



**HUGHES GORSKI SEEDORF**  
**ODSEN & TERVOOREN, LLC**  
ATTORNEYS AT LAW

May 4, 2015

Direct Dial:  
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Angela Nichols  
RDI Program Manager  
Cadastral Services Coordinator  
Anchorage, AK

**Via E-Mail Only**  
[anichols@blm.gov](mailto:anichols@blm.gov)

RE: Patent No. 1158433 / Catholic Bishop of Northern Alaska  
Our File No. 1504-68

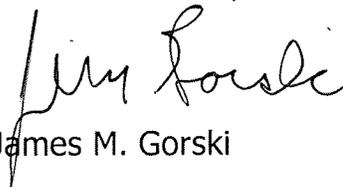
Dear Angela:

In response to your email of Monday, May 4, 2015, please consider the Application for Recordable Disclaimer of Interest of Land on behalf of the Archdiocese to be dated May 4, 2015.

In addition to the foregoing, by way of supplement, in the original Application, notice was made of a claim by certain members of the Stickwan family regarding access to a traditional subsistence fish wheel site. That matter has been settled and resolved with the Archdiocese agreeing to provide the Stickwans with a recorded Access Agreement and a Quitclaim Deed for their fish wheel site. Copies of the two documents, as recorded in the Chitina Recording District on April 29, 2015 are enclosed with this letter. Except as supplemented by these documents, the remainder of the original application remains as provided to you earlier.

Sincerely,

HUGHES GORSKI SEEDORF  
ODSEN & TERVOOREN, LLC

By   
James M. Gorski

Enclosures  
cc: Rev. Steven C. Moore

**APPLICATION FOR RECORDABLE DISCLAIMER OF INTEREST IN LAND**  
**(Authority Pursuant to 43 U.S.C. 1201, 1740 and 1745; 43 CFR § 1864)**

The Applicant seeking a recordable disclaimer of interest in land is the Corporation of the Catholic Archbishop of Anchorage, Inc. ("Archdiocese of Anchorage"), c/o Rev. Steven C. Moore, 225 Cordova Street, Anchorage, Alaska 99501, telephone 907-297-7726.

A legal description of the land for which the disclaimer is sought is set forth on the attached Exhibit A, Patent No. 1158433 dated March 29, 1956.

At this point time, the Archdiocese is not aware of any others known to have or believed to have a claim or an interest in title to the lands. The Archdiocese is aware that certain Alaska Natives claim access or easement rights across the property for purposes of exercising their subsistence fishing rights on the Copper and Tazlina Rivers and accessing their family allotment site. At this point in time, the heirs of Frank Stickwan, which include Gloria Stickwan, Dorothy Locke, Virginia Pete, Delia Renard, Yolanda Dewitt, Anita Jones, Elizabeth Vollema, and Rita Duffield, have jointly, through the Native American Rights Fund, asserted claims to an easement across the Archdiocese's property. The Archdiocese is working with these parties to ensure that their historical access rights are preserved.

The Archdiocese is aware that there are other fish wheels located adjacent to the land in the river, but no claimant has yet come forth seeking a similar right, if any.

Documents which show the Archdiocese's title to the land include the Patent to the Catholic Bishop of Northern Alaska, a copy attached hereto as Exhibit A, and subsequently the conveyance from the Bishop of Northern Alaska to the Corporation of the Catholic Archbishop of Anchorage (the Archdiocese of Anchorage), Exhibit B.

**STATEMENT AS TO THE NATURE  
AND EXTENT OF CLOUD ON TITLE**

When the Catholic Bishop of Northern Alaska received Patent No. 1158433 in 1956, the origin for this title was via Private Law 151 dated August 8, 1953 (67 Stat, Chapter 372). A copy of Private Law 151 is attached as Exhibit C. During this time period, land was often conveyed to churches and other non-profit organizations pursuant to the Recreation and Public Purpose Act of 1926 (43 U.S.C. 869). The Recreation and

Public Purpose Act of 1926 authorizes the Secretary of the Interior to issue patents conveying land to non-profit organizations and the like, but there are certain requirements that the Secretary of the Interior must follow and include in a patent to be issued. One of the critical requirements to be in these Recreation and Public Purpose Act patents is a reverter clause. In essence, the clause must state that if the patentee ceases to use the property in the manner originally classified in the patent, then the property reverts to the United States. An example of such a conveyance, with the reversion clause could be found in Patent No. 1213492, a patent to the Corporation of the Catholic Bishop of Juneau. (Exhibit D.) That patent dated October 6, 1960 references the fact that the conveyance is according to the provisions of the Recreation and Public Purpose Act. The very last paragraph provides that in the event the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary of the Interior or its delegate, . . . title shall revert to the United States. *See, e.g.*, Exhibit D attached hereto. In the Patent conveying the land to the Catholic Bishop of Northern Alaska, the Patent was issued pursuant to a Private Law and it lacked the specific reverter language found in the Recreation and Public Purpose Act patents.

