



**Bureau of Land Management**

Anchorage Field Office  
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Anchorage, AK 99507  
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**Environmental Assessment  
Sale of Reversionary Clause**

**Saint Andrew Catholic Church  
6601 Artillery Road  
Eagle River, Alaska 99577**

**AA-086554  
AK-040-06-EA-047**



**Lots 7 and 10  
Section 11, T. 14 N., R. 2 W.,  
Seward Meridian  
Comprising 3.90 acres**

**Prepared By:  
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September 7, 2006**

## I. INTRODUCTION

The Corporation of the Catholic Bishop of Juneau obtained a patent to lots 7 and 10, Section 11, T. 14 N., R. 2 W., Seward Meridian (patent number 1213492 containing 3.90 acres) on October 6, 1960 under the authority of the Act of Congress of June 14, 1926 (44 Stat. 741; 43 U.S.C.) as amended. This Act is commonly referred to as the Recreation and Public Purposes Act (R&PP). The patent for the lands contained a reversionary clause which provided for the title to the lands to revert to the United States if the patentee or his successor attempts to transfer title to another party or put the land to uses other than those the patent was issued for without the consent of the Secretary of the Interior.

On October 12, 1966 the Bureau of Lands Management (BLM) issued a Certificate of Approval of Transfer of Title ( No. 50-6) approving the transfer of title from the Corporation of the Catholic Bishop of Juneau to the Corporation of the Catholic Archbishop of Anchorage. On January 26, 1993 BLM issued an additional Certificate of Approval of Transfer ( No.50-31) approving the transfer of title from the Corporation of the Catholic Archbishop of Anchorage to the Corporation of St. Andrew's Parish of the Archdiocese of Anchorage (St. Andrew's). Throughout these transfers the use of the land has continued to be for church purposes. Additionally St Andrew's has acquired title to 11 additional contiguous lots which surround lots 7 and 10, enlarging their total acreage holding to 7.8 acres (See attachment 1). Only lots 7 and 10 were acquired under the authority of the R&PP Act and contain the reversionary clause; the remaining 11 lots are owned in fee.

In 2004 St Andrew's notified BLM that they had outgrown the property and wished to examine the possibility of disposing of the properties, including lots 7 and 10 through sale to the public or transfer of title to a qualified non-profit. The purpose of the sale was to off-set the purchase price of a larger parcel of land that they had acquired with the intent of constructing a church large enough to accommodate the growth of the parish. In 2006, after being dissuaded from selling the property and exhausting attempts to find a qualified non-profit transferee, St Andrew's requested the sale of the reversionary clause (to them) at fair market value. The purchase of the reversionary interest in Lots 7 and 10 would give St. Andrew's fee title to all 13 lots that they own and allow for their future management of the property, including the potential sale of the lands, without BLM's involvement.

To date, the property has been operated continuously for 46 years as a Catholic Church. The lands are developed with a rectory and administrative office building, a church and classroom building, picnic, recreation, storage and parking facilities.

### A. Purpose and Need for the Proposed Action:

The purpose and need for the proposed action- the sale of the reversionary clause to St. Andrew's at fair market value- is to allow St. Andrew's to manage their lands to the benefit of the Church, and remove the BLM responsibility for the administrative responsibilities associated with managing the two lots containing the R&PP reversionary clause located in

the middle of 11 other privately held lots. See attachment 1. The lands are currently owned by St. Andrew's but use is restricted by the reversionary clause contained in the patent. Purchase of the reversionary clause will clear the title to lots 7 and 10 and allow St. Andrew's to manage the properties without the involvement of the BLM. This management may include the sale of the entire St. Andrew's holding of 13 lots totaling 7.8 acres in order to reduce the costs of constructing a larger church on lands they have acquired.

B. Conformance With Land Use Plan:

The South-central RMP identifies lands as suitable for disposal by FLPMA Sec. 203 when "the tract which because of its location or other characteristics, is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal department or agency."

C. Relationship to Statutes, Regulations, Policies, Plans or Other Environmental Analyses: (Optional)

BLM is authorized to sell land or interests in land under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C.1713). 43 CFR 2710.0-6 (c) (iii) allows for the direct sale of lands when the lands are completely surrounded by lands in one ownership.

