson, Sackett,
Rodey, et al

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 36 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 Establishing a joint special committee
6 on mental health trust land.
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 WHEREAS the United States Congress granted 1,000,000 acres of land to
9 the Territory of Alaska to be administered as a public trust for the neces-
10 sary expenses and support of mental health in the territory; and
11 WHEREAS in October 1983, the Alaska Supreme Court determined that the
12 1978 decision of the Alaska Legislature to redesignate mental health trust
13 land as general grant land had breached the trust established by the Con-
14 gress; and
15 WHEREAS the funding level for the mental health programs in the state
16 is one of the lowest in the nation on a per capita basis; and
17 WHEREAS the legislature, the administration, and mental health advo-
18 cates agree that the state must comply with the intent of the Congress that
19 mental health programs in the state receive sufficient funding; and
20 WHEREAS it is not in the public interest that continued litigation
21 over the mental health land trust divert attention from the underlying goal
22 of increased funding for mental health programs and care in the state; and
23 WHEREAS present state statutes do not explicitly provide for the
24 management of mental health trust land for maximum revenue production; and
25 WHEREAS the return of mental health trust land to trust status pre-
26 cludes management of mental health trust land for its highest and best use;
27 BE IT RESOLVED by the Alaska State Legislature that a Joint Special
28 Committee on Mental Health Trust Land is established under Uniform Rule 21;
29 and be it

1 **FURTHER RESOLVED** that the Joint Special Committee on Mental Health
2 Trust Land is composed of three members of the Senate appointed by the
3 president of the Senate, three members of the House of Representatives
4 appointed by the speaker of the House of Representatives, and two public
5 members interested in the mental health trust land issue; the public mem-
6 bers shall be selected by the other members of the Joint Special Committee
7 on Mental Health Trust Land; and be it

8 **FURTHER RESOLVED** that one member appointed from the House of Represen-
9 tatives be from the membership of the House Finance Committee and one
10 member appointed from the Senate be from the membership of the Senate
11 Finance Committee; and be it

12 **FURTHER RESOLVED** that the Joint Special Committee on Mental Health
13 Trust Land develop, after public hearings, a proposal to resolve the mental
14 health trust litigation and recommend a level of appropriations adequate to
15 provide sufficient funding for mental health programs in the future; and be
16 it

17 **FURTHER RESOLVED** that the committee is authorized to meet during and
18 between sessions of the legislature and is to report its recommendations
19 and findings on the first day of the First Session of the Fifteenth State
20 Legislature; and be it

21 **FURTHER RESOLVED** that the committee terminates on the 10th day of the
22 First Session of the Fifteenth State Legislature.

DEPT. OF

NATURAL

RESOURCES

D.O. #121

MEMORANDUM

State of Alaska

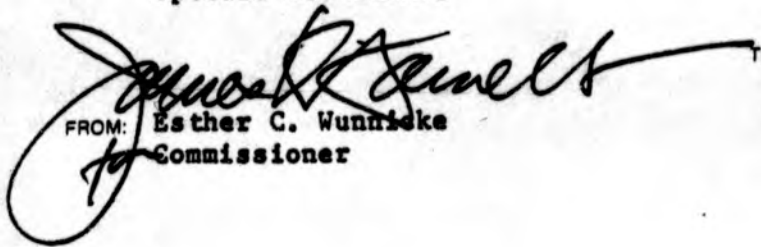
DEPARTMENT OF NATURAL RESOURCES, Office of the Commissioner

TO: Deputy Commissioners
Division Directors
Special Assistants

DATE: May 15, 1986

FILE NO:

TELEPHONE NO:

FROM:  Esther C. Wunniske
Commissioner

SUBJECT: Revision of Department
Order 121

Attached is Department Order 121 as revised. This order replaces both the order as originally issued on December 11, 1985 and my February 26, 1986 directive concerning the cessation of certain activities on mental health land. Your continued assistance and compliance with all aspects of this order is appreciated.

I anticipate that actions in Category "C" may already be in progress under the original order. Notice for these actions should be made to the Mental Health Land Officer as soon as possible. If there is an important deadline that will be missed by adherence to the new notice time frame required by this order, you should notify the Officer. She will then attempt to expedite the review of these cases.

A new bill creating an Interim Mental Health Trust Commission (HCS CSSB 472) was recently passed by the legislature. When that bill is signed into law, all disposal actions on mental health land must cease until approved by the commission. You will be notified by PROFS when the bill is signed.

This revised departmental order is effective immediately.

Attachments: DO 121
Mental Health Fact Sheet

cc: Tom Koester, AGO
David Walker
Jim Gottstein
Barbara Wihldorg, MHAC

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES, Office of the Commissioner

TO: Deputy Commissioners
Division Directors
Special Assistants

DATE: May 13, 1986

FILE NO: REVISED

TELEPHONE NO:

FROM: Esther C. Wunnicke
Commissioner

SUBJECT: DEPARTMENT ORDER 121:
Mental Health Land Interim
Management

Issue

On October 4, 1985, the Alaska Supreme Court decided that the 1978 legislative redesignation of mental health grant land to general grant land was invalid. The court returned the land to trust status and ordered the state to reimburse the trust and devise a future land management program for the trust lands. This department order is intended to implement the court mandate on an interim basis and is open to amendment as necessary. We will continue to seek long term resolution in consultation with the Attorney General's Office, the legislature and the affected parties.

Introduction

In July 1956, Congress passed Alaska's Mental Health Enabling Act. The act established "a public trust to be used first for the necessary expenses of the mental health program of Alaska." One million acres of federal land were granted to the Territory of Alaska to form the economic base for the trust. Any monies remaining after mental health program costs were met could be spent for other public purposes at the discretion of the legislature. Although a formal mental health trust fund was never established, income generated from mental health lands was tracked and the Alaska Legislature made appropriations for mental health programs.

Mental health grant land selections were subsequently made between 1956 and 1966, largely near centers of population (Anchorage, Fairbanks, Juneau, Kenai etc.), the railbelt, and other areas believed to be valuable for subsurface resources (Beluga coal, Kenai oil, etc.). State and federal records show that by December, 1985 approximately 1,005,884¹ acres had been transferred to state ownership. Some of this acreage has been conveyed by the state to other entities; the remainder is managed by the Department of Natural Resources.

¹Although these records currently show an overconveyance, both state and federal officials agree that the reconveyance liability (caused by valid third party interests in existence prior to the state's selection of the land, administrative errors, and erroneously charged acreage due to meanderable waters or other survey problems) should produce a slight underconveyance.

In 1978, the legislature redesignated state trust land/s (mental health, and school) as general statehood grant land. The redesignation provided for an undifferentiated land base which made the land easier and more cost effective to administer. The legislation also established separate trust funds for all the trusts. The mental health trust fund was to be financed by 1.5 percent of the annual receipts from all state land. However, the funding mechanism set out in the 1978 act was never implemented by the legislature, and mental health advocates sued the state in November, 1982 to restore the mental health trust (Weiss v. Alaska).

In September 1984, the Superior Court directed the state to reimburse the trust for the full value of the land designated in 1978. In response, the state completed an audit of the land and calculated its corresponding (1978) value. The case was then appealed to the Alaska Supreme Court.

On October 4, 1985 the Alaska Supreme Court issued a decision which found that the legislature breached the mental health trust in 1978 when it redesignated the mental health trust land. The relief granted by the court returns the land remaining in state ownership to trust status and requires the state to reimburse the trust for land which has been sold, minus expenditures made for mental health programs. Mental health trust land is to continue to be managed by the Department of Natural Resources. The responsibility for defining details of the settlement, including land management responsibilities, was remanded to the Superior Court. However, the legislature has recently passed legislation affecting the administration of mental health land. (HCS CSSB 472, creating an Interim Mental Health Trust Commission and HCS CSSCR 36, establishing a joint special committee on mental health trust land).

The creation of a new legislative foundation for mental health land management may not occur for some time, and the state (in conjunction with the commission when established) must provide for interim management of mental health trust land. The most important consideration in management of mental health land is to comply with the intent of the original grant. Therefore, to the extent that existing state statutes (e.g. Title 38 of the Alaska Statutes) and regulations (e.g. Title 11 of the Alaska Administrative Code) used by the department may conflict with the intent of the Mental Health Enabling Act, those statutes and regulations do not apply.

The purpose of the Mental Health Enabling Act (MHEA) was to produce revenue to provide for an integrated mental health program for Alaska. Section 202(e) of the act sets out the management parameters for the trust. That section states in part:

"Such lands, income, and proceeds shall be managed and utilized in such manner as the Legislature of Alaska may provide..."

That section additionally states that mental health land, and property acquired out of trust income or by exchange....

"may be sold, leased, mortgaged, exchanged, or otherwise disposed of in such manner as the Legislature of Alaska may provide, in order to obtain funds or other property to be invested, expended, or used by ... Alaska."

It is important that all decisions regarding interim management of mental health land be prudent and within the parameters of the MHEA.

Requirement for Special Notice

Oversight of all departmental actions pertaining to mental health trust land will be performed by the plaintiffs and intervenor until other oversight provisions are made. Notice of all departmental actions shall be provided to the plaintiffs and intervenor at least 30 days prior to any action taking place. We expect their review to take 30 days, however, upon request, another 30 day review period will be granted by the department. (Notice will also be given to the Department of Law). Some actions (see Category B below) will require concurrence prior to public review of the proposal. Actions which the department judges to comply with the trust (Category C) or to have resulted in the vesting of equitable title with the applicant (Category D), will not require concurrence from the plaintiffs/intervenor. However, notice of these actions will be given as outlined above to allow any action to be appealed by the plaintiffs/intervenor as well as other affected parties. Notice of police power actions (C-10) shall occur as early in the process as possible, but these actions are not necessarily bound by the 30 day notice requirement above. Procedures for notice under this department order are found in Section III, Implementation.

If an action also requires public notice under AS 38.05.945, that notice must specifically state that the land included is mental health trust land. Notice under this department order shall constitute notice to the plaintiffs and intervenor under AS 38.05.945(b)(3).

Interim Mental Health Trust Commission and Joint Special Committee on Mental Health Trust Land

The 1986 Alaska State Legislature established an Interim Mental Health Trust Commission within the department. With one exception (AS 38.05.035 (b)(9) land reconveyances), the Commissioner of Natural Resources may not sell, lease, or exchange mental health trust land or interests thereof, without the prior approval of the commission. Following its review of proposals for the sale, lease or exchange of mental health trust land or interests thereof, the commission may approve the proposal if determined consistent with the terms of the trust and authorize the commissioner to proceed with the transaction. Accordingly, the department will submit all proposals for sales, leases or exchange involving mental health trust land to the commission in a timely fashion and request review and a consistency determination. Therefore, after the commission is established, all asterisk items in categories B, C and D are suspended until the commission can act on them.

The legislature also established a Joint Special Committee on mental health trust land. This committee will hold public hearings and submit a proposal to the first session of the 15th State Legislature to resolve the mental health trust litigation, including appropriations adequate to fund future mental health programs in the state.

The department shall assist both the commission and committee and make its records available for examination and use.

I. Proposed Actions

The criteria to be used by the department in making and evaluating decisions regarding mental health land management, the role of the plaintiffs and intervenor in each of these decisions, and associated accounting procedures are outlined below. If disagreement regarding compliance occurs within the department, the case will be forwarded to my office for resolution.

Cases which include both mental health land and other land grant types, must be handled according to the provisions of this department order. In some instances, however, adjudicators and/or decision makers may wish to divide the acreage into separate cases in order to segregate the mental health land. The Department of Natural Resources' land and resource management activities are organized into four categories of proposed actions: A) prohibited actions which may not occur as they do not comply with the MHEA or court decision, B) actions which may occur because they comply under certain circumstances, C) authorized actions which the department judges to comply with the MHEA and the court's decision and D) actions implementing vested rights but which may not comply with the intent of the act and decision. These criteria apply to all actions occurring after the October 4, 1985 Supreme Court decision.

A department action involving mental health land which is inconsistent with the MHEA and the Alaska Supreme Court decision may not occur unless compensation is provided to the trust. Compensation shall consist of either a) replacement land designated to the trust of at least equal fair market appraised value (with consideration given to the revenue generating potential of these lands), or b) an equivalent monetary payment to the trust of at least the appraised value of the land (see Category C). When replacement land is contemplated, funding sufficient to complete necessary appraisals must be available. If monetary compensation is to be paid, legislative appropriation may be a prerequisite to action approval in some instances.

The department will review individual cases to determine whether circumstances (i.e. type of use, location, duration, improvements, financial ability of applicant, etc.) warrant performance bonding or other types of security arrangements to assure adequate protection for state resources and the mental health trust.

In unique and special circumstances, actions which are not allowed by this department order may be approved with the concurrence of the plaintiffs and intervenor. This approval should be sought through the Mental Health Land Officer prior to any formal action being taken by the department.

A) Prohibited actions:

1. Trapping cabin construction permits (AS 38.95.080) (Existing permits which are due to expire in 1986 may be renewed for a single two year period. The applicant should be advised if possible to seek a new location near the trapline which is not mental health land).

2. Homesteads/homesites (AS 38.09.020/AS 38.08.040). (If a homestead/home-site entry permit has been issued, see D-6. No new applications will be accepted, nor will any remote parcel leases be allowed to convert to homesteads under AS 38.09.100.)
3. Personal use cabin permits (11 AAC 63.010-900).
4. Remote cabin permits (AS 38.05.079).
5. Free use permits (AS 38.05.850).
6. Public use cabin permits (AS 38.05.850, 11 AAC 12.245).
7. Mining claims (AS 38.05.195). (All mental health land is presently closed to mineral entry.)
8. Grant of land discounts, including veteran's discounts (AS 38.05.940) and credits for required appraisal and survey (unless the legislature is willing to compensate the trust fund for the discount). (The applicability of discounts applied for or referenced in sales brochures prior to the Supreme Court decision is being examined by the Attorney General's Office. If an applicant insists on a decision prior to the issuance of the Attorney General's opinion, the discount will be denied.)
9. Interagency Land Management Assignments (ILMAs), public and charitable use sales and leases under AS 38.05.810, and less than fair market appraised value preference right sales and leases under AS 38.05.035 (for exceptions see B-1).
10. Municipal selection approvals (see D-2 for municipal patent issuance).
11. Credit for survey and appraisal, unless the right to those credits has already vested with the applicant (see category D).

B) Actions permitted under certain circumstances:

These actions require a special finding by the department which shows compliance with the intent of the act and court decision. That finding should be included in the best interest finding, wherever possible. The finding should consider the reason for the decision, the results of the proposed actions and future uses of the land.

*1. Less than fair market appraised value disposals (e.g. preference rights under AS 38.05.035(b)(5)) or those which place restrictions on the land's ability to produce revenue (e.g. land exchanges which restrict the revenue producing capacity of the newly acquired land); public and charitable use leases or sales (AS 38.05.810); and Interagency Land Management Assignments (ILMA's) may occur only if the sale, lease, or transfer facilitates important policy goals and the fair market value of the transaction is replaced in the trust by money or land of at least equal value.

*2. The department may create rights-of-way on mental health land without compensation, when the purpose of the right-of-way is to facilitate specific (e.g. subdivision, oil & gas or timber sales), non-speculative (i.e. planned and scheduled) actions which generate or increase income from mental health land through fair market value disposals. Other rights-of-way on mental health land, including those which facilitate revenue generation on other state lands, require compensation (see C-1).

*3. Less than fair market appraised value timber, firewood or houselog sales are allowable, even where they do not produce income for the trust, provided they facilitate forest management which will increase the future value of the timber resource or will enhance the value of the land (e.g. Rosie Creek timber sale of fire damaged trees).

*4. Millsite and tailings disposal permits, if the "reasonable charges" described in AS 38.05.255 are equal to fair market appraised value or better.

5. Temporary use permits (e.g. MLUP for Oil and Gas and Mining, LUP for other surface activities) and plans of operation, provided that they are conditioned to prohibit surface damage and/or to require the repair of any surface damage which may occur as a result. The department must take great care to ensure that no proprietary interest is inadvertently created with these permits. These permits should be made revocable without cause after a 30 day written notice.

6. Cooperative agreements, land classifications, area or management plans, land use designations and guidelines, provided they do not prohibit or constrict revenue production from the land (AS 38.04.065, 38.04.070, 38.05.300, 38.05.020(b)(2)). A rigorous evaluation of highest and best use and long term revenue production must be part of a land classification action. The department may also choose to exchange grant types for land which might be restricted.

*7. Concurrence with actions on mental health selected lands under section 906(k) of ANILCA may occur if the action would increase subsequent revenue generating potential for the trust.