In the matter presently encompassed by this application, title companies and prospective purchasers, are nevertheless left with a troubling question as to the Private Law and Patent which state that the conveyance of the land was for purposes of a mission school. The Catholic Bishop of Northern Alaska constructed a school on the site which opened for the 1956 school year. The Copper Valley school operated continuously through the 1971 school year, at which point in time the economics of mission schools in Alaska rendered that use impractical. The school was mothballed by the Archdiocese of Anchorage (having received title from the Catholic Bishop of Northern Alaska), but subsequently it was totally destroyed by fire in 1976. The school was not rebuilt though reminders of its existence remain, such as the cemetery for various faculty and students who passed away at the school and were (and remain) buried on the land.

Pursuant to Private Law 151, the property at issue was not gifted or awarded by grant to the Catholic Bishop of Northern Alaska. Instead, the Catholic Bishop of Northern Alaska was required to purchase the property at fair market value and, in any event, in an amount no less than \$1.25/acre. In fact, the Catholic Bishop of Northern Alaska paid \$3.00 an acre for the land in the 1956.

In 1976, an effort was initiated by the Alaska Congressional delegation to remove the “for use as a mission school” language from the patent, as well as remove the minerals reservation to the United States. According to a June 3, 1976 letter from John Kyl, Assistant Secretary of the Interior, to the Honorable James A. Haley, Chairman,

Committee on Interior and Insular Affairs, House of Representatives (Exhibit E), the United States Department of Interior believed that since fair market value was paid for the land, it did not object to the use of the land for any purpose the Catholic Bishop of Northern Alaska deemed proper. The Department of Interior did object, however, to the provision that would remove the reservation of mineral rights to the United States. The bill ultimately was not passed due to a variety of political considerations, but certainly as of 1976, the Department of Interior acknowledged that the Catholic Bishop had used the property as a mission school, but by 1976 that use had been terminated for several years. Nevertheless, the Archdiocese believes the 1976 opinion of the Department of Interior was correct and that the land, subject to the mineral rights to the United States, is available to the Archdiocese for any legal use as it deems appropriate, which could include sale to a third party.

Due to the location of the property at the confluence of the Copper River and Tazlina River, there may well have been, over time, some adjustment of the land boundary adjacent to either river, however, those adjustments are not material to the present application.

Finally, subsequent to the loss of the school building by fire, in 2013, the United States Environmental Protection Agency, Region 10, issued a formal general notice letter under the Comprehensive Environmental Response, Compensation and Liability Act to the Archdiocese of Anchorage ordering the Archdiocese to clean-up the school site due to the presence of traceable amounts of asbestos. The Archdiocese fulfilled that EPA mandate, but went beyond it by cleaning up numerous life/safety issues on the land, such as cleaning up unauthorized dump sites, removing dozens of junked cars, etc. The cost to the Archdiocese has been substantial (approximately \$3.0 million) and the Archdiocese desires to sell the land to recoup the clean-up costs, but the potential “use as a mission school” clause casts a cloud on the title and that cloud serves as an impediment to any future use or sale of the land.

To the best of the Archdiocese’s knowledge, there are no known adverse claimants or occupants of the land included in this application. The Archdiocese is aware, however, that the lineal descendants of Frank Stickwan have asserted access rights across church property for a down river allotment and subsistence fishing site. The Stickwan descendants have initiated a civil action in the Superior Court for the State of Alaska at Anchorage, Case No. 3AN-14-06335 Civil, with the Stickwan representation being provided by the Native American Rights Funds 745 West 4<sup>th</sup> Avenue, Suite 502, Anchorage, Alaska 99501, telephone number 907-276-0680. In reviewing the complaint at issue, it appears that the Stickwans are not making a claim to the entirety of the

property, but, instead, they are seeking prescriptive easements or dedicated access across the church property so that the Stickwans and their heirs have guaranteed access, by private access rights, to the fish camp as well as the allotment. The Archdiocese is presently working with the Stickwans to memorialize those rights, but, in the end, these are merely access rights and not claims to title to the land at issue.