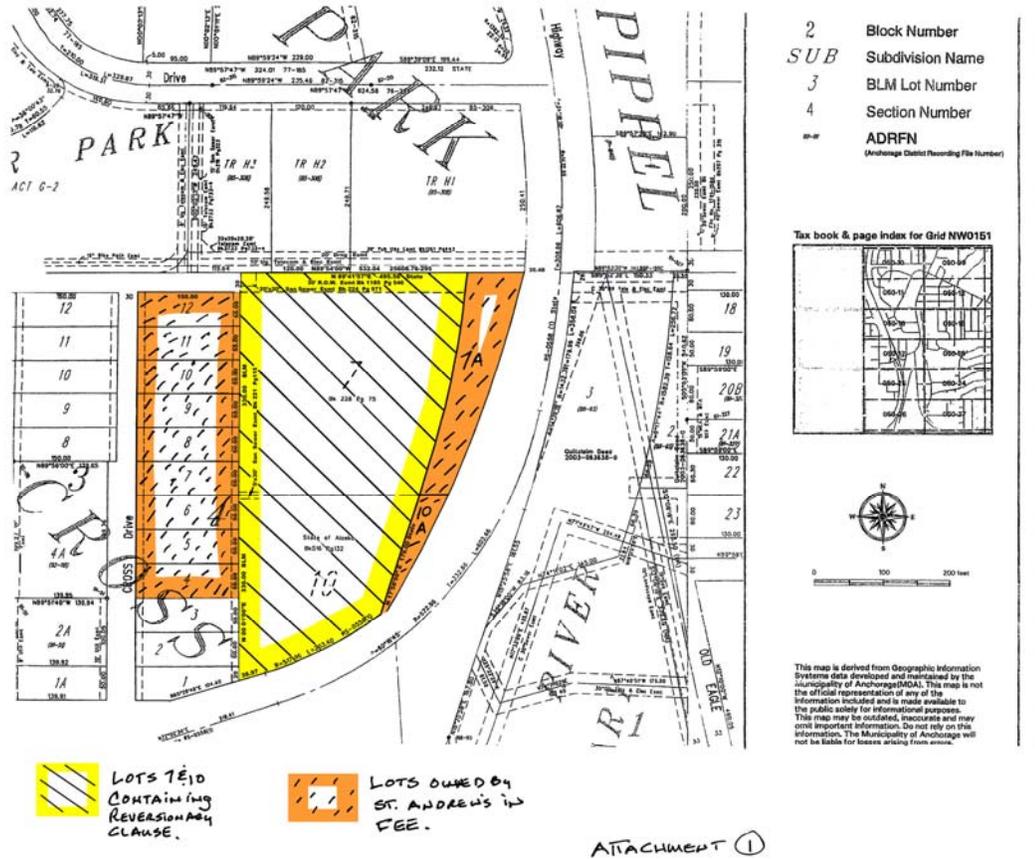
D. Alternatives Considered But Not Analyzed in Detail:

The history of this case includes the exhaustive search by St. Andrew's for a qualified nonprofit to assume title of the lands through a transfer of administration. This effort proved unsuccessful.

II. PROPOSED ACTION AND ALTERNATIVE

A. Proposed Action:

St. Andrew's proposes to purchase the reversionary interest held by the BLM in lots 7 and 10, Sec. 11, T. 14 N., R. 2 W., Seward Meridian (Pat. No. 1213492, October 6, 1960), *see* Figure 1, below. They propose to purchase the interest at 20% of the Fair Market Value for Lots 7 and 10. This percentage is based on the original determination of the value of the reversionary clause in the appraisal report for the R&PP sale dated July 7, 1957. Using this approach the FMV for the reversionary interest in Lots 7 and 10 is determined to be \$340,000.



Wetlands and Riparian Zones  
Wild and Scenic Rivers  
Wilderness

1. Cultural Resources (Example):

The proposed action is administrative in nature. There will be no effect on cultural resources. A Section 106 evaluation is found in case file AA -86554

2. T&E Species:

There are no rare or sensitive plant species known to occur in the project area. A Threatened and Endangered Species Evaluation is contained in case file AA -86554.