C) Permitted actions

The following actions will be allowed by the department. However, the department must provide notice and allow sufficient time to contest these actions (see Requirement for Special Notice). Notice of actions in this category must be made to the Mental Health Land Officer well in advance of the expected completion date of the action (see page 10 and 11 for estimated time frames for notice). Findings required under AS 38.05.035(e) must show that an action in this category is in the best interest of the trust as well as the state.

*1. Rights-of-way (AS 38.05.850) may be granted on mental health land, provided that they generate at least fair market appraised value for the trust.

- *2. Amendments to existing sales, leases, or permits including unitization of oil and gas leases, provided that the amendment complies with this department order.
- *3. Fair market appraised value (or better) land sales that result in cash income for the trust. These land sales may be negotiated at current fair market appraised value (i.e. preference rights) or competitive, as long as fair market value is received. (See Category A for prohibited sales.).
- *4. Fair market value material or timber sales (AS 38.05.110). The value shall be based on a current appraisal or fee schedule.
- *5. Fair market appraised value land leases (AS 38.05.070) may be issued, provided they contain a reappraisal clause. Notwithstanding AS 38.05.085, reappraisals must occur no more than five years from the date of lease issuance, and no more than every five years thereafter, with no restriction on rate or dollar value increase. The reappraisal constraints of AS 38.05.085 do not apply to new leases as the intent of the federal act (to make money for the trust) and court decision take precedence over the statute.
- *6. Grazing leases are permitted when they generate at least appraised fair market value for the trust and are reappraised no more than every 5 years from the date of lease issuance.
- *7. Competitive leasable mineral sales and leases, e.g. oil & gas, coal, geothermal (AS 38.05.135-.184).
- *8. Other fair market value (rent/royalty) or better, mineral sales and leases (e.g. oil & gas, coal, geothermal).
- *9. Equal appraised fair market value land exchanges, provided that the acquired land is assigned to the trust and is not restricted in its ability to produce income for the trust (See Category B for exceptions) (AS 38.50.010-.170).
- 10. Actions under police-power and regulatory authorities (programs that apply without regard to land ownership): zoning, issuance of surface coal mining permits, burning permits, geothermal drilling permits, notice under Forest Practices Act, etc.
- *11. Reservation of easements and rights-of-way on and across land which is made available for private use, as necessary to preserve access (AS 38.04.055, AS 38.05.127; Article VIII, Sections 9 and 14, Alaska State Constitution).
- *12. Locatable mineral leases (AS 38.05.205) that generate a reasonable economic return for the trust (if a leasing system that will generate a reasonable economic return is developed, portions of mineral land may be opened to leasehold location).

13. Land reconveyance decisions may occur under AS 38.05.035(b)(9) if they constitute valid existing rights (as adjudicated by the federal Bureau of Land Management) that predate the state's selection of land. The state will be credited an equal amount of mental health land grant acreage from pending state mental health selections (over 100,000 acres remain under selection although federal and state records show the mental health entitlement more than fulfilled).

14. All mental health land within the boundaries of legislatively created units is considered by the department to be land which was not returned to the trust. Therefore actions may proceed under applicable legislative unit management practices. However, notice must be provided for all departmental actions occurring within these units on former mental health land as provided in this category. In addition, all departmental authorizations applicable to the units shall contain the following: "If a court of competent jurisdiction finds that any lands covered by this permit are mental health trust lands, the permittee shall compensate the trust at fair market value for the permitted uses."

(*)15. Ministerial acts such as assignments, defaults, reinstatements, terminations and contract* and patent* issuance and amendments may continue.

*D. Actions implementing vested rights

The department may implement decisions which would otherwise be prevented by this order (e.g. decisions to convey at less than fair market value) which were made prior to October 4, 1985, if the applicant has already obtained an equitable interest. The department will stand behind those prior conveyance decisions which were entered into in good faith and which resulted in the creation of authorized improvements by the applicant (e.g. homesteads/homesites, rights-of-way), or the transfer of management authority (e.g. approved municipal conveyances). It is our intent to uphold these vested interests and prevent situations which would result in inequitable detriment to an applicant.

Because a determination that a right has vested must be made for each case, actions in this category require a finding that, although the action may not comply with the order, the case was authorized by the department prior to the Weiss decision and has resulted in the vesting of an equitable interest to an applicant. Because fair market value compensation for these decisions is part of the state's potential liability, the finding must either show the amount of the liability (e.g. appraised fair market value at time of sale and land sale discount) or explain how the liability can be ascertained (e.g. fair market value appraisal required).

Examples of permissible actions for vested cases follow:

- *1) Lease or patent issuance for public and charitable uses (AS 38.05.810) or the issuance of an ILMA may occur if all steps leading to issuance have been completed (preliminary decision, public notice, final finding) and improvements have been made under a letter of early entry or other departmental authorization.
- *2) Patent issuance for municipal conveyances which were approved prior to the Weiss decision.
- *3) Right-of-way permit issuance at less than fair market value (as reflected in the casefile), if the applicant has made authorized improvements and/or completed all statutory requirements prior to the issuance of the Weiss decision.
- *4) The issuance of patents for below fair market value preference right sales, provided that the sale contract was issued prior to the Weiss decision.
- *5) Remote parcel sale contracts or patents may be issued provided that the date of the remote parcel lease is prior to the Weiss decision.
- *6) Upon completion of all statutory requirements, patents may be issued to homesteads/homesites, provided that the entry permit was issued prior to the Weiss decision.
- *7) Patents may be issued for discounted land sales upon completion of all statutory requirements.
- *8) Production licenses (AS 38.05.207), provided discovery, location and filing have occurred prior to October 4, 1985.

II. Accounting

All receipts generated from the disposal of mental health land or resources which were returned to the trust are to be credited to the newly established mental health account. These revenues include:

- (a) rents
- (b) royalties
- (c) bonuses
- (d) payments on principal and interest for land sale contracts²
- (e) timber and material sale payments
- (f) civil fines, including trespass charges, foreclosure of performance bonds, or other penalties granted to the state
- (g) user fees, such as firewood permit fees
- (h) penalty and interest charges

²Please note that payments for land sales made (i.e. the contract was issued) on or before October 4, 1985 are to be credited to the general fund. These parcels are considered part of the state's possible liability.

All revenues received or earned after the date of the Supreme Court decision (October 4, 1985) must be transferred to the mental health account. Adjustments will be made for all revenues received after October 4, 1985 which were not properly credited to the mental health account at the time the deposit was recorded in the state accounting system.

Receipts for fees and other charges covering administrative costs will continue to be credited to the general fund. These funds include:

- (a) application fees
- (b) recording office fees
- (c) document handling fees
- (d) foreclosure of unearned deposits

Because federal law takes precedence over state law, mental health receipts will be recorded entirely to the mental health account, rather than being distributed to the various state trust funds (e.g. the Alaska Permanent Fund, the Reforestation Fund, and the Land Disposal Fund).

Specific procedures to implement this accounting direction will be developed in conjunction with the department's computerized revenue and billing system.

III. Implementation

This department order, as revised, takes effect immediately. Because we must act as, and be perceived as, prudent trust managers, it is important that it be strictly adhered to.

Actions listed in Category "A" are prohibited. Actions listed in Category B (or which are not covered by this order) are permissible only under certain circumstances and only with the concurrence of the plaintiffs and intervenor. Actions under Categories C and D are permissible, but require prior notice to the plaintiffs and intervenor through the Mental Health Land Officer (Officer). All departmental actions either to permit or deny an activity require notice to the Officer. That notice should be made at the end of each month on the attached reporting form and as follows:

Category A: You must notify the Officer of all departmental actions which have been formally denied (e.g. by letter) as a result of the Supreme Court decision and this departmental order.

Please keep in mind that the Mental Health Land Officer and the plaintiffs and intervenor must review actions in Categories B through D below before you finalize them. The review period is at least 30 days but the time required for review may be considerably longer (45-90 days) due to the following:

- 1) The 30 day review period begins on the date that the notice is received by the plaintiffs and intervenor.

2) Notice is made at the end of each month, not when each case is ready for review.

3) Additional information and/or time to review may be requested. (See page 3 "Requirement for Special Notice.")

Category B: Notice must be made prior to any formal action (see time line above). For example, interagency review should occur and a preliminary decision or a best interest finding be prepared and submitted with the reporting form prior to public notice under AS 38.05.945. Please keep in mind that the decision and finding must contain a special finding showing compliance with the MHEA and the court decision. You should provide a signature block on the finding for the Officer's concurrence and attach pertinent background information or, in complex cases, send a copy of the casefile. The Officer will transmit signed concurrence or denial to the initiating agency at the end of the review period.

Category C: Notice must be made prior to the execution of the proposed action (see time line above). You should include a copy of the decision authorizing the activity, or other pertinent information whenever appropriate. At the end of the review period the Officer will notify the initiating agency of the status of the review. Notice of police power actions (C-10) should include the expected date of execution or authorization thereof.

Category D: Again, notice must be made at least 30 days prior to the expected execution of the proposed action. You must include a finding that rights have vested prior to the Weiss decision, and which shows the state's potential liability or outlines a mechanism for finding that liability. You should provide a signature block for the Officer's concurrence and attach pertinent background information or in complex cases, send a copy of the file. The Officer will return the finding at the end of the review period and notify the initiating agency of the status of the review.

Notice for cases which have progressed without notice to the Officer (because they were begun prior to the court decision) must be provided at its current stage. That is, notice does not have to be provided at every juncture of the administrative process (e.g. preliminary decision, final finding, contract issuance, patent issuance) but rather at the earliest juncture. Therefore notice of such actions as contract or patent issuance for permitted cases would only occur if previous notice had not been made.

Response to Notice: You must send the reporting form and attachments to the Officer at the end of each month. The Officer will review the case and coordinate approval as necessary. You will receive a response at the end of the review period.

In addition to the monthly notice of pending actions, the Mental Health Land Officer will provide a monthly report of approved or completed actions to the plaintiffs and intervenor. That report will also be sent to the Governor's Office, Governor's Mental Health Advisory Council, the Attorney General's Office and other interested state officials. Copies will also be kept in my offices.

All public notices, factsheets or other written information concerning mental health land intended for public or agency distribution must be reviewed by the Officer prior to distribution.

You should also be aware that extensive audits of mental health land activities are being conducted by the Officer. If you need information of this nature, you should contact the Officer before initiating an audit of your own.

The Interim Mental Health Land Officer is Salli Slaughter, Division of Land and Water Management, Land Management Section, P.O. Box 7005, Anchorage, Alaska 99510, telephone 561-2020.

Attachment

MH Officer Only	
Date Sent _____	
End of 30 Day Review _____	

DEPARTMENT ORDER 121

Region/Area: _____

The following are Departmental actions occurring or denied on mental health trust land in compliance with Department Order 121, issued December 11, 1985, and revised May, 1986, which sets out interim management guidelines for those lands. The order was issued in response to an Alaska State Supreme Court Decision issued October 4, 1985, which returned mental health lands to trust status.

D. O. Category	ANL #	Case Type	Current Case Action	Location (Brief Legal)	MH Acreage	Comments	*	MH Officer Use Only

* If not attached? (All "H" and "D" category and special circumstances cases require a finding.)

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES, Office of the Commissioner

TO: Deputy Commissioners
Division Directors
Special Assistants

DATE: December 3, 1985

FILE NO:

TELEPHONE NO:

FROM: Esther C. Wunnicke
Commissioner

SUBJECT: DEPARTMENT ORDER 121:
Mental Health Land Interim
Management

OBSOLETE

Issue:

On October 4, 1985, the Alaska Supreme Court decided that the 1978 legislative redesignation of mental health grant land to general grant land was invalid. The court returned the land to trust status and ordered the state to reimburse the trust and devise a future land management program for the trust lands. This department order is intended to implement the court mandate on a interim basis and is open to amendment as necessary. We will continue to seek long term resolution in consultation with the Attorney General's office and the courts.

Introduction:

In July 1956, congress passed Alaska's Mental Health Enabling Act. The act established a public trust to be used primarily for the treatment of the mentally ill in Alaska. One million acres of federal land were granted to the Territory of Alaska to form the economic base for the trust. Any monies remaining after mental health program costs were met could be spent for other public purposes at the discretion of the legislature. Although a formal mental health trust fund was never established, income generated from mental health lands was tracked and the Alaska Legislature made appropriations for mental health programs.

Mental health grant land selections were subsequently made between 1956 and 1966, largely near centers of population (Anchorage, Fairbanks, Juneau, Kenai etc.), the railbelt, and other areas believed to be valuable for subsurface resources (Beluga coal, Kenai oil, etc.). State records show that approximately 983,100 acres have been transferred to state ownership. Some of this acreage has been conveyed by the state to other entities; the remainder is administered by the Department of Natural Resources.

In 1978, the legislature redesignated state trust lands (mental health, and school) as general statehood grant land. The redesignation provided for an undifferentiated land base which made the land easier and more cost effective to administer. The legislation also established separate trust funds for all the trusts. The mental health trust fund was to be financed by 1.5% of the annual receipts from all state land. However, the funding mechanism set out in the 1978 act was never implemented by the legislature, and mental health advocates sued the state in November, 1982 to restore the mental health trust (Weiss v. Alaska).

OBSOLETE

- 2 -

In September 1984, the State Superior Court directed the state to reimburse the trust for the full value of the land that was redesignated in 1978. The state produced an accounting of the land and its corresponding (1978) value to comply with that decision. The case was then appealed to the Alaska Supreme Court.

On October 4, 1985 the Alaska Supreme Court issued a decision which found that the legislature breached the mental health trust in 1978 when it redesignated the mental health trust land. The relief granted by the court returns the land remaining in state ownership to trust status and requires the state to reimburse the trust for land which has been conveyed, minus expenditures made for mental health programs. Mental health trust land is to continue to be managed by the Department of Natural Resources. The responsibility for defining details of the settlement, including land management responsibilities, was remanded to the Alaska Superior Court.

The resolution of remaining details may not occur for some time. Consequently, the state must provide for interim management of mental health trust land. The most important consideration in management of mental health land is to comply with the intent of the original grant.

Discussion:

The purpose of the Mental Health Enabling Act was to provide for an integrated mental health program for Alaska. Section 202(e) sets out the management parameters for the trust. That section states in part:

"Such lands, income, and proceeds shall be managed and utilized in such manner as the Legislature of Alaska may provide..."

That section additionally states that mental health land, and property acquired out of trust income or by exchange....

"may be sold, leased, mortgaged, exchanged, or otherwise disposed of in such manner as the Legislature of Alaska may provide, in order to obtain funds or other property to be invested, expended, or used by ... Alaska."

It is important that all decisions regarding interim management of mental health land be extremely prudent and within the parameters of the trust. Public notice for these decisions must specifically state that the land included is mental health trust land (negotiated timber and material sales exempted from public notice under AS 38.05.115 will continue to be exempt). The criteria to be used in making and evaluating these decisions, as well as associated accounting procedures, are outlined below. If disagreement regarding compliance occurs the case will be forwarded to my office for resolution.

Cases which include both mental health land and other land grant types, must be handled according to the provisions of this department order. In some instances, however, adjudicators and/or decision makers may wish to divide the acreage into separate cases in order to segregate the mental health land.

OBSOLETE

- 3 -

I. Criteria:

The Department of Natural Resources' land resource management activities are organized into categories for purposes of managing mental health land until the Alaska Superior Court can act on the recent Alaska Supreme Court decision concerning these lands. These categories are: a) actions which must be suspended or rejected as they do not comply, b) actions which may comply under certain circumstances, and c) actions which the department judges to comply with the Mental Health Enabling Act and the court's decision. These criteria apply to all actions occurring after the October 4, 1985 Supreme Court decision.

A) Actions which must be suspended:

1. Trapping cabin construction permits (AS 38.95.080). (Existing permits may be renewed for up to two year periods).
2. Homesteads/homesites (AS 38.09.020/AS 38.08.040). (If a homestead/homesite entry permit has been issued, see C) 1. No new applications will be accepted).
3. Personal use cabin permits.
4. Remote cabin permits (AS 38.05.079).
5. Public use cabin permits.
6. Free use permits.
7. Mining claims (AS 38.05.195). (All mental health land has been closed to mineral entry).
8. Land discounts, including veteran's discounts (AS 38.05.940) and credits for required appraisal and survey (unless the legislature is willing to compensate the trust fund for the discount). If the decision to sell the land was made prior to October 4, 1985, and an application for discount was made on or prior to October 4, 1985 or a discount was promised in a sales brochure issued prior to April 1, 1983, then a discount may be issued. The discount becomes part of the state's liability.
9. Interagency Land Management Assignments (ILMAs) and new legislative designations (e.g. marine parks) unless the fund is compensated either in money or land (see B.1.).