Because the Secretary of the Interior indicated as early as 1976 that the Archdiocese was free to use the property as it saw fit, except for the exploitation of mineral rights, and due to the fact that the Archdiocese paid fair market value for the land, and that there is no reverter clause as is traditionally found in Recreational and Public Purpose Act conveyances, the Archdiocese of Anchorage respectfully requests that the Department of Interior, Bureau of Land Management issue a recordable disclaimer of interest disclaiming any interest in the property subject to this application. A proposed disclaimer of interest form, in recordable format, is attached hereby as Exhibit F for consideration.

Respectfully submitted,

HUGHES GORSKI SEEDORF  
ODSEN & TERVOOREN, LLC  
Attorneys for Archdiocese of Anchorage

By:

James M. Gorsk

Contact Information:

3900 C Street, Suite 1001

Anchorage, AK 99503

Telephone: 907-274-7522

Fax: 907-263-8320

E-Mail: [jgorski@hglawfirm.net](mailto:jgorski@hglawfirm.net)

321733

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at Anchorage, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the Catholic Bishop of Northern Alaska, a religious corporation sole, pursuant to the provisions of the Act of Congress of August 8, 1953 (67 Stat. A53), for the following described land:

Copper River Meridian, Alaska.

T. 3 N., R. 1 W.,

Sec. 10, Lots 6 and 7, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 15, Lots 2, 3, 4, 7 and 8, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 462 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management.

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, DOES HEREBY GRANT unto the said Catholic Bishop of Northern Alaska, a religious corporation sole, and to his successors, the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Catholic Bishop of Northern Alaska, a religious corporation sole, and to his successors and assigns forever, for use as a mission school; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. There is, also, reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with the Act of March 12, 1914 (38 Stat. 305). Reserving, also, to the United States, a right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under authority of the United States or by any State created out of the Territory of Alaska, in accordance with the Act of July 24, 1947 (61 Stat. 418). Excepting and reserving, also, to the United States all coal and other mineral deposits in the land so patented, together with the right to prospect for, mine, and remove the same, according to the provisions of said Act of August 8, 1953.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the  
TWENTY-NINTH day of MARCH in the year of  
our Lord one thousand nine hundred and FIFTY-SIX  
and of the Independence of the United States the one hundred  
and EIGHTIETH.

[SEAL]

For the Director, Bureau of Land Management.

By Rose M. Beall  
Acting Chief, Patents Section.

Patent Number 1158433

16-21079-8 U. S. GOVERNMENT PRINTING OFFICE

PAGE 10/1 EXHIBIT A

CHITINA  
Serial No.

66-303

#16  
BOOK 1000 PAGE 277  
Chitina Recording District  
file

WARRANTY DEED

The grantor, CORPORATION OF THE CATHOLIC BISHOP OF NORTHERN ALASKA, a religious corporation sole organized under the laws of Alaska, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, pursuant to the Decree of Pope Paul VI establishing the Catholic Archdiocese of Anchorage, conveys and warrants to the CORPORATION OF THE CATHOLIC ARCHBISHOP OF ANCHORAGE, a religious corporation sole organized under the laws of Alaska, the following described real property situated in the State of Alaska, more particularly described as follows:

*Copper Valley School*

✓ PARCEL NO. 1: Lots 6 and 7, the Northwest one-quarter of the Southwest one-quarter (NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ), and the South one-half of the Southwest one-quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$ ) of Section 10; and Lots 2, 3, 4, 7, and 8, the North one-half of the Northwest one-quarter (N $\frac{1}{2}$  of NW $\frac{1}{4}$ ), and the Southeast one-quarter of the Northwest one-quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 15; all being in Township 3 North, Range 1 West of the Copper River Meridian, Alaska, Glenallen Recording District, State of Alaska.

PARCEL NO. 2: All and the whole of Lots 22 and 23, Block 20, TOWNSITE OF CHITINA, Glenallen Recording District, State of Alaska.

✓ PARCEL NO. 3: Southeast one-quarter (SE $\frac{1}{4}$ ), Northeast one-quarter (NE $\frac{1}{4}$ ), Section 30, Township 4 North, Range 1 West, Copper River Meridian consisting of 40 acres according to the official Plat filed in the Bureau of Land Management subject to the Reservations contained in Patent No. 1153912, Glenallen Recording District, State of Alaska.