3. Section 810 ANILCA Compliance

The Proposed Action does not occur on Federal public lands as defined in ANILCA Sec. 102(3) or fall under the regulatory authority of the Federal Subsistence Board. Therefore at this time the proposed action will not significantly restrict federal subsistence uses, decrease the abundance, alter the distribution or limit the access to federal subsistence resources for the qualified federal subsistence user. No further analysis is required at this time. A Section 810 Compliance/ Clearance is found in case file AA-86554.

B. Land Status:

The subject lots passed from Federal ownership in 1960 with the issuance of Patent No. 1213492. BLM's remaining interest in the lands is through a reversionary clause and the reservations for R&PP patents for ditches and canals, the mineral estate, and rights-of-way for the construction of railroads, telephone and telegraph facilities. St. Andrew's has acquired fee title to 11 additional lots adjoining lots 7 and 10. Additional lands which adjoin the subject parcel are in private ownership or have been developed as portions of Brooks Road on the north, Cross Drive on the west, and the Old Glenn Highway on the east. Lots 1, 2 and 3 of the A.L. Cross subdivision remain in ownership other than St. Andrew's. Prior to the sale of the reversionary interest, St. Andrew's will provide notice to the community and the adjoining land owners through publication in newspapers of local distribution. BLM will publish the Notice of Realty Action in the Federal Register

- C. Vegetation:  
The subject lots are encumbered by administrative office space, rectory, church, and classroom buildings. Remaining improvements include developed recreation areas and parking for the congregation. Vegetation on the remaining lands includes birch and aspen trees. No impact to the existing vegetation is anticipated to result from the proposed action.
- D. Visual Resources:  
Lots 7 and 10 are largely developed by St. Andrew's and surrounded by businesses, roads and the community infrastructure. No additional impacts to the visual resources from the proposed action are expected to occur.
- E. Wildlife:  
The lots are within the developed portion of the St. Andrew's holdings within the community of Eagle River, Alaska. The subject lands are bordered on the east by five lanes of traffic and on the other sides by commercial properties and residential development. Wildlife found in this area is minimal and transient in nature. No impacts to wildlife are expected to occur from the proposed action.

IV. ENVIRONMENTAL CONSEQUENCES

A. Impacts of the Proposed Action:

1. Critical Elements:

The following critical elements to the human environment are either not present or would not be affected by the proposed action:

- Air Quality
- Areas of Critical Environmental Concern
- Environmental Justice
- Farm Lands, Prime and Unique
- Flood Plains
- Native American Religious Concerns
- Wastes, Solids and Hazardous Materials
- Water Quality
- Wetlands and Riparian Zones
- Wild and Scenic Rivers
- Wilderness

a. Cultural Resources:

No cultural resources are known or expected for the effected parcel; therefore no further consultation is necessary under Section 106 of the National Historic Preservation Act. A site examination was completed on August 11, 2006. A Report of Examination for Cultural Resources is found in case file no. AA-086554.

b. T&E Species:

There are no rare or sensitive plant species known to occur in the project area. A Threatened and Endangered Species Evaluation is contained in case file AA -86554.

2. Visual Resources:

The proposed action is the sale of the reversionary clause to the current land owner. Lots 7 and 10 are largely developed by St. Andrew's and surrounded by businesses, roads and the community infrastructure. No additional impacts to the visual resources from the proposed action are expected to occur.

3. Wildlife:

Impacts to the existing wild life are not significant and no further impacts to wildlife are anticipated to occur as a result of the administrative transfer of the reversionary clause to St. Andrew's.

B. Impacts of Alternative #1 - No Action Alternative

The lands would remain in private ownership and continue to be operated as a church. BLM would continue to have a management role (compliance with the R&PP patent) in the property through the reversionary clause.

C. Cumulative Impacts:

There are no known cumulative impacts identified for the Proposed Action. The real property interest will leave federal ownership and future use of the property will be outside the purview of NEPA analysis. These lots are located in the core of Eagle River, Alaska's development area and it is anticipated that future use will continue to be for municipal/commercial purposes as opposed to industrial use.

D. Mitigation Measures:

There are no mitigation measures identified for the Proposed Action.

V. CONSULTATION AND COORDINATION

A. Persons and Agencies Consulted:

List all persons, agencies, and organizations contacted or consulted--the purpose and results of the consultations.

Fr. Leo A. Walsh S.T.L., proponent of the proposed action  
John Rodda, MOA, Parks and Beautification

B. List of Preparers:

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