B) Actions on mental health trust lands which may continue under certain circumstances:

These actions require an additional finding which shows compliance with the intent of the act and court decision. That finding should be included in the best interest finding wherever possible. Please keep in mind that the highest and best use of trust land is to produce revenue. The finding should consider the reason for the decision, the results of the proposed actions and future uses of the land. Any action that will result in requiring monetary compensation to the trust must have prior approval and an associated appropriation from the legislature.

OBSOLETE

1. Less than fair market appraised value disposals (e.g. preference rights under AS 38.05.035(b)(5)) or those which place restrictions of the land's ability to produce revenue (e.g. land exchanges which restrict the revenue producing capacity of the newly acquired land); public and charitable use leases or sales (AS 38.05.810); Interagency Land Management Assignments (ILMA's); and approval of municipal/borough selections may occur only if the sale, lease, or transfer facilitates important policy goals and the fair market value of the transaction is replaced in the trust by money or land of equal value.
2. Rights-of-way (AS 38.05.850) may be granted on mental health land, provided that they generate revenue, increase the value of the land, or both. Rights-of-way which decrease the value of a parcel (e.g. a 300 foot right-of-way on a 350 foot wide parcel) are not allowed without compensation.
3. Fair market value land leases (AS 38.05.070) may be issued, provided they contain a reappraisal clause. Reappraisals must occur no more than 5 years from the date of lease issuance, and no more than every five years thereafter, with no restriction on rate or dollar value increase. The reappraisal constraints of AS 38.05.085 do not apply to new leases as the intent of the federal act (to make money for the trust) takes precedent over the state act.
4. Less than fair market appraised value timber, firewood or houselog sales are allowable even when they do not produce income for the trust, provided they facilitate forest management which will increase the future value of the timber resource or will enhance the value of the land (e.g. Rosie Creek timber sale of fire damaged trees).
5. Land reconveyance decisions under AS 38.05.035 (b)(9) provided the federal Bureau of Land Management credits the state for an equal amount of mental health selection acreage which may be obtained from pending state mental health selections or used for new mental health selections (assuming congressional authorization is obtained).
6. Locatable mineral leases (AS 38.05.205) only which can be shown to generate income for the trust. Only these leaseholders may apply for mining production licenses.
7. Millsite and tailings disposal permits, if the "reasonable charges" described in AS 38.05.255 are equal to fair market value or better.
8. Grazing leases which extract fair market value and have a maximum term of one year. The lease may be renewed if it is found to be in the best interest of the trust.
9. Temporary use permits (e.g. MLUP for Oil and Gas and Mining, LUP for other surface activities) and plans of operation, provided that they are conditioned to prohibit surface damage and/or to require the repair of any surface damage which may occur as a result. The department must take great care to ensure that no proprietary interest is inadvertently created with these permits. These permits should be made revokable without cause after a 30 day written notice.

10. Co-operative agreements, land classifications, area or management plans, land use designations and guidelines, provided they do not directly prohibit or constrict revenue production from the land. A rigorous evaluation of highest and best use and long term revenue production must be part of a land classification action. The department may also choose to exchange grant types for land which might be restricted.

C) Allowable actions which comply with the intent of the Act and the court's decision:

1. Implementation of land conveyance decisions (i.e. cases where the applicant has a valid existing right) made prior to October 4, 1985. Examples of such activities include assignments, defaults, reinstatements, terminations, contract and patent issuance. (Decisions to convey which were made prior to the Supreme Court decision are part of the state's potential liability.)
2. Amendments to existing sales or leases, including unitization of oil and gas leases, provided that the amendment complies with these guidelines.
3. Fair market appraised value (or better) land sales that result in cash income for the trust. These land sales may be negotiated at current fair market appraised value (i.e. preference rights) or competitive, as long as fair market value is received. (See Section A for prohibited sales.)
4. Fair market value material or timber sales (AS 38.05.110). The value may be based on a current appraisal or fee schedule.
5. Public and charitable use sales and leases for mental health purposes (i.e. mental health facilities).
6. Competitive leasable mineral sales and leases (e.g. oil & gas, coal, geothermal). (AS 38.05.135-.184).
7. Other fair market value (rent/royalty) or better, mineral sales and leases (e.g. coal, geothermal).
8. Mining leasehold locations if a leasehold location order is issued. All mental health land is closed to locatable mineral entry. Leasehold location orders may later be placed on mental health land in mineralized areas.
9. Equal appraised fair market value land exchanges, provided that the newly acquired land is assigned to the trust and is not restricted in its ability to produce income for the trust (See Section B for exceptions) (AS 38.50.010-.170).
10. Actions under police-power authorities (programs that apply without regard to land ownership): zoning, issuance of surface coal mining permits, burning permits, geothermal drilling permits, notice under Forest Practices Act, etc.).
11. Reservation of easements and rights-of-way on and across land which is made available for private use, as necessary to preserve access (AS 38.04.055, AS 38.05.127).

OBSOLETE

II. Accounting:

All receipts generated from mental health land which was returned to the trust are to be credited to the newly established mental health account. These revenues include:

- (a) rents
- (b) royalties
- (c) bonuses
- (d) payments on principal and interest for land sale contracts.¹
- (e) timber and material sale payments
- (f) civil fines, including trespass charges, foreclosure of performance bonds, or other penalties granted to the state
- (g) permit fees, including firewood permit fees
- (h) penalty and interest charges

All revenues received or earned after the date of the Supreme Court decision (October 4, 1985) must be transferred to the mental health account. Adjustments will be made for all revenues received after October 4, 1985 which were not properly credited to the mental health account at the time the deposit was recorded in the state accounting system.

Receipts for fees and other charges covering administrative costs will continue to be credited to the general fund. These funds include:

- (a) application fees
- (b) recording office fees
- (c) document handling fees
- (d) foreclosure of unearned deposits

Because federal law takes precedent over state law, mental health receipts will be recorded entirely to the mental health account, rather than being distributed to the various state trust funds (e.g. the Alaska Permanent Fund, the Reforestation Fund, and the Land Disposal Fund).

Specific procedures to implement this accounting direction will be developed by the Division of Management together with the Mental Health Land Officer. These procedures will be distributed separately.

Implementation:

This Department Order takes effect immediately. Because we must act as, and be perceived as, prudent trust managers, it is important that it be followed closely. Actions listed in section "A" are prohibited. Any activity on mental health land listed in section "B", or anything not mentioned in section "C", must be submitted to the Mental Health Land Officer prior to any action being taken on the case. The Officer will coordinate a determination of whether the activity is permissible and specify stipulations, if necessary. Any action described in section "C" which is being taken on mental health land must be reported to the Officer. The Mental Health Land Officer is located within the Anchorage office of the Division of Land and Water Management, Land Management Section.

¹ Please note that payments for land sales (i.e. the decision to sell was issued) made on or before October 4, 1985 are to be credited to the general fund. These parcels are considered part of the state's possible liability.

MINERAL
CLOSURE
ORDER

MEMORANDUM

mco
State of Alaska

DEPARTMENT OF NATURAL RESOURCES - Division of Land and Water Management

TO: DISTRIBUTION LIST

DATE: March 5, 1986

FILE NO: 9201.1

TELEPHONE NO: 762-4355

Tom Hawkins
FROM: Tom Hawkins
Director

SUBJECT: Mineral Closing Order
on Mental Health Lands

The emergency order signed November 5, 1985 closing all mental health lands to mineral location was due to expire on March 5, 1986. On March 3, 1986, an order signed by the court extended that closure on mental health lands. An unsigned copy of the order is attached.

Until further notice all mental health lands remain closed to mineral location. If you have any questions please contact Sally Slaughter at 762-4346.

DISTRIBUTION LIST:

Meg Hayes, DLWM, SCRO
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Pedro Denton, DOM, Director
Bill Heim, OOA, Director
Neil Johannsen, DOPOR, Director
Jim Anderson, DTS, Director

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

VERN T. WEISS, father and next
friend of CARL WEISS, a minor)
child and EARL HILLIKER on)
behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

STATE OF ALASKA,)

Defendant.)

No. 4FA 82-2208

ORDER EXTENDING CLOSURE OF
MENTAL HEALTH LANDS TO MINERAL LOCATION

The parties have jointly moved for an order extending the closure of mental health grant lands to mineral location. Those lands currently are closed to mineral location under 11 AAC 06.010, an emergency regulation which will expire on March 4, 1986. For the reasons set out in the Finding of Emergency justifying the promulgation of 11 AAC 06.010 in the first place, and for the further reasons set out in the parties' joint motion,

IT IS ORDERED that the closure of mental health grant lands to mineral location under 11 AAC 06.010 is hereby extended pending further order of this court.

DATED: _____

Superior Court Judge

FINDING OF EMERGENCY

The Department of Natural Resources finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. A statement of the facts constituting the emergency is:

The attached regulation is necessary to protect the general welfare of the state and provides adequate safeguards to protect the mental health land grant trust.

In July 1956, congress passed Alaska's Mental Health Enabling Act. The act established a public trust fund to be used primarily for the treatment of the mentally ill in Alaska. Any monies left over after mental health program costs were met could be spent for other public purposes at the discretion of the legislature. One million acres of federal land were granted to the Territory of Alaska to form the economic base for the trust.

Mental health grant land selections were subsequently made by the territory and state (between 1956 and 1966), largely near centers of population (Anchorage, Fairbanks, Juneau, Kenai etc.), the railbelt, and other areas believed to be valuable for subsurface resources (Beluga coal, Kenai oil, etc.). State records show that approximately 983,100 acres have thus far been transferred to state ownership.

Although a formal trust fund was never established, income generated from the trust lands were tracked and the Alaska Legislature made appropriations for mental health programs. For example, total income produced from mental health land from 1959-1977 was \$25,110,430. Mental health expenditures in Alaska by the state for the same period of time were \$115,364,054, with an additional \$16,430,771 being spent on alcohol and drug abuse programs.

In 1978, the legislature passed a law which redesignated all state trust lands (mental health, school, and university) as general grant lands. The redesignation provided for an undifferentiated land base which made the land easier and more cost effective to administer. The legislation also established separate trust funds for all the trusts. The mental health trust fund was to be financed by 1.5% of the annual receipts for all state land. However, the funding mechanism set in the 1978 act was never implemented by the legislature, and mental health advocates sued the state in November, 1982 to restore the mental health trust (Weiss v. Alaska).

On October 4, 1985 the Alaska Supreme Court found that the legislature breached the mental health trust in 1978 when it redesignated trust land. The relief granted by the court returns the land remaining in state ownership to trust status and requires the state to reimburse the trust for land which has been conveyed, minus expenditures made for mental health programs. Mental health trust land was designated to be managed by the Department of Natural Resources. The responsibility for defining details of the settlement was remanded to the Alaska Superior Court. It will be several months before the lower court is able to take up this action.

The department, acting as trustee, must act expeditiously to protect the land and resource base of the trust and to prevent the possible accrual of any additional liability for the state. All department actions on mental health land have been temporarily suspended until an interim management plan acceptable to the plaintiffs and the court can be adopted. Locatable mineral claims, however, cannot be prohibited without a mineral closing order. In addition, such orders require 150 days to take effect (30 days for notice, 30 days to take effect, and 90 days to allow a mineral claimant to file a copy of the location certificate), an unacceptable timeframe given the courts direction for the department to immediately begin managing this land in accord with its trust status.

Immediate closure of mental health land is therefore necessary for the following reasons:

- 1) The mineral location system as presently operative does not ensure receipt of revenues reflecting the fair market values of the land. Therefore continued locatable mineral appropriation violates the intent of the trust.
- 2) The court decision returned the land to its original trust status. The continuation of mineral locations is incompatible with this status.
- 3) Mental health trust land may or may not be part of the state's public domain and subject to Title 38 of the Alaska Statutes. If it is not, any mining claims located on mental health trust land may be void. It is in the state's best interest to avoid the creation of additional third party interests which may later be found invalid.

Register ,

1986

NATURAL RESOURCES

11 AAC 06.010

11 AAC 06.010. MINERAL LOCATIONS ON MENTAL HEALTH GRANT LAND.

(a) All mental health grant land identified in state and federal records as of October 4, 1985 is immediately closed to mineral location under AS 38.05.185 - AS 38.05.275, and under the jurisdiction of AS 38.05.

(b) For the purposes of this section, mental health grant land is defined as land which has been patented, tentatively approved for patent, or selected by the state under the Mental Health Enabling Act of 1956. (Eff. / /85, Register)

Authority: AS 38.05.020

AS 38.05.185

Supreme Court Opinion

No. 2987 - October 4, 1985

Because no other reasonable mechanism exists under existing law to immediately protect trust land and resources which are intended to help finance programs for the health and well-being of all Alaskans, I hereby find that an emergency exists affecting the general welfare of the people of the state, and adopt the attached regulation, effective immediately.

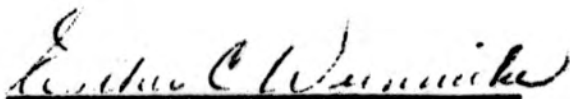
ADOPTION ORDER

Under authority of AS 38.05.020, the regulation is adopted as an emergency regulation to take effect immediately upon filing by the Lieutenant Governor as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date:

Nov 4, 1985
Anchorage, Alaska



Esther C. Wunnicke
Commissioner
Department of Natural Resources

FILING CERTIFICATION

I, _____, Lieutenant Governor for the State of Alaska, certify that on _____, 1985, at _____m., I filed the attached regulations according to the provisions of AS 44.62.

Lieutenant Governor

Effective November 5, 1985
Register 96, January 1986

FACT SHEETS

Department of Natural Resources
Mental Health Lands
Factsheet
July, 1986

Background

In 1956, one million acres of land in Alaska were granted by Congress to the Territory of Alaska to produce income to support mental health programs in Alaska. These lands were subsequently selected between 1956 and 1966 and include many valuable areas near the state's population centers and transportation routes. However, as the state's population grew, so did the pressure for use of these lands for purposes that might produce little or no revenue -- municipal expansion, public facilities, utilities, recreation and charitable uses.

In 1978, the Alaska Legislature redesignated the mental health grant land as general grant land, and authorized annual appropriations for mental health programs to be based upon revenues from all state land. The redesignation allowed the land to be managed by the department for general public purposes as well as revenue production. However, appropriations authorized in the 1978 act were never made by the legislature.

Weiss v. Alaska

A class action lawsuit was filed against the state in Fairbanks Superior Court on November 26, 1982 (Weiss v. Alaska). In September, 1984, that court ordered the state to reimburse the trust for the value of all lands which were redesignated by the 1978 action. Both parties appealed that decision to the Alaska Supreme Court but also worked toward a settlement. Although a settlement appeared possible in the fall of 1985, the Supreme Court issued its ruling on October 4, 1985. The court decided that the 1978 legislative redesignation of mental health grant land to general grant land was invalid, and ordered the state to return mental health lands to trust land status. In addition, the court said that the trust must be compensated for the value of any mental health land conveyed since 1978, minus expenditures made for mental health programs during the same time period. The Supreme Court decision also returned the case to the Superior Court so that the necessary findings could be made.

Response of the Department of Natural Resources

Responding to the court's decision, the Department of Natural Resources immediately suspended all actions on mental health lands, named an acting mental health lands officer, and began the task of identifying all lands returned to the trust and all mental health lands that were encumbered.

In December 1985, after careful review of the court's decision in consultation with the Attorney General, the department adopted Department Order 121 to provide guidelines for the management of mental health lands until such time as the court or legislature further defined how they should be managed. These guidelines were intended to prevent diminution of the trust, respect rights where vested, and allow actions that would produce at least a fair market value return for the trust. The order also established a special trust account for the deposit of funds deriving from mental health lands. After review by all parties to the suit, portions of the Department Order were revised.

At present, among the actions prohibited on mental health lands are offering of homesteads or homesites, remote cabin permits, personal use cabin permits, trapping cabin construction permits, land sale discounts and the staking of mining claims. Actions such as public rights-of-way, legislative designations for parks, wildlife refuges etc., inter-agency land management assignments for public facilities, public and charitable use sales and leases, and municipal conveyances which formerly occurred without charge now require current fair market value compensation (in money or replacement land) if they are to occur.

Consistent with the court's decision, the department is planning to account for all funds received during 1978-85 and to identify and appraise all less than fair market value transactions during the same period, subject to FY 1987 appropriations. The department will continue to oversee all transactions proposed affecting mental health lands to assure conformity with the court's decision.

Legislation

The 1986 Alaska State Legislature recently passed legislation affecting the administration of mental health land.

HCS CSSB 472 established an Interim Mental Health Trust Commission. All proposals for the sale, lease or exchange of mental health land or interest thereof must be reviewed and approved by the commission.

HCS CSSCR 36 established a Joint Special Committee on mental health trust land. This committee will hold public hearings and submit a proposal to the first session of the 15th State Legislature to resolve the mental health trust litigation, including appropriations adequate to fund future mental health programs in the state.