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, subject to the rights and reservations in patent to said land expressed, and subject to existing easements for power, light and other utilities and restrictions of record.

DATED this 27 day of June, 1966.

CORPORATION OF THE CATHOLIC BISHOP OF NORTHERN ALASKA

By Francis D. Gleeson / Francis D. Gleeson, S. J.

STATE OF ALASKA )  
FOURTH JUDICIAL DISTRICT ) ss.

On this 27th day of June, 1966, before the

LAW OFFICES  
HUGHES,  
THORNSNESS  
& LOWE  
807 G STREET  
PHONE 272-3477  
ANCHORAGE,  
ALASKA

CHITINA  
Serial No.

66-303

#6  
BOOK Deed PAGE 278  
Chitina Recording District

undersigned officer, personally appeared FRANCIS D. GLEESON, S.J., to me known and known to me to be the person who executed the foregoing instrument in writing for and on behalf of the within named corporation, the Corporation of the Catholic Bishop of Northern Alaska, a religious corporation sole, organized under the laws of the State of Alaska; and he acknowledged himself to be the incorporator and sole officer, trustee and director of said corporation and that as such he executed the within and foregoing instrument for the uses and purposes therein contained freely and voluntarily and as a free and voluntary act and deed of said corporation.

WITNESS my hand and official seal the day, month and year in this certificate first above written.

William N. Bobb  
Notary Public in and for Alaska  
My commission expires: Aug. 11, 1966

RECORDED - FILED
<u>Chitina</u> REC. DIST.
DATE <u>July 28 1966</u>
TIME <u>11:15 P.M.</u>
Requested by <u>Robert C. Crwin</u>
Address <u>807 G Street</u> <u>Anchorage, Alaska</u>

LAW OFFICES  
HUGHES,  
THORSNESS  
& LOWE  
807 G STREET  
PHONE 272-5477  
ANCHORAGE,  
ALASKA

37 STAT.

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PRIVATE LAW 151-AUG. 8, 1953

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exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this Act.  
Approved August 7, 1953.

Private Law 149

CHAPTER 370

AN ACT

To authorize the payment of compensation to Clarence A. Beutel, formerly Deputy Administrator of the Reconstruction Finance Corporation, for the period from September 10, 1952, through June 1, 1953.

August 8, 1953  
[S. 2104]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 1761 of the Revised Statutes, as amended (5 U. S. C. 56), the Reconstruction Finance Corporation is authorized to pay to Clarence A. Beutel the compensation earned by him as Deputy Administrator of the Reconstruction Finance Corporation from September 10, 1952, through June 1, 1953.

Clarence A.  
Beutel.

Approved August 8, 1953.

Private Law 150

CHAPTER 371

AN ACT

For the relief of the estate of Frank DeNuzzi and Cecelia Melnik Burns.

August 8, 1953  
[H. R. 937]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to the estate of Frank DeNuzzi, of 103 Mesereau Avenue, Staten Island, New York, to pay the sum of \$1,500 to Cecelia Melnik Burns, of 8 Parish Avenue, Travis, Staten Island, New York, in full settlement of all claims against the United States for the death of the said Frank DeNuzzi and all expenses incident thereto and personal injuries to Cecelia Melnik Burns sustained as the result of an accident involving a United States soldier stationed at Gulfport, Staten Island, New York, on June 23, 1943: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Frank DeNuzzi,  
estate, and Cecelia  
Melnik Burns.

Approved August 8, 1953.

Private Law 151

CHAPTER 372

AN ACT

To authorize the sale of certain public lands in Alaska to the Catholic Bishop of Northern Alaska for use as a mission school.

August 8, 1953  
[H. R. 1880]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Catholic

Catholic Bishop  
of Northern Alaska.

Bishop of Northern Alaska, a religious corporation sole organized and existing under the laws of the Territory of Alaska, is hereby authorized for a period of one year from and after the effective date of this Act to apply for the purchase of, and the Secretary of the Interior is hereby authorized and directed to convey to the corporation, for use as a mission school, the following-described public lands situated in Alaska:

Lots 2, 3, 4, 7, and 8 and the north half of the northwest quarter and the southeast quarter of the northwest quarter of section 15, township 3 north, range 1 west, Copper River Meridian, Alaska, containing approximately two hundred and fifty-six acres; and lots 6 and 7 and the northwest quarter of the southwest quarter and the south half of the southwest quarter of section 10, township 3 north, range 1 west, Copper River Meridian, Alaska, containing approximately two hundred and six acres.