For further information regarding the department's mental health land management program, contact Tony Braden or Salli Slaughter, Division of Land and Water Management, Department of Natural Resources, P.O. Box 7005, Anchorage, Alaska 99510, (907) 561-2020. For information concerning the litigation (Weiss v. Alaska), contact Tom Koester, Assistant Attorney General, Department of Law, P.O. Box K, Juneau, Alaska 99811 (907) 465-3600.

TITLE REPORTS
/ MAPS

Mental Health Land Title Reports

The following reports are a compilation of the title status of lands which have been selected under the Mental Health Enabling Act (MHEA). Section 202(a) of the MHEA granted one million acres of land to the State (then territory) of Alaska. This land was to be selected by the state within ten years of enactment of the MHEA (July 28, 1956 to July 27, 1966) from vacant, unappropriated and unreserved public land. Because the land was not required to be surveyed at the time of selection, and survey is a requirement for patenting, an interim step was added. The state's selection is filed with the Federal Bureau of Land Management (BLM) who adjudicates it to ensure that the lands are available and the selection properly filed. The BLM then approves the selection and, upon completion of survey, issues patent.

The first report is an accounting of the lands which have been patented or approved for patent under the MHEA. It is the result of a joint state and federal audit of selections and conveyances made under the MHEA. This report shows 829,250 acres have been patented under MHEA, and 176,634 acres have been approved for patent. Although this shows an over conveyance of nearly 6,000 acres, it is expected that adjustments for such things as meanderable water bodies and reconveyances for (erroneously conveyed) Native allotments will reduce this figure by some 28,000 acres. This will leave an entitlement of approximately 22,000 acres yet to be fulfilled. More detailed information on these adjustments are found in the report.

The second report is an accounting and identification of the lands (approximately 136,000 acres) which have been selected but not yet approved for patent or patented. Since the selection period under the MHEA has lapsed, any remaining entitlement under this act will be satisfied from these lands. It is assumed that this report, coupled with information concerning the quality of land and resources in these areas, will be used to set priorities for these selections.

For more information regarding the title audit and report, please contact Bob Baker, Chief, Title Administration Unit. Questions regarding the second report should be addressed to Tony Braden, Mental Health Land Project. Both Mr. Baker and Mr. Braden can be reached at (907) 561-2020, P.O. Box 7005, Anchorage, Alaska 99510.

FINAL REPORT FOR THE AUDIT OF MENTAL HEALTH FILES

In November 1982 a class action lawsuit (Weiss et. al. v. State of Alaska) was filed in Alaska Superior Court. The basis for the lawsuit was the 1978 Legislative action (AS 37.14.070) redesignating trust lands to general grant status, thus eliminating the exchange process involved in Borough selections of Mental Health Lands. The lawsuit purported that this action was illegal and "violated the intent and purpose" of the Mental Health Act, PL 84-830, 70 Stat. 709, as confirmed by the Alaska Statehood Act, and sought to void AS 37.14.070, establish a trust for the receipt of funds generated from Mental Health lands, and arrange for the administration of the trust in accordance with applicable law.

The Weiss et. al. v. State of Alaska lawsuit resulted in an Alaska Supreme Court decision dated October 4, 1985, which found in favor of the plaintiffs and ordered the State to redesignate all Mental Health lands remaining in state ownership to trust status, to reimburse the trust for Mental Health Lands conveyed out of state ownership minus expenditures for Mental Health programs and remanded the case to the superior court to work out the details for managing the Mental Health trust. Departmental Order 121 has been initiated to provide for interim management of Mental Health lands.

Some time prior to the inception of the Weiss et. al. v. State of Alaska lawsuit, the Bureau of Land Management (BLM) had declared an informal moratorium on the conveyance of Mental Health selections to the State of Alaska. Based on a cursory audit of State MH conveyances, BLM determined the State was nearing the one million acre entitlement under this quantity grant. In furtherance of the conveyance process and as a final step in the adjudication process, BLM initiated a more in-depth audit of the Mental Health selections, sending their findings to Division of Technical Services (DTS) (Now Land Title Section - Division of Land and Water Management) for concurrence.

In conjunction with Land and Water Managements' effort to respond to the first set of interrogatories in the above lawsuit, BLM's audit effort, and also as part of a continuing effort on the part of the Division of Technical Services to identify and inventory all state lands in Alaska, DTS in October of 1984 undertook to do a full audit of all Mental Health selections in the state. The purpose of the audit was two fold:

1. To interface with the Bureau of Land Management's audit effort to determine exactly how much of our one million acre entitlement had already been conveyed to the state through the patenting and approval process, identify any conflicting claims for conveyed lands, and identify any remaining Mental Health selections requiring further adjudication and/or conveyance.
2. To offer technical support to Land and Water Management's efforts to respond to the Weiss v. State of Alaska lawsuit and provide a tool for more effective management of Mental Health lands through the manuscripted plats.

The audit process involved graphically portraying all status transactions in each Mental Health case file on the Bureau of Land Management Master Title Plats (BLM/MTPs). The Bureau's plats were used to manuscript our transactions as opposed to State's plats as this would be a better tool for identifying any conflicts with the State's title. Through a color-coding process the auditors identified and calculated acreages for patented, approved, selected, suspended, and rejected transactions. This information was encoded and entered on the State's computerized Lands Administration System (LAS). The auditors identified and calculated acreages for known conflicts with State's title in the form of Aguilar Native Allotments, and mining claims which pre-dated the State's selection which were not excluded from the State's conveyance. All mining claims filed prior to State selection will not necessarily be reconveyed. Reconveyance will be subject to the condition that the Federal mining claimant proceed to mineral survey and mineral patent and valid settlement claims must pre-date the State's selection. The auditors calculated acreage for potential conflicts i.e., Village and Regional selections whose outcome is dependent on the Seldovia V. Secretary of Interior lawsuit (Civ. A77-207).

The acreage was calculated for meanderable water bodies within patented lands, which pursuant to the submerged lands agreement of 3/28/84 between the Department of Interior and the State of Alaska, could result in an acreage credit to our Mental Health entitlement. There is some disagreement between the State and BLM as to whether or not Mental Health lands were to be included in the submerged lands agreement of 3/28/84. There appears to be no discrimination within the wording of the document as to grant type for which the agreement is applicable, unless one would construe the wording in the second paragraph of the agreement, "and charging the acreage against the State's land entitlement under the Alaska Statehood Act, as amended", to exclude Mental Health lands, which were granted under the Mental Health Enabling Act and confirmed by the Statehood Act. BLM was inconsistent in their treatment of this issue as regards Mental Health selection #133 for which an amended survey was done before issuance of patent to exclude according to a decision issued 2/29/84, "a lake over 50 acres in size". In light of this uncertainty regarding meanderable waters, we find it necessary to speak to the issue of navigable waters. The majority of our Mental Health selections had no navigability determinations done prior to conveyance. In the areas where the lands were surveyed into lots along the waterbodies this is a moot point as regards our chargeability. There are, however, approximately 18,342.00 acres of water which have been conveyed to the State and charged against our Mental Health entitlement without any determination having been made as to whether or not these waterbodies are navigable. Research on one selection (see Mental Health cases with actions pending resolution, MH-16) containing approximately 13,952.00 acres of patented waters indicates that some of these waters on which a navigability determination has since been made are indeed navigable, and a large portion of the area conveyed has yet to have a navigability determination done. This could work in the State's favor, if pursued, in that the State would have to pay for the recalculations to determine meanderability; however, the lack of navigability determinations on conveyed lands could fall under the concept of gross error on the part of BLM for which BLM would have to bear the brunt of the costs for recalculation. If the issue of navigability is pursued, this could result in a gain to the State of upland acreage.

The following figures are the culmination of a year and a half audit effort. The acreages shown for patented, approved and selected lands are the acreages agreed upon and signed off by BLM and the State. Adjustments are shown for BLM overcharges and undercharges where the patent document acreage did not match the survey acreage. Adjustments are shown for Aguilar Native Allotments, meanderable and/or navigable waters within patented lands, BLM administrative errors, which resulted in the State of Alaska quitclaiming title to other valid owners, without the state receiving any benefit from the use of the lands, however; the lands were counted as part of the State's entitlement. Also shown are the adjustments for village and regional selections which may or may not affect our selections. It should be kept in mind when viewing these figures, that Native allotments and mining claims are stationary on the ground, but the graphic portrayal is subject to movement spacially within the township grids until they are surveyed. Also, there are numerous Fanny Barr claims and reconstructed Native allotments which have yet to be noted to the plats that could surface as a conflicting claim in the future. At the end of this report is a list of each mental health case with actions pending. These pending actions are reflected in the adjustments on the following pages.

PATENTED ACREAGE

The adjustments shown for patented lands are indicative of the fact that at this point there is a figure representing lands conveyed under the Mental Health entitlement, however; there are also areas requiring further policy decisions before a true figure can be formulated. These decisions could affect not only the 27,621.88 acres requiring adjustment under the 1,000,000 acre Mental Health entitlement, (which represents one one-hundredth of the state's total entitlement), but could also be viewed as a scenario for the remaining 104,582,477 acres yet to be dealt with.

Total patented

Patent Adjustments

	829,250.341	
	<u>18,342.00</u> -	protracted acreage for meanderable
	810,908.341	and/or navigable waters within patented lands.
829,250.341 - patented	810,908.341 -	protracted acreage for Native allotments
<u>804,731.966</u> - adjusted patented	<u>5,366.10</u>	within patented lands, not excluded from the conveyance
24,518.375 - difference	805,542.241	document.
	805,542.241 -	protracted acreage for mining claims within
	<u>266.000</u>	patented lands, not excluded from the conveyance
	805,276.241	document.
	805,276.241	
	<u>321.76</u> -	actual acreage patented to the State due to BLM
	804,954.481	administrative error.
	804,954.481	
	<u>440.255</u> -	BLM overcharge on patented acreage.
	804,514.226	
	804,514.226 -	BLM undercharge on patented acreage.
	<u>217.74</u>	total patented acreage if State is to be credited
	804,731.966	for above adjustments.

(For Informational Purposes Only)

2,031.88 - village selections on patented lands.

27.91 - regional selections on patented lands.

APPROVAL ACREAGE

The approved acreage is a protracted figure, and can in no way be determined to be the final figure, as there are too many variables yet to be determined, such as, actual survey acreage, meanderable waters acreage, Native allotments, mining claims and village and regional selections. The auditors did not figure the acreage for meanderable water bodies on approved lands, as those will be figured before patent is issued according to current policy and will not affect the entitlement. Acreage was figured for Native allotments, mining claims and village and regional selections, which will be adjudicated before patent issues; however, they required identification and some tangible evidence as to how much the approved acreage figure could change.

<u>Total approved</u>	<u>Approval Adjustments</u>
176,633.997 - approved	176,633.997
<u>173,530.487</u> - adjusted approved	<u>2,561.30</u> - protracted acreage for Native allotments on approved
<u>3,103.487</u> - difference	174,072.697 lands, not excluded from the conveyance document.
	174,072.697
	<u>420.000</u> - protracted acreage for mining claims within approved
	173,652.697 lands, not excluded from the conveyance document.
	173,652.697
	<u>122.21</u> - actual acreage approved to State due to BLM
	administrative error.
	*173,530.487 - total approved acreage if State is to be credited for
	above adjustments.

(For informational purposes)

(The State prevailed recently in the Tyonek litigation. However, the Tyonek decision was appealed in May, 1986. These figures are included for informational purposes only.)

1,868.64 - village selections on approved lands

2,013.76 - regional selections on approved lands

*There is an unknown figure for meanderable and/or navigable waterbodies within approved lands, which should be kept in mind when contemplating approved acreage.

SUMMARY - PATENTED AND APPROVED

Results of Adjustments

829,250.341	- Patented
<u>176,633.997</u>	- Approved
1,005,884.333	- Total conveyance
804,731.966	- Adjusted patented
<u>173,530.487</u>	- Adjusted approved
978,262.453	- Total adjusted conveyance
1,005,884.333	- Total conveyance
<u>978,262.453</u>	- Total adjusted conveyance
27,621.88	- Difference
1,000,000.000	- Mental Health entitlement
<u>978,262.453</u>	- Total adjusted conveyance
21,737.547	- estimated entitlement remaining to be conveyed if the State is to be credited for the listed adjustments

SELECTED AND SUSPENDED ACREAGES

The selected and suspended acreage is again a protracted figure subject to the same variables as approved lands, plus one more, which is that they are still subject to the determination by BLM as to whether or not they are valid selections. Thus selected and suspended lands could be termed not selected lands, but lands requiring further adjudication. As evidenced by the report prepared by Land and Water Management for the conveyance priority list (copy attached) a good portion of the states remaining selected Mental Health lands have conflicting interests associated with them, and/or classifications potentially incompatible with the revenue generating purpose of Mental Health Lands, i.e., Chugach State Park. One other thing found on the selected lands which again requires further policy decisions to determine the outcome of these findings, is the instances where it appears that the state's selections could have attached prior to the present owner of record, however; through some adjudicative oversight the state selection was never shown to attach. The lands were conveyed to other entities and the history cannot be pieced together through the historical index to reflect any previous encumbrance which would have prevented the state selection from attaching.

<u>Totals</u>	<u>Lands requiring further adjudication</u>
115,456.395 - signed off "selected" acreage pending adjudication	(attached is a copy of a report completed by the acting Mental Health Lands Trust Officer, which details the status of pending state selections)

Following are potential administrative oversights requiring further adjudication by BLM.

	Description
MH-47 State selection filed 6/24/60 A-061046 Homestead application filed 4/24/61 Patent #50-70-0041 issued to A-061046	lot 11-b USS 3926 (T. 55 S., R. 63 E., C.R.M., Sec. 21)
*Japonski Island, Charcoal Island and portions of Sitka townsite within MH-47 appeared to be available for the State's selection and/or amendments to attach, however, they were quitclaimed to others by the Federal Government with no explanation to the State.	T. 55 S., R. 63 E., C.R.M. (Japonski Island) QCD issued 10/14/75 T. 56 S., R. 63 E., C.R.M. (Charcoal Island) QCD issued 6/2/80
MH-126 State selection filed 10/3/63 FF-000564 Homestead application filed 8/10/67 Patent #50-70-0082 issued to FF-000564	T. 1 S., R. 3 W., F.M., Sec. 11 S1/2SW1/4, Sec. 33 NE1/4NE1/4, Sec. 34 W1/2NW1/4.
MH-150 State selection filed 8/2/65 A-063613 Homestead application filed 9/21/65 Patent #50-72-0438 issued to A-063613	T. 14 N., R. 1 W., S.M., Sec. 28 SE1/4SE1/4, Sec. 33 NE1/4NE1/4, Sec. 34 W1/2NW1/4.

*Japonski Island is to be conveyed to the State by an Act of Congress, pursuant to PL 98-63, July 29, 1963 (97-Stat. 326) as amended by PL 98-396. We need documentation from BLM for our selection file regarding this disposition.

In summary, one would note that there are procedures in effect pursuant to AS 38.05.035 (b)(9) for reconveying lands "wrongfully or erroneously" conveyed to the State of Alaska, which provides for an acreage credit to the affected entitlement. There is also a procedure for crediting the State's entitlement pursuant to the submerged lands agreement of 3/28/84 for meanderable water bodies patented to the State prior to December 5, 1983.

There is at present no specific vehicle for reclaiming acreage credit for lands quitclaimed out of State ownership due to wrongful or erroneous conveyance prior to implementation of AS 38.05.035 (b)(9), nor is there any procedure set up for rectifying mathematical errors as regards acreage overcharges and undercharges on patent documents or for rectifying administrative oversights which resulted in a valid state mental health selection being set aside in favor of an inferior claim.

It would seem prudent in an effort to avoid breaching the State's fiduciary responsibility to the mental health trust, and also in an effort to avoid further lawsuits, that steps be taken to exercise all options available to realize the full benefit of the mental health entitlement.

Recommendations:

1. Continue reconveyance of lands wrongfully or erroneously conveyed to the State, pursuant to AS 38.05.035 (b)(9) as outlined in Decision Memo 83.
2. Take necessary steps to recalculate acreage on meanderable water bodies patented to the State prior to December 5, 1983 as outlined in the Submerged Lands Agreement of 3/28/84. (The State has to pay for these recalculations), or pursue the gross error concept regarding the conveyance of navigable waters.
3. Coordinate with BLM to develop procedures for rectifying mathematical errors on patent documents.
4. Coordinate with BLM to develop procedures for rectifying administrative oversights which resulted in the State's valid selection being set aside in favor of an inferior claim.
 - a. have BLM readjudicate the lands in question, and issue a decision of findings, then based on those findings take steps to either recover title and convey to the State if the State so requests.
5. Coordinate with BLM to develop procedures for crediting the State's entitlement on administrative errors which resulted in the entitlement being charged for lands from which the State received no benefit.
 - a. Upon State's submission of proof of conveyance to the valid owner, require BLM to issue a decision crediting the State's entitlement for the acreage conveyed.
6. Prioritize the remaining selections once adjustments are made to maximize the remaining entitlement.

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-6	3 Native allotments in conflict with State's patented lands	AA-046631	T. 7 N., R. 12 W., S.M., Sec. 4	306.43
		AA-046632	T. 7 N., R. 12 W., S.M., Secs. 3 & 4	
		AA-051870	T. 7 N., R. 11 W., S.M., Sec. 8	
			T. 7 N., R. 12 W., S.M., Sec. 3	
MH-9	12 mining claims in conflict with State's patented lands	FF-057295	T. 1 S., R. 3 W., F.M., Sec. 13	86.00
		FF-057296	T. 1 S., R. 3 W., F.M., Sec. 14	
		FF-057297	T. 1 S., R. 3 W., F.M., Sec. 13	
		FF-057298	T. 1 S., R. 3 W., F.M., Sec. 13	
		FF-057709	T. 1 S., R. 3 W., F.M., Sec. 13	
		FF-057710	T. 1 S., R. 3 W., F.M., Sec. 13	
		FF-057711	T. 1 S., R. 3 W., F.M., Secs. 12 & 13	
		FF-057712	T. 1 S., R. 3 W., F.M., Sec. 12	
		FF-057713	T. 1 S., R. 3 W., F.M., Sec. 12	
		FF-057714	T. 1 S., R. 3 W., F.M., Sec. 13	
		FF-057715	T. 1 S., R. 3 W., F.M., Sec. 13	
		FF-057716	T. 1 S., R. 3 W., F.M., Sec. 13	
MH-16	22 Native allotments in conflict with State's patented lands	A-003821	T. 26 S., R. 56 E., C.R.M., Sec. 8	2,576.39
		*AA-006618	T. 27 S., R. 55 E., C.R.M., Secs. 22 & 23	
		*AA-007884	T. 27 S., R. 55 E., C.R.M., Secs. 22 & 23	
		AA-008022	T. 27 S., R. 55 E., C.R.M., Sec. 26	
		*AA-008035	T. 27 S., R. 55 E., C.R.M., Secs. 14, 15, 22, 23	
		*AA-008036	T. 27 S., R. 55 E., C.R.M., Secs. 22, 23, 26, 27	
		A-061288	T. 28 S., R. 53 E., C.R.M., Sec. 24	
		A-062053	T. 28 S., R. 54 E., C.R.M., Secs. 15, 22	
		AA-006615	T. 28 S., R. 54 E., C.R.M., Secs. 15, 22	
		A-004612	T. 28 S., R. 55 E., C.R.M., Sec. 29	
		A-018101	T. 28 S., R. 56 E., C.R.M., Sec. 30 &	
			T. 28 S., R. 55 E., C.R.M., Sec 25	
		A-060922	T. 28 S., R. 55 E., C.R.M., Sec 27	
		AA-006602	T. 29 S., R. 56 E., C.R.M., Sec. 12	
		AA-006603	T. 29 S., R. 56 E., C.R.M., Secs. 11, 12	
		AA-007927	T. 29 S., R. 56 E., C.R.M., Secs. 11, 12	
		AA-007928	T. 29 S., R. 56 E., C.R.M., Sec. 12	

*These Native allotments have already been conveyed pursuant to AS 38.05.035(b)(9) QCD #837-841.

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-16		AA-007929	T. 29 S., R. 56 E., C.R.M., Secs. 12, 13 & T. 29 S., R. 57 E., C.R.M., Secs. 7, 18	
		AA-007944	T. 29 S., R. 56 E., C.R.M., Sec. 11	
		AA-007946	T. 29 S., R. 56 E., C.R.M., Secs. 12, 13 & T. 29 S., R. 57 E., C.R.M., Secs. 7, 18	
		*AA-006135	T. 29 S., R. 57 E., C.R.M., Sec. 4	
		AA-007020	T. 29 S., R. 57 E., C.R.M., Sec. 18	
		A-061035	T. 29 S., R. 57 E., C.R.M., Sec. 36 & T. 29 S., R. 58 E., C.R.M., Sec. 31	
*These Native allotments have already been conveyed pursuant to AS 38.05.035 (b)(9) QCD #837-841.				
MH-16	9 mining claims in conflict with State's patented lands	AA-037566	T. 29 S., R. 54 E., C.R.M., Sec. 1	180.00
		AA-037567	T. 29 S., R. 54 E., C.R.M., Sec. 1	
		AA-037568	T. 29 S., R. 54 E., C.R.M., Sec. 1	
		AA-037569	T. 29 S., R. 54 E., C.R.M., Sec. 1	
		AA-037570	T. 29 S., R. 54 E., C.R.M., Sec. 1	
		AA-037571	T. 29 S., R. 54 E., C.R.M., Sec. 1, 12	
		AA-037572	T. 29 S., R. 54 E., C.R.M., Sec. 1, 12	
		AA-037573	T. 29 S., R. 54 E., C.R.M., Secs. 11, 12	
		AA-037574	T. 29 S., R. 54 E., C.R.M., Secs. 11, 12	
MH-16	meanderable and/or navigable waterbodies within State's patented lands			13,952.000
*MH-16	No navigability determination Chilkat River navigable No navigability determination No navigability determination No navigability determination Kleheini River navigable No navigability determination No navigability determination		T. 26 S., R. 54 E., C.R.M. T. 26 S., R. 55 E., C.R.M. T. 26 S., R. 56 E., C.R.M. T. 27 S., R. 54 E., C.R.M. T. 27 S., R. 55 E., C.R.M. T. 28 S., R. 53 E., C.R.M. T. 28 S., R. 54 E., C.R.M. T. 28 S., R. 55 E., C.R.M. T. 28 S., R. 56 E., C.R.M.	undetermined

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health Conflicting File #	Explanation	Conflicting Serial#	Description	Total Acreage
	No navigability determination		T. 29 S., R. 54 E., C.R.M.	
	No navigability determination		T. 29 S., R. 55 E., C.R.M.	
	Chilkat River and Chilkat Lake navigable		T. 29 S., R. 56 E., C.R.M.	
	Chilkat River, Chilkat Lake and Tsirku River navigable		T. 29 S., R. 57 E., C.R.M.	
	No navigability determination		T. 30 S., R. 56 E., C.R.M.	
	No navigability determination		T. 30 S., R. 57 E., C.R.M.	
	Chilkat River navigable		T. 30 S., R. 58 E., C.R.M.	

*The information regarding navigability was obtained from the navigability section of BLM, as there was no navigability information in our Mental Health selection file. This information was not gathered for any other selections containing patented waters. This information is presented as an example to aid in making further decisions regarding patented navigable waters within Mental Health selections.

MH-16	BLM undercharge for State's patent # 50-65-0019			20.00
MH-23	BLM overcharge for State's patent # 1227066			1.12
MH-25	17 Native allotments in conflict with State's patented lands	AA-40056 AA-40051 AA-47907 AA-49960 AA-40053 AA-51864 AA-49959 AA-40054 AA-51869 AA-49958 AA-47905 AA-47907 AA-6625	T. 5 N., R. 8 W., S.M. T. 5 N., R. 8 W., S.M. T. 7 N., R. 11 W., S.M. T. 7 N., R. 11 W., S.M. T. 7 N., R. 11 W., S.M. T. 7 N., R. 11 W., S.M. T. 7 N., R. 11 W., S.M. T. 7 N., R. 11 W., S.M. T. 8 N., R. 10 W., S.M. T. 8 N., R. 10 W., S.M. T. 8 N., R. 10 W., S.M. T. 8 N., R. 10 W., S.M. T. 8 N., R. 11 W., S.M.	1,552.20

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
		AA-46550	T. 8 N., R. 11 W., S.M.	
		AA-47908	T. 8 N., R. 11 W., S.M.	
		AA-50503	T. 8 N., R. 11 W., S.M.	
		AA-51856	T. 8 N., R. 11 W., S.M.	
MH-25	26 Native allotments in conflict with State's approved lands	AA-50152	T. 5 N., R. 10 W., S.M.	2,201.30
		AA-8251	T. 7 N., R. 11 W., S.M.	
		AA-8249	T. 7 N., R. 11 W., S.M.	
		AA-7803	T. 7 N., R. 11 W., S.M.	
		AA-8286	T. 7 N., R. 11 W., S.M.	
		AA-8262	T. 7 N., R. 11 W., S.M.	
		AA-49957	T. 7 N., R. 11 W., S.M.	
		AA-4592	T. 7 N., R. 11 W., S.M.	
		AA-8123	T. 7 N., R. 11 W., S.M.	
		AA-8216	T. 7 N., R. 11 W., S.M.	
		AA-8238	T. 7 N., R. 11 W., S.M.	
		AA-40052	T. 7 N., R. 11 W., S.M.	
		AA-8297	T. 7 N., R. 11 W., S.M.	
		AA-8119	T. 7 N., R. 11 W., S.M.	
		AA-5974	T. 7 N., R. 11 W., S.M.	
		AA-51870	T. 7 N., R. 11 W., S.M.	
		AA-49957	T. 7 N., R. 11 W., S.M.	
		AA-8121	T. 7 N., R. 11 W., S.M.	
		AA-6371	T. 7 N., R. 11 W., S.M.	
		AA-4592	T. 7 N., R. 11 W., S.M.	
		AA-5936	T. 7 N., R. 11 W., S.M.	
		AA-8202	T. 7 N., R. 11 W., S.M.	
		AA-5936	T. 7 N., R. 11 W., S.M.	
		AA-51864	T. 7 N., R. 11 W., S.M.	
		AA-8297	T. 7 N., R. 11 W., S.M.	

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-25	BLM overcharge for State's patent # 50-65-0096			35.00
MH-25	BLM undercharge for State's patent # 1232789			225.65
MH-25	village selection in conflict with State's patented lands	AA-6698-B	T. 8 N., R. 11 W., S.M.	117.60
MH-25	Federal patent 1126684 to Marvin E. Smith in conflict with State's patented lands due to BLM administrative error. State quitclaimed to other patentee QCD #19	A-011832	T. 5 N., R. 10 W., S.M., Sec. 31	9.68
MH-25	Federal patent 1219252 to Tharon E. Saunders in conflict with State's patented lands due to BLM administrative error.	A-027942	T. 5 N., R. 9 W., S.M., Sec. 13	40.00
MH-25	Federal patent # 1230433 to William A. Peterkin in conflict with State's patented lands due to BLM administrative error. State quitclaimed to other patentee QCD# 18	A-032049	T. 5 N., R. 10 W., S.M., Sec. 7	19.21
MH-25	Federal Patent 50-66-0013 to George J. Sehm in conflict with State's patented lands due to BLM administrative error.	A-047583	T. 8 N., R. 11 W., S.M., Secs. 33 & 34	3.48

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-25	Federal Patent #50-77-0124 to William T. See, Jr. in conflict with State's approved lands, due to BLM administrative error.	AA-000812	T. 7 N., R. 12 W., S.M., Secs. 2 & 3	120.00
MH-29	1 Native allotment in conflict with State's approved lands	F-014281	T. 1 S., R. 4 E., F.M., Sec. 9	40.00
MH-32	4 Native allotments in conflict with State's patented lands	F-002401 FF-014138 F-017139 F-09022	T. 4 S., R. 8 W., F.M., Secs. 3 & 10 T. 4 S., R. 8 W., F.M., Secs. 32 & 33 T. 5 S., R. 8 W., F.M., Sec 5 T. 4 S., R. 8 W., F.M., Sec. 10 & 11 T. 4 S., R. 8 W., F.M., Sec. 24	126.84
MH-32	BLM overcharge for State's patent #1232047			79.32
MH-33	BLM overcharge for State's patent #1220531			2.00
MH-36	7 mining claims in conflict with State's approved land	F-58553 F-58554 F-58555 F-58556 F-58557 F-58558 F-58561	T. 9 S., R. 5 W., F.M., Sec. 34 T. 9 S., R. 5 W., F.M., Sec. 34 T. 9 S., R. 5 W., F.M., Sec. 34 T. 9 S., R. 5 W., F.M., Sec. 27 T. 9 S., R. 5 W., F.M., Sec. 34 T. 9 S., R. 5 W., F.M., Sec. 34 T. 9 S., R. 5 W., F.M., Sec. 34 T. 10 S., R. 5 W., F.M., Sec. 3	240.00
MH-41	1 Native allotment in conflict with State's patented lands	AA-8015	T. 76 S., R. 91 E., C.R.M., Sec. 5	160.00

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-42	1 Native allotment in conflict with State's patented lands	J-011252	T. 76 S., R. 91 E., C.R.M., Sec. 8	155.00
MH-42	Federal patent #1208522 issued to Thomas Moore in conflict with State's patented lands due to BLM administrative error. State quitclaimed lands to other patentee QCD #14	A-010240	Lot 1 USS 3536	.50
MH-44	BLM overcharge for patent #50-64-0220			52.00
MH-47	Federal patent #50-69-0098 issued to Seth D. Mills in conflict with State's approved land due to BLM administrative error.	A-060898	T. 56 S., R. 64 E., C.R.M. Lot 165, USS 3926	.48
MH-55	village selection in conflict with State's patented lands	AA-8485-B2	T. 17 N., R. 4 W., S.M., Sec. 30	10.00
MH-55	meanderable and/or navigable waterbodies within State's patented lands			531.00
MH-55	Federal patent #1231827, issued to Clifford R. Hartman in conflict with State's patented lands due to BLM administrative error.	A-047187	T. 17 N., R. 4 W., S.M., Sec. 31 NW1/4NW1/4SW1/4SE1/4.	4.23
MH-57	meanderable and/or navigable waterbodies within State's patented lands			430.00

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-58	meanderable and/or navigable waterbodies within State's patented lands			110.00
MH-59	meanderable and/or navigable waterbodies within State's patented lands			110.00
MH-61	meanderable and/or navigable waterbodies within State's patented lands			325.00
MH-61	1 Native allotment in conflict with State's patented lands	A-053444	T. 13 N., R. 11 W., S.M., Secs. 30-34	149.24
MH-67	meanderable and/or navigable waterbodies within State's patented lands			280
MH-72	meanderable and/or navigable waterbodies within State's patented lands			45.00
MH-76	regional selection in conflict with State's patented lands	AA-8098-69	T. 13 N., R. 3 W., S.M., Sec. 7	27.91
MH-82	Federal patent 1210756 issued to Ketchikan Independent School District in conflict with State's patented lands due to BLM administrative error	A-028334	Lot R2 USS 2554 (T. 74 S., R. 90 E., C.R.M., Sec. 7)	.95
MH-85	1 Native allotment in conflict with State's patented lands	AA-6585	T. 64 S., R. 84 E., C.R.M., Sec. 5	120.00
MH-86	meanderable and/or navigable waterbodies within State's patented lands			800.00

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-87	meanderable and/or navigable waterbodies within State's patented lands			495.00
MH-93	2 Native allotments in conflict with State's patented lands	AA-7606 AA-6619	T. 31 S., R. 59 E., C.R.M., Secs. 2 & 11 T. 31 S., R. 59 E., C.R.M., Sec. 11	220.00
MH-108	2 Native allotments in conflict with State's approved lands	FF-001268 FF-001282	T. 12 S., R. 24 W., F.M., Sec. 7 and USS 3315 T. 12 S., R. 25 W., F.M., Sec. 12	120.00
MH-110	meanderable and/or navigable waterbodies within State's patented lands			215.00
MH-112	meanderable and/or navigable waterbodies within State's patented lands			200.00
MH-119	regional selection in conflict with State's approved lands	AA-8098-10	T. 16 N., R. 2 E., S.M., Secs. 17, 19, 20, 30, 31	2,013.76
MH-121	BLM undercharge for patent #50-65-0216			.09
MH-122	meanderable and/or navigable waterbodies within State's patented lands			170.00
MH-124	meanderable and/or navigable waterbodies within State's patented lands			579.00
MH-125	village selection in conflict with State's approved lands	AA-8489-A	T. 20 N., R. 5 E., S.M., Secs. 5-7 & 30	4,419.29