SEC. 2. That the conveyance shall be made upon the payment by the said corporation for the land at its reasonable appraised price of not less than \$1.25 per acre, to be fixed by the Secretary of the Interior: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public-land laws: *Provided further*, That the coal and other mineral deposits in the land shall be reserved to the United States, together with the right to prospect for, mine, and remove the same under applicable laws and regulations to be prescribed by the Secretary of the Interior.

Approved August 8, 1953.

## Private Law 152

## CHAPTER 373

## AN ACT

August 8, 1953  
[H. R. 2011]

To authorize the sale of certain public lands in Alaska to the Alaska Council of Boy Scouts of America for a campsite and other public purposes.

Alaska Council  
of Boy Scouts of  
America.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Alaska Council of Boy Scouts of America is hereby authorized for a period of one year from and after the effective date of this Act to apply for the purchase of, and the Secretary of the Interior is hereby authorized and directed to convey to the organization for a campsite and other public purposes, the following-described public lands situated in Alaska:

Lots 1, 2, 6, 7, and 8 of section 10, township 5 north, range 9 west, Seward meridian, embracing approximately one hundred thirty-three and eighty-six one-hundredths acres.

SEC. 2. That the conveyance shall be made upon the payment by the said council for the land at its reasonable appraised price of not less than \$1.25 per acre, to be fixed by the Secretary of the Interior: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public-land laws: *Provided further*, That the coal and other mineral deposits in the land shall be reserved to the United States, together with the right to prospect for, mine, and remove the same under applicable laws and regulations to be prescribed by the Secretary of the Interior.

Approved August 8, 1953.

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at Anchorage, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the Corporation of the Catholic Bishop of Juneau, a religious corporation sole, according to the provisions of the Act of Congress of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended by the Acts of June 4, 1954 (68 Stat. 173) and September 21, 1959 (73 Stat. 571), for the following described land:

Seward Meridian, Alaska.

T. 14 N., R. 2 W.,

Sec. 11, Lots 7 and 10.

The area described contains 3.90 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Acts of Congress, HAS GIVEN AND GRANTED and by these presents DOES GIVE AND GRANT unto the said Corporation of the Catholic Bishop of Juneau, the tract above described, for church purposes only; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Corporation of the Catholic Bishop of Juneau, and to his successors forever, subject, however, to the following reservations, conditions and limitations:

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States.

ent Number 1213492

PAGE 102 EXHIBIT D

*C. J. Green*  
*10/2/54*

There is also reserved to the United States, all mineral deposits in the land above described, together with the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary of the Interior.

There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914 (38 Stat. 305, 48 U.S.C. Sec. 305).

Provided, that, if the patentee or his successor attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits his agents, employees, contractors, or subcontractors (including without limitation, lessees, sublessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States.

IN TESTIMONY WHEREOF, the undersigned officer of the Bureau of Land Management, in accordance with section 1 of the act of June 17, 1948 (62 Stat., 476, 43 U. S. C. sec. 15), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

(SEAL)

GIVEN under my hand, in the District of Columbia, the  
SIXTH day of OCTOBER in the year of  
our Lord one thousand nine hundred and SIXTY  
and of the Independence of the United States the one hundred and  
EIGHTY-FIFTH.

For the Director, Bureau of Land Management.

By *Beth W. Jany*  
Chief, Patents Section.



United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JAN 9 - 1976

Dear Mr. Chairman:

Your Committee has requested the views of this Department on H.R. 4345, a bill "To amend the Act entitled 'An Act to authorize the sale of certain public lands in Alaska to the Catholic Bishop of Northern Alaska for use as a mission school', approved August 8, 1953."

H.R. 4345 would amend the Act of August 8, 1953 (67 Stat. A53) to delete a use restriction in that Act. Specifically, the Act provides for conveyance of a tract of land in Alaska to the Catholic Bishop of Northern Alaska "for use as a mission school" upon payment for the land at its "reasonable appraised price of not less than \$1.25 per acre, to be fixed by the Secretary of the Interior". The Act also provides for a reservation of minerals to the United States. Section 1 of H.R. 4345 would delete the words "for use as a mission school". We would not object to enactment of section 1.

Section 2 of H.R. 4345 would amend the provision relating to reservation of minerals to exclude sand and gravel from the reservation to the United States.