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-126	11 mining claims in conflict with State's approved lands	F-57295 F-57297 F-57298 F-57709 F-57710 F-57711 F-57712 F-57713 F-57714 F-57715 F-57716	T. 1 S., R. 3 W., F.M., Sec. 13 T. 1 S., R. 3 W., F.M., Sec. 13 T. 1 S., R. 3 W., F.M., Sec. 13 T. 1 S., R. 3 W., F.M., Sec. 13 T. 1 S., R. 3 W., F.M., Sec. 13 T. 1 S., R. 3 W., F.M., Sec. 12, 13 T. 1 S., R. 3 W., F.M., Sec. 12 T. 1 S., R. 3 W., F.M., Sec. 12 T. 1 S., R. 3 W., F.M., Sec. 13 T. 1 S., R. 3 W., F.M., Sec. 13 T. 1 S., R. 3 W., F.M., Sec. 13	180.00
MH-126	BLM overcharge for patent #50-66-0449			2.815
MH-126	Federal patent #1221891 issued to Bennet Zeller in conflict with State's patented lands. State quitclaimed lands to other patentee QCD #82	F-016890	T. 1 S., R. 2 W., F.M., Sec. 10	240.588
MH-126	Federal patent #1231168 issued to Hal Bernette in conflict with State's patented lands. State quitclaimed lands to other patentee QCD #74	F-022248	T. 1 S., R. 2 W., F.M., Sec. 10	
MH-126	Federal patent #1029551 issued to U.S. Smelting Refining & Mining Co. in conflict with State's patented lands. State quitclaimed lands to other patentee QCD #141	F-001747	U.S. 1992 (T. 1 S., R. 2 W., F.M., Sec. 7)	

MENTAL HEALTH CASES WITH ACTIONS PENDING RESOLUTION

Mental Health File #	Explanation	Conflicting Serial#	Description	Total Conflicting Acreage
MH-126	Federal patent #1194025 issued to Hubert Gilbert in conflict with State's patented lands. State quitclaimed lands to other patentee QCD #96	F-012403	T. 1 S., R. 2 W., F.M., Sec. 10	
MH-128	1 Native allotment in conflict with State's approved lands	AA-8185	T. 8 S., R. 13 W., S.M., Sec. 2	110.00
MH-128	village selection in conflict with State's approved lands	AA-6701-E & G	T. 8 S., R. 13 W., S.M., Sec. 2	110.00
MH-128	Soldiers additional homestead issued to Bernard R. Martin in conflict with State's patented lands. State quit-claimed lands to other applicant. Unnumbered QCD issued 9/16/64	A-033309	lot 2 USS 3924 (T. 8 S., R. 13 W., S.M., Sec. 17)	3.12
MH-129	1 Native allotment in conflict with State's approved lands	AA-7603	T. 7 S., R. 13 W., S.M., Sec. 35	90.00
MH-129	Federal patent #1231356 issued to Wesley M. Bjornsgard in conflict with State's approved lands	A-031671	USS 3912 (T. 7 S., R. 13 W., S.M., Sec. 35)	1.73
MH-167	village selection in conflict with State's patented lands	AA-8485-A	T. 18 N., R. 1 W., S.M., Secs. 18, 20, 28, 29	1,904.28
MH-170	village selection in conflict with State's approved lands	AA-8485-A	T. 14 N., R. 4 W., S.M., Sec. 12	14.34
MH-173	meanderable and/or navigable waterbodies within State's patented lands			100.00



Alaska Department of
**NATURAL
RESOURCES**

Department of Natural Resources
Report of Land Remaining under Selection
by the State of Alaska Pursuant to
the Mental Health Enabling Act of 1956

June, 1986

This report is part of the inventory performed of mental health trust lands by the Department of Natural Resources following the Alaska Supreme Court decision of October 4, 1985 in Weiss v. State. The objective of this report is to provide the department and other interested parties with information to be used when making recommendations for conveyances to fulfill any remaining entitlement due the state under the Mental Health Enabling Act of 1956.

The selection inventory is a compilation of data from federal and state status plats, the department's (LAS) computer system, and the department's Land Title Section 1984-1986 audit of mental health selection records. No effort was made here to adjudicate selections. The values of the selection acreages described here are subject to change as a result of ongoing adjudication by state and federal agencies.

The report is broken into seven tables:

"1: Mental Health Selections Without Conflict," i.e. selections with no apparent adjudication problems.

"2: Mental Health Selections Needing Adjudication," i.e. mental health selections which have aparent adjudication problems.

"3: Mental Health Selections on Lands Already Conveyed" i.e. selections which have not yet been rejected although the land covered by the selection has already been conveyed from the federal government to either state or non-state entities.

"4: Mental Health Selections with Coexistent Selections," i.e. mental health land selections which are also covered by another selection such as a general statehood selection made by the state, or a native corporation selection.

"5: Mental Health Selections within Pre-Existing State Encumbrances," i.e. selected land which has been encumbered by a legislative designation such as a state park or game refuge or a state mining claim which will take effect should the land come into state ownership.

"6: Suspended Mental Health Selections," i.e. mental health selections which have been suspended by the Bureau of Land Management (BLM).

"7: Mental Health Selections Affected by NALA," i.e. those mental health selections which are included in the North Anchorage Land Agreement (NALA).

The tables are ordered first by meridian, (i.e. Copper River Meridian (CRM), Fairbanks Meridian (FM), and Seward Meridian (SM)), and then by township within the meridian and section that has pending selections. The state's mental health selection file number (MH #) is also listed for each selection. The total selection acreage within each section follows the selection file number. Wherever acreage values are accompanied by "±" it has been visually estimated from the BLM master title plat. Each of the seven tables has additional columns which are explained at the beginning of the section. Following the tables is a summary cross reference listing of all mental health selections.

There are a total of 146,503.02 acres of pending selections made under the Mental Health Enabling Act of 1956, including the selections affected by NALA. The breakdown of selection acreages are summarized below.

Since certain acreages have been counted in more than one category, i.e. a selection with a state co-selection, may also be pre-encumbered by state park designation, the sum of the individual columns is greater than the value of the total selection column.

	1	2	3	4	5	6	7
Total Selections	Selections Free of Conflict	Selection Requiring Adjudication	Selections Conveyed by Other Action	Selections with State or Native Co-Selection	Preenumbered Selections	Suspended Selections	Selections Affected by NALA
146,503.02	28,418.56	8,126.88	2,434.46	69,512.29	42,301.39	4,060.85	24,236.62

In addition to this report corresponding sets of BLM master title plats and state status plats were color coded to show the locations of these pending mental health land selections. The color coded plats distinguish these selections into the same categories as this report. Mental health selections on lands included in NALA are shown on separate plats. These plats may be inspected at the central office of the department's Division of Land and Water Management, Anchorage, Alaska.

1: Mental Health Selections Without Conflict

This table details all pending mental health selections which do not appear to conflict with any valid existing rights according to information depicted on BLM master title plats and state land stauts plats. As with all of the tables in this report, the information is organized by meridian, township, range, and section. The columns which follow contain the mental health selection file number, total selection acreage within a section and the non-conflicting acreage within the selection by section. Whenever the "non-conflicting acreage" for any section is less than the "total selection acreage", the remaining acreage is accounted for in one or more of the remaining tables.

1: MENTAL HEALTH SELECTIONS WITHOUT CONFLICT

Page 1 of 3

<u>M - T - R - S</u>		<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Non-conflicting Acreage</u>
CRM 50S 74E	Sec. 1	179	4.51	4.51
CRM 55S 63E	Sec. 21	47	76.63	56.87
CRM 55S 63E	Sec. 25	47	100.00	100.00
CRM 55S 63E	Sec. 28	47	30.94	20.94
CRM 55S 63E	Sec. 36	47	9.59	9.59
CRM 56S 63E	Sec. 2	47	77.48	6.42
CRM 56S 63E	Sec. 3	47	20.59	8.59
CRM 56S 63E	Sec. 11	47	4.54	4.54
CRM 68S 75E	Sec. 22	172	5.03	5.03
FM 6S 7W	Sec. 4	35	636.00	636.00
FM 6S 7W	Sec. 5	35	637.00	637.00
FM 6S 7W	Sec. 8	35	637.00	637.00
FM 6S 7W	Sec. 9	35	636.00	636.00
FM 6S 7W	Sec. 16	35	636.00	636.00
FM 6S 7W	Sec. 17	35	637.00	637.00
FM 6S 7W	Sec. 20	35	637.00	637.00
FM 6S 7W	Sec. 21	35	636.00	636.00
FM 6S 7W	Sec. 28	35	636.00	636.00
FM 6S 7W	Sec. 29	35	637.00	637.00
FM 6S 7W	Sec. 32	35	638.49	638.49
FM 6S 7W	Sec. 33	35	636.00	636.00
FM 10S 6W	Sec. 5	36	320.09	320.09
FM 10S 6W	Sec. 8	36	160.00	160.00
FM 10S 6W	Sec. 10	36	320.00	320.00
FM 10S 6W	Sec. 15	36	200.00	40.00
FM 9S 5W	Sec. 1	36	640.00	640.00
FM 9S 5W	Sec. 2	36	640.00	640.00
FM 9S 5W	Sec. 3	36	640.00	640.00
FM 9S 5W	Sec. 4	36	640.00	640.00
FM 9S 5W	Sec. 5	36	698.64	698.64
FM 9S 5W	Sec. 6	36	698.64	698.64
FM 9S 6W	Sec. 1	36	694.00	694.00
FM 9S 6W	Sec. 2	36	693.52	693.52
FM 9S 6W	Sec. 3	36	693.04	693.04
FM 9S 6W	Sec. 4	36	692.52	692.52
FM 9S 6W	Sec. 5	36	692.00	692.00
FM 9S 6W	Sec. 6	36	641.87	641.87
FM 9S 6W	Sec. 15	36	160.00	80.00

1: MENTAL HEALTH SELECTIONS WITHOUT CONFLICT

Page 2 of 3

<u>M - T - R - S</u>		<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Non-conflicting Acreage</u>
FM 9S 6W	Sec. 17	36	160.00	160.00
FM 9S 6W	Sec. 20	36	320.00	240.00
FM 9S 6W	Sec. 22	36	320.00	320.00
FM 9S 6W	Sec. 27	36	320.00	320.00
FM 9S 6W	Sec. 29	36	320.00	320.00
FM 9S 6W	Sec. 32	36	320.00	320.00
FM 9S 6W	Sec. 34	36	320.00	320.00
FM 12S 7W	Sec. 8	121	108.95	108.95
FM 12S 7W	Sec. 17	121	191.70	191.70
FM 12S 7W	Sec. 20	121	147.16	147.16
FM 12S 7W	Sec. 28	121	51.03	51.03
FM 12S 7W	Sec. 29	121	16.28	16.28
FM 12S 7W	Sec. 32	121	56.62	56.62
FM 18S 8W	Sec. 17	149	640.00	640.00
FM 18S 8W	Sec. 19	149	612.32	612.32
FM 18S 8W	Sec. 22	149	639.93	319.93
FM 18S 8W	Sec. 29	149	319.94	319.94
FM 18S 8W	Sec. 30	149	214.22	214.22
FM 18S 8W	Sec. 34	149	479.00	479.00
FM 18S 8W	Sec. 35	149	520.00	520.00
FM 18S 8W	Sec. 36	149	521.20	521.20
FM 1N 3W	Sec. 12	126	1.36	1.36
FM 1N 3W	Sec. 13	126	17.00	17.00
SM 16N 1E	Sec. 19	90	246.62	246.62
SM 4S 1E	Tract A	156	27.00	27.00
SM 7S 13W	Sec. 22	129	5.00	5.00
SM 27S 21W	Sec. 7	175	2.00	2.00
SM 27S 21W	Sec. 18	175	93.00	93.00
SM 27S 21W	Sec. 19	175	307.00	307.00
SM 27S 21W	Sec. 20	175	422.00	422.00
SM 27S 21W	Sec. 21	175	210.00	210.00
SM 27S 21W	Sec. 27	175	5.00	5.00
SM 27S 21W	Sec. 28	175	440.00	440.00
SM 27S 21W	Sec. 29	175	640.00	640.00
SM 27S 21W	Sec. 30	175	628.50	628.50
SM 27S 21W	Sec. 31	175	630.03	630.03
SM 27S 21W	Sec. 32	175	640.00	640.00

1: MENTAL HEALTH SELECTIONS WITHOUT CONFLICT

Page 3 of 3

<u>M - T - R - S</u>		<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Non-conflicting Acreage</u>
SM 27S 21W	Sec. 33	175	640.00	640.00
SM 27S 21W	Sec. 34	175	65.00	65.00
SM 5N 8W	Sec. 8	25	160.00	160.00
SM 5N 9W	Sec. 4	25	40.00	40.00
SM 5N 9W	Sec. 5	25	160.40	160.40
			<u>29,160.77</u> Total	<u>28,418.56</u> Total

2: Mental Health Selections Needing Adjudication

Table 2 lists all mental health selections that may not be valid due to possible conflicts with a pre-existing Public Land Order (PLO), Executive Order (EO), Native allotment (NA) or federal mining claim; or are the subject of a BLM-State record discrepancy. If there is an acreage discrepancy, state figures are used in this report. No attempt is made here to adjudicate these cases, but only to identify them.

The reader will note that acreage values for selections which conflict with federal mining claims are lacking. Generally, federal mining claimants only file a generalized location map and describe the claim location to the nearest quarter-section. Therefore conflicting acreage within a particular section cannot be readily determined.

Of particular interest are selections which encompass portions of the Richardson Highway and Denali National Park and Preserve.

An initial title report prepared by Department of Natural Resources, Division of Technical Services, Title Administration Unit found that the state's selection on 6,095 acres in FM, 18S, 8W within the expanded boundaries of Denali National Park and Preserve appear to be valid.

2: MENTAL HEALTH SELECTIONS NEEDING ADJUDICATION

Page 1 of 1

<u>M - T - R - S</u>		<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Adjudication Acreage</u>	<u>Conflict</u>
FM 1S 4E	Sec. 3	28	101.56	101.56	BLM shows 262.63 acres selected, State shows 222 acres selected
FM 1S 4E	Sec. 10	28	120.00	120.00	BLM shows 262.63 acres selected, State shows 222 acres selected
FM 6S 4E	Sec. 12	44	310.77	75.70	Conflict with PLO 963
FM 10S 6W	Sec. 3	36	319.75		Federal mining claims
FM 10S 6W	Sec. 4	36	640.04		Federal mining claims
FM 10S 6W	Sec. 9	36	640.00		Federal mining claims
FM 10S 6W	Sec. 18	36	264.13		Federal mining claims
FM 4S 8W	Sec. 14	32	263.22	27.06	Native Allotment apIn F-035085
FM 4S 8W	Sec. 24	32	9.96	4.00	Native Allotment apIn F-09022
FM 9S 6W	Sec. 21	36	640.00		Federal mining claims
FM 9S 6W	Sec. 28	36	640.00		Federal mining claims
FM 18S 8W	Sec. 1	149	716.29	430.00±	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 2	149	640.00	640.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 3	149	640.00	640.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 4	149	640.00	640.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 5	149	640.00	640.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 6	149	607.00	607.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 7	149	608.00	608.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 8	149	640.00	640.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 9	149	640.00	640.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 18	149	610.00	610.00	Inside Denali National Park and Preserve
FM 18S 8W	Sec. 31	149	678.00	258.56	Conflict with Rev/Rest apIn 012915
FM 1N 3W	Sec. 20	126	480.00	310.00	Conflict with PLO 963
SM 3S 1W	Sec. 35	156	50.00	50.00	Conflict with PLO 3881/E04223
SM 3S 1W	Sec. 36	156	50.00	30.00	Conflict with PLO 3881/E04223
SM 4S 1W	Tract A	156	990.00	990.00	Conflict with PLO 3881/E04223
SM 16N 1W	Sec. 24	90	614.61	65.00±	Conflict with PLO 2259
			<u>13,193.33</u>	<u>8,126.88±</u>	Total

3: Mental Health Selections on Lands Already Conveyed

Table 3 lists all mental health selections which are pending on lands that have already been conveyed to state or non-state entities. The fourth column of this table shows the acreage amount already conveyed within each township, section, and mental health number. Conveyance may have been made by patent, tentative approval, interim conveyance, or quit claim deed (QCD). The comments column gives information concerning the conveyance. Because these lands have already been conveyed, they are unavailable for conveyance to the state under the Mental Health Enabling Act. Therefore these selections need to be relinquished by the state or rejected by BLM in order to close the case files.

3: MENTAL HEALTH SELECTIONS ON LANDS CONVEYED BY OTHER ACTION

Page 1 of 1

<u>M - T - R - S</u>	<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Conveyed Selection Acreage</u>	<u>Comments</u>
CRM 28S 53E Sec. 24	16	44.49	44.49	Patented to non-state
CRM 28S 54E Sec. 16	16	100.00	100.00	Patented to non-state
CRM 28S 54E Sec. 21	16	117.37	94.88	Patented to non-state
CRM 55S 63E Sec. 21	47	76.63	19.76	Patented to non-state
CRM 55S 63E Sec. 28	47	30.94	10.00	Patented to non-state
CRM 55S 63E Sec. 34	47	101.78	50.00±	QCD to non-state (AA 9909)
CRM 55S 63E Sec. 35	47	75.00	9.70	QCD to non-state (AA 9909)
CRM 56S 63E Sec. 1	47	3.56	1.61	QCD to non-state (AA 39660 and AA 39596)
CRM 56S 63E Sec. 2	47	77.48	13.10	QCD from US (AA 50236)
CRM 56S 63E Sec. 3	47	20.59	10.00	QCD from US (AA 9907)
FM 2N 7E Sec. 1	116	35.00±	35.00±	Patented to non-state
FM 2N 7E Sec. 12	116	12.00±	12.00±	Patented to non-state
FM 6S 4E Sec. 2	44	325.75	42.92	25' wide QCD to non-state; and Omnibus Act conveyed to state (F 13508)
FM 6S 4E Sec. 10	44	1.35	1.35	Omnibus Act conveyed to State
FM 6S 4E Sec. 11	44	361.04	15.44	25' wide QCD to non-state; and Omnibus Act conveyed to state (F 13508)
FM 6S 4E Sec. 25	44	5.00±	5.00	25' wide QCD to non-state; and Omnibus Act conveyed to state (F 13508)
FM 1N 3W Sec. 20	126	480.00	310.00	Native Interim Conveyances and Patents
FM 1S 3W Sec. 1	126	200.15	79.73	Patented Under GS-36
FM 1S 3W Sec. 9	126	5.00	5.00	Patented Under GS-36
FM 2S 5W Sec. 26	9	60.00±	43.00	Tentatively Approved under GS-17
FM 2S 5W Sec. 26	9	60.00±	17.00	Conveyed by Cert of Allot 60-66-0488
FM 4S 8W Sec. 14	32	263.22	10.55	Patented to non-state
SM 16N 1E Sec. 19	90	246.62	146.62	Native Interim Conveyances and Patents
SM 19N 3E Sec. 24	124	271.21	2.17	QCD to non-state (AA 55130)
SM 7N 12W Sec. 24	25	160.00	160.00	Patented to non-state
SM 8N 10W Sec. 28	25	40.00	40.00	Patented to non-state
SM 8N 10W Sec. 24	25	160.00	160.00	Patented to non-state
SM 13N 11W Sec. 30	62	10.00	10.00	Mineral estate patented to non-state (Lot 1 USS 3964)
SM 16N 1W Sec. 23	90	203.84	161.98	Conveyed to non-state
SM 16N 1W Sec. 24	90	614.61	406.51	Native Interim Conveyances and Patents
SM 16N 1W Sec. 25	90	465.00	465.00	Native Interim Conveyances and Patents
		<u>4,627.64</u>	<u>2,434.46</u> Total	

4: Mental Health Selections with Coexistent Selections

Table 4 lists all mental health selections which are also under selection either by the state under its statehood entitlement (GS or ME), or by village or regional Native corporations under the Alaska Native Claim Settlement Act (ANCSA) entitlements. The fourth column shows the acreage for that portion of a mental health selection covered by coexistent selections, and the fifth column describes the coexistent selection as state (S) or Native (N). The comments column gives some details about the state or Native selections obtained from the BLM master title plats, BLM computer and state LAS computer system. ANCSA selection applications are described either as village selection applications (Vil/Sel apln) or regional selection applications (Reg/Sel apln) and are followed by the name of the organization making the selection.

Certain state co-selections are described as "Top filed" in the comments column (i.e. GS-15). Top filing was authorized under the Alaska National Interest Lands Conservation Act (ANILCA). Top filing was generally applied to entire townships and allowed the state to select any lands available on the date of top filing or any lands that became available after the date of top filing. Therefore, anywhere mental health selections co-exist with state top filed selections the state has the option of exercising either selection. However, wherever mental health selections coexist with state selections which are not top filings the selection filed first is the valid selection.

4: MENTAL HEALTH SELECTIONS WITH COEXISTENT SELECTIONS

Page 1 of 5

<u>M - T - R - S</u>	<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Coexistent Selection Acreage</u>	<u>Coexistent Selection Type</u>	<u>Comments</u>
CRM 55S 63E Sec. 34	47	101.78	51.78±	N	Vil/Sel apln AA-9206-A, Shee Atika, Inc.
CRM 55S 63E Sec. 35	47	75.00	65.30±	N	Vil/Sel apln AA-9206-A, Shee Atika, Inc.
CRM 56S 63E Sec. 2	47	77.48	58.00±	N	Vil/Sel apln AA 9206-A, Shee Atika, Inc.
CRM 56S 63E Sec. 3	47	20.59	2.00±	N	
FM 1S 4E Sec. 3	28	101.56	101.56	S	GS-537 and GS-1208 top filing 8/17/81
FM 1S 4E Sec. 10	28	120.00	120.00	S	GS-537 and GS-1208 top filing 8/17/81
FM 6S 4E Sec. 2	44	325.75	325.75	S	GS-2274 top filing 8/17/81
FM 6S 4E Sec. 11	44	361.04	361.04	S	GS-2274 top filing 8/17/81
FM 6S 4E Sec. 12	44	310.77	310.77	S	GS-2274 top filing 8/17/81
FM 6S 4E Sec. 13	44	40.00	40.00	S	GS-2274 top filing 8/17/81
FM 6S 4E Sec. 25	44	5.00	5.00	S	GS-2274 top filing 8/17/81
FM 1S 2W Sec. 3	126	86.00	86.00	S	GS-509 top filing 8/17/81
FM 1S 2W Sec. 4	126	146.55	146.55	S	GS-509 top filing 8/17/81
FM 1S 2W Sec. 5	126	353.16	353.16	S	GS-509 top filing 8/17/81
FM 1S 2W Sec. 6	126	309.18	309.18	S	GS-509 top filing 8/17/81
FM 1S 2W Sec. 7	126	15.02	15.02	S	GS-509 top filing 8/17/81
FM 1S 2W Sec. 8	126	32.21	32.21	S	GS-509 top filing 8/17/81
FM 1S 2W Sec. 9	126	23.41	23.41	S	GS-509 top filing 8/17/81
FM 1S 2W Sec. 10	126	1.04	1.04	S	GS-509 top filing 8/17/81
FM 1S 3W Sec. 1	126	200.15	80.23	S	GS-36 top filing 8/17/81
FM 1S 3W Sec. 2	126	80.00	80.00	S	GS-36 top filing 8/17/81
FM 1S 3W Sec. 11	126	80.00	80.00	S	GS-36 top filing 8/17/81
FM 1S 3W Sec. 12	126	80.00	80.00	S	GS-36 top filing 8/17/81
FM 1S 3W Sec. 13	126	80.00	80.00	S	GS-36 top filing 8/17/81
FM 4S 8W Sec. 14	32	263.22	263.22	S & N	GS-4; top filing 8/17/81, Vil/Sel apl F-14903-A, Toghetthele Corp.
FM 4S 8W Sec. 15	32	80.00	80.00	N	Vil/Sel apln F-14903-A, Toghetthele Corp.
FM 4S 8W Sec. 22	32	79.32	79.32	N	Vil/Sel apln F-14903-A, Toghetthele Corp.
FM 4S 8W Sec. 24	32	9.96	9.96	N	Vil/Sel apln F-14903-A, Toghetthele Corp.
FM 4S 8W Sec. 26	32	40.00	40.00	N	Vil/Sel apln F-14903-A, Toghetthele Corp.
FM 4S 8W Sec. 34	32	84.56	84.56	N	Vil/Sel apln F-14903-A, Toghetthele Corp.

4: MENTAL HEALTH SELECTIONS WITH COEXISTENT SELECTIONS

Page 2 of 5

<u>M - T - R - S</u>		<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Coexistent Selection Acreage</u>	<u>Coexistent Selection Type</u>	<u>Comments</u>
FM 6S 7W	Sec. 1	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 2	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 3	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 6	35	588.04	588.04	N	Vil/Sel apln F-14903-E, Togh Corp.
FM 6S 7W	Sec. 7	35	477.08	477.08	N	Vil/Sel apln F-14903-E, Togh Corp.
FM 6S 7W	Sec. 10	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 11	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 12	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 13	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 14	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 15	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 18	35	614.43	614.43	N	Vil/Sel apln F-14903-E, Togh Corp.
FM 6S 7W	Sec. 19	35	227.40	227.40	N	Vil/Sel apln F-14903-E, Togh Corp.
FM 6S 7W	Sec. 22	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 23	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 24	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 25	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 26	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 27	35	636.00	636.00	S	GS-3603 top filing 10/29/81
FM 6S 7W	Sec. 30	35	527.72	527.72	N	Vil/Sel apln F-14903-E, Togh Corp.
FM 6S 7W	Sec. 31	35	615.79	615.79	N	Vil/Sel apln F-14903-E, Togh Corp.
FM 6S 7W	Sec. 34	35	636.00	636.00	S	GS-3603 topfiling 10/29/81 a
FM 6S 7W	Sec. 35	35	636.00	636.00	S	GS-3603 topfiling 10/29/81 a
FM 6S 7W	Sec. 36	35	636.00	636.00	S	GS-3603 topfiling 10/29/81 a
FM 6S 8W	Sec. 29	34	640.00	640.00	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 30	34	465.45	465.45	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 31	34	281.08	281.08	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 4	34	640.00	640.00	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 9	34	640.00	640.00	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 15	34	50.00	50.00	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 16	34	640.00	640.00	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 17	34	388.40	388.40	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 19	34	138.84	138.84	S	GS-15 top filing 8/17/81
FM 6S 8W	Sec. 20	34	622.65	622.65	S	GS-15 top filing 8/17/81

4: MENTAL HEALTH SELECTIONS WITH COEXISTENT SELECTIONS

Page 3 of 5

<u>M - T - R - S</u>	<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Coexistent Selection Acreage</u>	<u>Coexistent Selection Type</u>	<u>Comments</u>
FM 6S 8W Sec. 21	34	480.00	480.00	S	GS-15 top filing 8/17/81
FM 18S 8W Sec. 1	149	716.29	286.29	N	Vil/Sel apln F-14844-A and A2, Yadetena Corp.
FM 18S 8W Sec. 10	149	640.00	640.00	N	Vil/Sel apln F-14844-A2, Yadetena Corp.
FM 18S 8W Sec. 11	149	640.00	640.00	N	Vil/Sel apln F-14844-A and A2, Yadetena Corp.
FM 18S 8W Sec. 12	149	716.29	716.29	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 13	149	716.00	716.00	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 14	149	640.00	640.00	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 15	149	640.00	640.00	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 16	149	640.00	640.00	N	Vil/Sel apln F-14844-A and A2, Yadetena Corp.
FM 18S 8W Sec. 20	149	364.82	364.82	N	Vil/Sel apln F-14844-A2, Yadetena Corp.
FM 18S 8W Sec. 21	149	545.42	545.42	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 22	149	639.93	320.00	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 23	149	640.00	640.00	N	Vil/Sel apln F-14844-A2, Yadetena Corp.
FM 18S 8W Sec. 24	149	716.00	716.00	N	Vil/Sel apln F-14844-A2, Yadetena Corp.
FM 18S 8W Sec. 25	149	820.00	820.00	N	Vil/Sel apln F-14844-A2, Yadetena Corp.
FM 18S 8W Sec. 26	149	758.00	758.00	N	Vil/Sel apln F-14844-A2, Yadetena Corp.
FM 18S 8W Sec. 27	149	758.00	758.00	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 28	149	627.03	627.03	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 31	149	678.00	419.44	N	Vil/Sel apln F-14844-A and A2, Yadetena Corp.
FM 18S 8W Sec. 32	149	758.00	758.00	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 18S 8W Sec. 33	149	819.00	819.00	N	Vil/Sel apln F-14844-A, Yadetena Corp.
FM 1N 2W Sec. 22	126	40.00	40.00	S	GS-958 topfiling 8/17/81
FM 1N 2W Sec. 30	126	348.28	268.28	S	GS-958 topfiling 8/17/81
FM 1N 3W Sec. 20	126	310.00	310.00	S	GS-30 topfiling 8/17/81
SM 3S 1W Sec. 25	156	200.00	200.00	S	ME apln A-058732 State selected mineral estate only
SM 3S 1W Sec. 35	156	50.00	50.00	S	ME State selected mineral estate only
SM 3S 1W Sec. 36	156	50.00	50.00	S	ME State selected mineral estate only
SM 4S 1W Tract	156	990.00	990.00	S	ME State selected mineral estate only
SM 5N 10W Sec. 5	25	40.00	40.00	N	Reg/Sel apln AA-11153-23 and AA 20298, CIRI
SM 6N 11W Sec. 4	25	200.00	200.00	N	Reg/Sel apln AA-20297, CIRI
SM 6N 11W Sec. 5	25	240.00	240.00	N	Reg/Sel apln AA-20297, CIRI
SM 6N 11W Sec. 7	25	400.00	80.00	N	Reg/Sel apln AA-20297, CIRI

4: MENTAL HEALTH SELECTIONS WITH COEXISTENT SELECTIONS

Page 4 of 5

<u>M - T - R - S</u>			<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Coexistent Selection Acreage</u>	<u>Coexistent Selection Type</u>	<u>Comments</u>
SM 6N 11W	Sec. 8	25		480.00	480.00	N	Reg/Sel apIn AA-20297, CIRI
SM 6N 11W	Sec. 9	25		280.00	280.00	N	Reg/Sel apIn AA-20297, CIRI
SM 13N 1W	Sec. 1	154		239.77	239.77	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 2	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 3	154		600.00	600.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 4	154		100.00	100.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 5	154		600.00	600.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 6	154		355.49	355.49	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 7	154		635.82	635.82	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 8	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 9	154		470.00	470.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 10	154		342.50	342.50	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 11	154		625.00	625.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 12	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 13	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 14	154		600.00	600.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 15	154		230.00	230.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 16	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 17	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 18	154		638.05	638.05	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 19	154		640.27	640.27	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 20	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 21	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 22	154		460.00	460.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 23	154		410.00	410.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 24	154		635.00	635.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 25	154		625.00	625.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 26	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 27	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 28	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 29	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 30	154		642.50	642.50	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 31	154		644.73	644.73	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 32	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 33	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 34	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 35	154		640.00	640.00	S	GS-2868 top filing 10/29/81
SM 13N 1W	Sec. 36	154		540.00	540.00	S	GS-2868 top filing 10/29/81
SM 13N 11W	Sec. 30	62		10.00	10.00	S	ME State selected mineral estate only
SM 14N 1W	Sec. 1	150		640.00	640.00	S	GS-2871 top filing 10/29/81
SM 14N 1W	Sec. 2	150		640.00	640.00	S	GS-2871 top filing 10/29/81

4: MENTAL HEALTH SELECTIONS WITH COEXISTENT SELECTIONS

Page: 5 of 5

<u>M - T - R - S</u>	<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Coexistent Selection Acreage</u>	<u>Coexistent Selection Type</u>	<u>Comments</u>
SM 14N 1W Sec. 3	150	480.00	480.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 4	150	640.00	640.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 5	150	392.89	392.89	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 9	150	40.00	40.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 10	150	640.00	640.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 11	150	640.00	640.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 12	150	640.00	640.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 13	150	640.00	640.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 14	150	500.00	500.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 15	150	280.00	280.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 24	150	450.00	450.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 27	150	90.00	90.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 28	150	70.00	70.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 29	150	520.00	520.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 30	150	628.60	628.60	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 31	150	551.23	551.23	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 32	150	640.00	640.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 33	150	160.00	160.00	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 34	150	400.91	400.91	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 35	150	230.84	230.85	S	GS-2871 top filing 10/29/81
SM 14N 1W Sec. 36	150	160.00	160.00	S	GS-2871 top filing 10/29/81
SM 16N 1W Sec. 23	90	203.84	41.86	N	Vil/Sel apIn AA-6661-C; Eklutna, Inc.
SM 16N 1W Sec. 24	90	614.61	208.10	N	Vil/Sel apIn AA-6661-C; Eklutna, Inc.
SM 19N 3E Sec. 24	124	271.21	271.21	N	Vil/Sel apIn AA 8489-A, Chikaloon Vil. Corp.
SM 19N 3E Sec. 26	124	80.00	80.00	N	Vil/Sel apIn AA 8489-A, Chikaloon Vil. Corp.

71,707.26 Total

263.22 Both State and Native Coexistent Selections
 51,342.23 Coexistent State Selections
 17,906.84 Coexistent Native Selections
69,512.29 Sum Total Co-Existent Selections

5: Mental Health Selections with Pre-Existing State Encumbrances

Table 5 lists all mental health selections which have pre-existing state created encumbrances. The fourth column of the table lists the encumbered selection acreage and the fifth column gives the encumbrance type. The encumbrance types fall into two categories; state mining claims, and Chugach State Park. Selections encumbered by the North Anchorage Land Agreement (NALA) are listed separately in table 7 and certain of these are further encumbered by Chugach State Park or Palmer Hay Flats designations.