We object strenuously to the enactment of section 2.

The land was patented to the Catholic Bishop in 1956. The patent provides that conveyance is "for use as a mission school". It reserves all minerals to the United States.

We understand that there has been no mission school operated on the land for several years and that the land is necessary to support the construction of the Alaska pipeline. Since fair market value was paid for the land, we do not object to its use for any purpose the Catholic Bishop believes proper.

We further understand that the land already has been sold to One-Eleven Associates.

Since the patent provides that the land is "for use as a mission school" the bill, if enacted, should be amended to authorize the



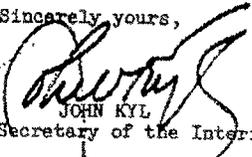
Secretary to delete the use limitation. Without such authorization the Secretary could not amend the patent; having already sold the land, it is questionable whether the Secretary could issue a new patent. Thus, the intent of H.R. 4345 could not be effectuated.

As to section 2: The land in question lies adjacent to the Trans-Alaska Pipeline route. Large quantities of mineral materials are needed, and are being purchased, for the construction of the pipeline. The land lying between the Richardson Highway and the Copper River is underlain by fair to good quality mineral materials. Sale price for that material in the vicinity of the land is 25¢ per cubic yard.

Section 2 would appear to be a generous gift of large quantities of mineral materials to the Catholic Bishop of Northern Alaska or a purchaser from him. The value of the minerals was not included in the price paid for the land, and it is our view that the conveyance to One-Eleven Associates did not include title to the minerals. We know of no basis or justification for giving the Catholic Bishop or One-Eleven Associates this extra benefit and, therefore, oppose enactment of this provision.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

  
JOHN KYL  
~~Assistant~~ Secretary of the Interior

Honorable James A. Haley  
Chairman, Committee on  
Interior and Insular Affairs  
House of Representatives  
Washington, D. C.

PAGE 2072 EXHIBIT E

## DISCLAIMER OF INTEREST IN LAND

COMES NOW the United States of America, by and through the Department of the Interior, Bureau of Land Management, and hereby disclaims any and all interest in and title to (including but not limited to any right or covenant to restrict any use of the land) the following described land which may arise out of Private Law 151 approved August 8, 1953 (67 Stat, Chapter 372), and Patent No. 1158433 dated March 29, 1956, which conveyed the following described land to the Catholic Bishop of Northern Alaska, a religious corporation, for use as a mission school:

Copper River Meridian, Alaska, T.3 N., R.1 W., Sec. 10, Lots 6 and 7, NW $\frac{1}{4}$  SW $\frac{1}{4}$ ; S $\frac{1}{2}$  SW $\frac{1}{4}$ ; Sec. 15, Lots 2, 3, 4, 7 and 8, N $\frac{1}{2}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ .

The area described herein contains 462 acres, according to the Official Plat of the Survey of said Land, on file with the Bureau of Land Management.

This disclaimer of interest is subject to the following rights which are retained by the United States: any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. There is, also, reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with the Act of March 12, 1914 (38 Stat. 305). Reserving, also, to the United States, a right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under authority of the United States or by any State created out of the Territory of Alaska, in accordance with the Act of July 24, 1947 (61 Stat. 418). Excepting and reserving, also, to the United States all coal and other mineral deposits in the land

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so patented, together with the right to prospect for, mine, and remove the same, according to the provisions of said Act of August 8, 1953.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, caused this Disclaimer of Interest in Land to be recorded pursuant to 43 U.S.C. 1201, 1740 and 1745; 43 CFR § 1864.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

For the Director,  
Bureau of Land Management

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

ss.

THIS IS TO CERTIFY that on the \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared \_\_\_\_\_, of the BUREAU OF LAND MANAGEMENT, known to me and to me known to be the individual named in and who executed the foregoing document, and he acknowledged to me that he was authorized by authority granted him by the Bureau of Land Management, in the name of the United States of America, for the uses and purposes therein set forth.

WITNESS my hand and notarial seal the day and year first hereinabove written.

\_\_\_\_\_  
NOTARY PUBLIC in and for of Alaska  
My Commission Expires: \_\_\_\_\_

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**RECORD IN THE CHITINA RECORDING DISTRICT**

After recording, return to:

James M. Gorski

Hughes Gorski Seedorf Odsen & Tervooren, LLC

3900 C Street, Suite 1001

Anchorage, AK 99503

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