Mining claims can be staked on state selected land under AS 38.04.275. Section 11 AAC 86.115 of the Alaska Administrative Code clarifies that these claims are simply preference rights which vest with tentative approval of the selection unless precluded from doing so by the tentative approval or a state mineral closure. All mental health lands are currently closed to mineral entry by court order.

In some mining claim cases the encumbered acreage value shown is less than expected assuming 40 acres per claim for any given number of claims. In these instances mining claims overlap and the given value represents the actual encumbered acreage, not the product of the number of mining claims times 40 acres. Additionally, some claims are actually smaller than 40 acres.

In the cases where selections are encumbered as Chugach State Park, the legislature has already designated these as park land under AS 41.21.121 should the state ever gain title to these lands.

5: MENTAL HEALTH SELECTIONS WITH PRE-EXISTING STATE ENCUMBRANCES

Page 1 of 3

<u>M - T - R - S</u>		<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Encumbered Acreage</u>	<u>Encumbrance</u>
FM 1S 3W	Sec. 1	126	200.15	159.96	Four state mining claims
FM 1S 3W	Sec. 13	126	80.00	40.00	One state mining claim
FM 9S 6W	Sec. 20	36	320.00	80.00	Three state mining claims
FM 9S 6W	Sec. 21	36	640.00	200.00	Six state mining claims
FM 9S 6W	Sec. 28	36	640.00	280.00	Seven state mining claims
FM 9S 6W	Sec. 15	36	160.00	80.00	Three state mining claims
FM 10S 6W	Sec. 4	36	640.04	199.97	Five state mining claims
FM 10S 6W	Sec. 9	36	640.00	280.00	Seven state mining claims
FM 10S 6W	Sec. 15	36	200.00	160.00	Four state mining claims
FM 10S 6W	Sec. 17	36	280.00	280.00	Seven state mining claims
FM 10S 6W	Sec. 18	36	264.13	264.13	Seven state mining claims
FM 10S 6W	Sec. 22	36	240.00	240.00	Six state mining claims
FM 10S 6W	Sec. 27	36	240.00	240.00	Six state mining claims
FM 10S 6W	Sec. 28	36	40.00	40.00	One state mining claims
SM 15N 2E	Sec. 1	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 2	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 3	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 12	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 19	176	614.48	614.48	Chugach State Park
SM 15N 2E	Sec. 20	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 21	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 27	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 28	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 29	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 30	176	616.24	616.24	Chugach State Park
SM 15N 2E	Sec. 31	176	618.00	618.00	Chugach State Park
SM 15N 2E	Sec. 32	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 33	176	640.00	640.00	Chugach State Park
SM 15N 2E	Sec. 34	176	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 1	154	239.77	239.77	Chugach State Park
SM 13N 1W	Sec. 2	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 3	154	600.00	600.00	Chugach State Park
SM 13N 1W	Sec. 4	154	100.00	100.00	Chugach State Park
SM 13N 1W	Sec. 5	154	600.00	600.00	Chugach State Park
SM 13N 1W	Sec. 6	154	355.49	355.49	Chugach State Park
SM 13N 1W	Sec. 7	154	635.82	635.82	Chugach State Park
SM 13N 1W	Sec. 8	154	640.00	640.00	Chugach State Park

5: MENTAL HEALTH SELECTIONS WITH PRE-EXISTING STATE ENCUMBRANCES

Page 2 of 3

<u>M - T - R - S</u>		<u>MA #</u>	<u>Total Selection Acreage</u>	<u>Encumbered Acreage</u>	<u>Encumbrance</u>
SM 13N 1W	Sec. 9	154	470.00	470.00	Chugach State Park
SM 13N 1W	Sec. 10	154	342.50	342.50	Chugach State Park
SM 13N 1W	Sec. 11	154	625.00	625.00	Chugach State Park
SM 13N 1W	Sec. 12	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 13	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 14	154	600.00	600.00	Chugach State Park
SM 13N 1W	Sec. 15	154	230.00	230.00	Chugach State Park
SM 13N 1W	Sec. 16	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 17	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 18	154	638.05	638.05	Chugach State Park
SM 13N 1W	Sec. 19	154	640.27	640.27	Chugach State Park
SM 13N 1W	Sec. 20	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 21	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 22	154	460.00	460.00	Chugach State Park
SM 13N 1W	Sec. 23	154	410.00	410.00	Chugach State Park
SM 13N 1W	Sec. 24	154	635.00	635.00	Chugach State Park
SM 13N 1W	Sec. 25	154	625.00	625.00	Chugach State Park
SM 13N 1W	Sec. 26	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 27	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 28	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 29	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 30	154	642.50	642.50	Chugach State Park
SM 13N 1W	Sec. 31	154	644.73	644.73	Chugach State Park
SM 13N 1W	Sec. 32	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 33	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 34	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 35	154	640.00	640.00	Chugach State Park
SM 13N 1W	Sec. 36	154	540.00	540.00	Chugach State Park
SM 14N 1W	Sec. 1	150	640.00	640.00	Chugach State Park
SM 14N 1W	Sec. 2	150	640.00	640.00	Chugach State Park
SM 14N 1W	Sec. 3	150	480.00	480.00	Chugach State Park
SM 14N 1W	Sec. 4	150	640.00	640.00	Chugach State Park
SM 14N 1W	Sec. 5	150	392.89	332.89	Chugach State Park
SM 14N 1W	Sec. 10	150	640.00	640.00	Chugach State Park
SM 14N 1W	Sec. 11	150	640.00	640.00	Chugach State Park
SM 14N 1W	Sec. 12	150	640.00	640.00	Chugach State Park
SM 14N 1W	Sec. 13	150	640.00	640.00	Chugach State Park
SM 14N 1W	Sec. 14	150	500.00	480.00	Chugach State Park

5: MENTAL HEALTH SELECTIONS WITH PRE-EXISTING STATE ENCUMBRANCES

Page 3 of 3

<u>M - T - R - S</u>		<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Encumbered Acreage</u>	<u>Encumbrance</u>
SM 14N 1W	Sec. 15	150	280.00	280.00	Chugach State Park
SM 14N 1W	Sec. 24	150	450.00	450.00	Chugach State Park
SM 14N 1W	Sec. 27	150	90.00	90.00	Chugach State Park
SM 14N 1W	Sec. 28	150	70.00	70.00	Chugach State Park
SM 14N 1W	Sec. 29	150	520.00	520.00	Chugach State Park
SM 14N 1W	Sec. 30	150	628.60	628.60	Chugach State Park
SM 14N 1W	Sec. 31	150	551.23	551.23	Chugach State Park
SM 14N 1W	Sec. 32	150	640.00	640.00	Chugach State Park
SM 14N 1W	Sec. 33	150	160.00	160.00	Chugach State Park
SM 14N 1W	Sec. 34	150	400.91	400.91	Chugach State Park
SM 14N 1W	Sec. 35	150	230.85	230.85	Chugach State Park
SM 14N 1W	Sec. 36	150	160.00	160.00	Chugach State Park
			44,001.65	Total	

2,544.06 State Mining Claims

39,757.33 Chugach State Park

42,301.39 Sum Total Encumbered Acreage

6: Suspended Acreages

Table six lists all mental health selections that were suspended by BLM. Rather than reject or approve the mental health selection, the BLM suspended the selection pending adjudication of the land availability. BLM uses this action inconsistently and therefore this table does not necessarily include all mental health selections in need of adjudication.

6: SUSPENDED MENTAL HEALTH SELECTIONS

Page 1 of 1

<u>M - T - R - S</u>		<u>MH #</u>	<u>Total Selection Acreage</u>	<u>Suspended Acreage</u>
CRM 28S 53E	Sec. 24	16	44.49	44.49
CRM 28S 53E	Sec. 16	16	100.00	100.00
CRM 28S 54E	Sec. 21	16	117.37	94.88
CRM 28S 54E	Sec. 22	16	33.37	33.37
CRM 28S 55E	Sec. 22	16	50.00	50.00
CRM 28S 55E	Sec. 25	16	26.36	26.36
CRM 28S 55E	Sec. 27	16	67.99	67.99
CRM 28S 56E	Sec. 29	16	7.17	7.17
CRM 28S 56E	Sec. 30	16	9.18	9.18
CRM 28S 56E	Sec. 31	16	28.69	28.69
FM 1N 2W	Sec. 21	126	230.51	230.51
FM 1N 2W	Sec. 30	126	348.28	120.00
FM 1N 2W	Sec. 31	126	120.00	120.00
FM 1N 3W	Sec. 15	126	148.48	148.48
FM 1N 3W	Sec. 20	126	480.00	170.00
FM 1N 3W	Sec. 21	126	560.00	560.00
FM 1N 3W	Sec. 22	126	380.76	380.76
FM 1S 2W	Sec. 3	126	86.00	86.00
FM 1S 2W	Sec. 4	126	146.55	146.55
FM 1S 2W	Sec. 5	126	353.16	353.16
FM 1S 2W	Sec. 6	126	309.18	309.18
FM 1S 2W	Sec. 7	126	15.02	15.02
FM 1S 2W	Sec. 8	126	32.21	32.21
FM 1S 2W	Sec. 9	126	23.41	23.41
FM 1S 2W	Sec. 10	126	1.04	1.04
FM 1S 3W	Sec. 1	126	200.15	40.19
FM 1S 3W	Sec. 2	126	80.00	80.00
FM 1S 3W	Sec. 11	126	80.00	80.00
FM 1S 3W	Sec. 12	126	80.00	80.00
SM 19N 3E	Sec. 24	124	271.21	268.97
SM 19N 3E	Sec. 26	124	80.00	80.00
SM 19N 3E	Sec. 28	124	47.58	47.58
SM 19N 3E	Sec. 32	124	225.66	225.66
			<u>4,783.82</u>	<u>4,060.85</u> Total

7: Mental Health Selections Affected by NALA

The North Anchorage Land Agreement (NALA) made on March 15, 1982 provided for the settlement of certain claims and litigation arising from the Alaska Native Claims Settlement Act and allowed for the consolidation of land ownership by the State of Alaska, Municipality of Anchorage, and Eklutna, Inc.

Approximately 24,236.52 acres of mental health selections were affected by NALA. According to the agreement 16,031.06 acres of these selected lands are to be conveyed to the state, and 8,205.46 acres are to be conveyed to Eklutna, Inc. (see column five). In the agreement the state agreed to relinquish certain mental health selections so that BLM can convey these lands to Eklutna, Inc. In exchange, Eklutna, Inc. agreed to relinquish certain of its selection in order to allow the land to be conveyed to the state under the Mental Health Enabling Act (see column four). A portion of the land that the state is receiving is predesignated as Chugach State Park or Palmer Hay Flats State Game Refuge under AS 41.21.121 and AS 16.20.032 respectively.

7: MENTAL HEALTH SELECTIONS AFFECTED BY NALA

Page 1 of 2

M - T - R - S	MH #	Total Selection Acreage Affected by NALA	Affected Selection Acreage To State	Affected Selection Acreage To Eklutna	Comments
SM 15N 2E Sec. 4	176	640.00	640.00		Chugach State Park
SM 15N 2E Sec. 6	176	347.60	347.70		Chugach State Park
SM 15N 2E Sec. 7	176	529.44	529.44		Chugach State Park
SM 15N 2E Sec. 9	176	80.00	80.00		Chugach State Park
SM 15N 2E Sec. 10	176	485.00	485.00		Chugach State Park
SM 15N 2E Sec. 11	176	640.00	640.00		Chugach State Park
SM 15N 2E Sec. 13	176	600.00	600.00		Chugach State Park
SM 15N 2E Sec. 14	176	200.00	200.00		Chugach State Park
SM 15N 2E Sec. 15	176	40.00	40.00		Chugach State Park
SM 15N 2E Sec. 16	176	320.00	320.00		Chugach State Park
SM 15N 2E Sec. 17	176	600.00	600.00		Chugach State Park
SM 15N 2E Sec. 18	176	612.72	612.72		Chugach State Park
SM 15N 2E Sec. 22	176	560.00	560.00		Chugach State Park
SM 15N 2E Sec. 23	176	120.00	120.00		Chugach State Park
SM 15N 2E Sec. 24	176	280.00	280.00		Chugach State Park
SM 15N 2E Sec. 26	176	520.00	520.00		Chugach State Park
SM 15N 2E Sec. 35	176	640.00	640.00		Chugach State Park
SM 15N 2E Sec. 36	176	80.00	80.00		Chugach State Park
SM 16N 1E Sec. 1	90	435.25		435.25	
SM 16N 1E Sec. 2	90	392.87	30.00	362.87	
SM 16N 1E Sec. 3	90	494.41	465.41±	29.00±	ARR on these lands
SM 16N 1E Sec. 4	90	635.33	635.33		Palmer Hay Flats State Game Refuge
SM 16N 1E Sec. 5	90	639.02	639.02		Palmer Hay Flats State Game Refuge
SM 16N 1E Sec. 6	90	597.84	597.84		Palmer Hay Flats State Game Refuge
SM 16N 1E Sec. 7	90	276.07	276.07		Palmer Hay Flats State Game Refuge
SM 16N 1E Sec. 8	90	319.00	319.00		Palmer Hay Flats State Game Refuge
SM 16N 1E Sec. 9	90	158.64	158.64		Palmer Hay Flats State Game Refuge
SM 16N 1E Sec. 10	90	288.53	259.03	29.50	ARR on these lands
SM 16N 1E Sec. 11	90	457.00		457.00	ARR on these lands
SM 16N 1E Sec. 12	90	469.00		469.00	
SM 16N 1E Sec. 13	90	54.03		54.03	
SM 16N 1E Sec. 14	90	463.00		463.00	
SM 16N 1E Sec. 15	90	463.55		463.55	ARR on these lands
SM 16N 1E Sec. 16	90	268.79		268.79	ARR on these lands

7: MENTAL HEALTH SELECTIONS AFFECTED BY NALA

Page 2 of 2

<u>M - T - R - S</u>	<u>MH #</u>	<u>Total Selection Acreage Affected by NALA</u>	<u>Affected Selection Acreage To State</u>	<u>Affected Selection Acreage To Eklutna</u>	<u>Comments</u>
SM 16N 1E Sec. 17	90	33.67		33.67	
SM 16N 1E Sec. 20	90	619.54		619.54	
SM 16N 1E Sec. 21	90	640.00	120.00	520.00	
SM 16N 1E Sec. 22	90	640.00	160.00	480.00	
SM 16N 1E Sec. 23	90	640.00	160.00	480.00	
SM 16N 1E Sec. 24	90	640.00	160.00	480.00	
SM 16N 1E Sec. 25	90	640.00	640.00		
SM 16N 1E Sec. 26	90	620.00	620.00		Chugach State Park
SM 16N 1E Sec. 27	90	240.00	170.00*	70.00	Chugach State Park
SM 16N 1E Sec. 28	90	50.00		50.00	
SM 16N 1E Sec. 29	90	20.00		20.00	
SM 16N 1E Sec. 31	90	609.28	609.28		Chugach State Park
SM 16N 1E Sec. 32	90	475.00±	360.00*	115.00±	*Chugach State Park
SM 16N 1E Sec. 33	90	320.00±	160.00*	160.00±	*Chugach State Park
SM 16N 1E Sec. 34	90	60.00±		60.00±	
SM 16N 1E Sec. 35	90	80.00±	25.00±*	55.00±	*Chugach State Park
SM 16N 1E Sec. 36	90	600.00	600.00		Chugach State Park
SM 16N 1W Sec. 1	90	528.32	528.32		Palmer Hay Flats State Game Refuge
SM 16N 1W Sec. 2	90	176.65	176.65		Palmer Hay Flats State Game Refuge
SM 16N 1W Sec. 3	90	17.48	17.48		Palmer Hay Flats State Game Refuge
SM 16N 1W Sec. 10	90	328.55	328.55		Palmer Hay Flats State Game Refuge
SM 16N 1W Sec. 11	90	376.10	376.10		Palmer Hay Flats State Game Refuge
SM 16N 1W Sec. 12	90	144.58	144.58		Palmer Hay Flats State Game Refuge
SM 16N 1W Sec. 25	90	160.00	16,031.16 Total	160.00	See table 3 for additional mental health selections in Sec. 25
SM 16N 1W Sec. 26	90	400.00		400.00	
SM 16N 1W Sec. 27	90	491.49		491.49	
SM 16N 1W Sec. 28	90	154.32		154.32	
SM 16N 1W Sec. 32	90	184.45		184.45	
SM 16N 1W Sec. 34	90	640.00		640.00	
		24,236.62 Total		8,205.46 Total	