

Fairbanks

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Patrick Green

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State Lands

My name is Patrick Green, I'm a land surveyor for the State of Alaska. I moved from CA to Fbks in 1978. I hitch-hiked up the ALCAN in May of 1978, it took me 17 days from Los Angeles to Fbks, I arrived here May 17th 1978.

I've made my home here and I loved this place and I became a land surveyor in the early 80s, and I became a registered land surveyor in 1994. I have worked as a surveyor since probably the mid 80s and I've been mostly within the Fbks North Star Borough. But I have been out to Galena, out to the southwest to Bethel for a little while. I went to a lot of small villages in the Y-K Delta. I've been to Cold Bay which was very interesting. It was summer and it was very nice weather. It was just beautiful.

I've been to... by King Salmon, Naknek. I spent a week or 2 in Naknek which was interesting.

I've spent a lot of time on the ground, a lot of time surveying the lands that Ft Knox are on prior to the beginning of construction in ~~1991~~ 91, 92, 93 and the construction ^{was} in 95.

I started working for the State in 2004 for the Dept of Natural Resources as a land surveyor, of about 10 or 12 land surveyors that worked for the State and deal strictly with State land. Usually the conveyance or the trading - the State is doing a lot with land - and DNR holds land in trust. As a matter of fact, the name on the patents from the fed. gov't

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is to the Dept of Natural Resources of the State of Alaska, so the DNR literally has title to it, and they hold it in trust for the people of the state.

The State is doing a lot of things with land that they get from the federal govt. They give it to the University for the univ. to use it to help support their ed'nl mission, and they convey ~~a~~ a lot to the Mental Health Trust, and they convey a lot of land to municipalities. There's a state statute where any municipality is entitled to a certain amount of land based upon their - it's either the size of their pop. or the size of their incorporated municipality, when they can get title to surrounding lands and strictly for... to give them an economic base on which to move forward and to grow.

Both cities and boroughs. The City of Juneau - the City and Borough of Juneau are united. They're one and the same. They can apply and then it's approved by the state, much like the tentively approved by the feds, and once they are ~~on~~ they have to have it surveyed and pay for the survey. Very often they have a large entitlement that's been approved and then, as time goes by, and they have the money, they decide: well, let's get this 10 acres over here surveyed and get patent to that and then more time goes by and they'll go after another - because they have their list of priorities, too, of what they would like to get. So, the state is doing a lot of things with the land that they have.

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? Let's go back. If you hovered over FBKs?

Part of what we're talking about is the way things have changed, probably since the statehood act in 58 or 59. One thing I've used to describe to people, mostly down in Anchorage what the difference is that prior to the pipeline, prior to the Native Claims Act, if you were to hover in a hot air balloon, in a sense - This is just a little image of mine to tell a story - at a 1000 feet or whatever, every where you looked surrounding FBKs, you'd be public domain lands, and the anybody could go out into those lands and they could build a cabin, and they could start a garden, put in a trapline, set up a fish camp and there was nobody in authority to tell them they could not do that. Nobody. Because it was open, unappropriated, vacant land and it was wide open. Just like the 1860s down in the lower 48. But, ~~with~~ the statehood act really didn't put an end to that. But the Native Claims Act did. The Native Claims Act was really the first time that lines were drawn on the map of Alaska, and somebody owned on one side of the line and somebody different owned on the other side of the line, separating Native land from fed. land or Native land from state land. And prior to that, those lines were simply not on the ground. And even though at that point in '71 they were just written down in the statutes, gradually the lines have been put on the ground.

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as the Natives have selected and been given their approvals and had the surveys done. And the BLM is probably 25 or 30 years into a long and lengthy process surveying those lands and getting them ready to be conveyed to the Natives and to the state.

? what - when Statchood Act 103 m. acres - priorities

Prudhoe Bay. (laughs) was - somebody was real smart and they went after Prudhoe Bay early and of course economic development, anything that was going to make money was a big one. ~~B.~~ Early on, otherwise I can't say too much. But I know that now - Let me explain first that one of the things I do on a regular basis is that when the fed. govt - BLM - is going to convey land to the state, they send the DWR title office a proposed patent. And the Title office looks at it and they review it for what they are interested in, but they ~~submit~~ send it off to maybe 15 other agencies, Fish and Game, Oil and Gas, Parks, Mining, and they send one to me and I review it for surveying because the BLM and DWR have agreements on minimum requirements for monumentation, on how the land will be surveyed and monumented. And there's also an agreement on navigable waters. And that's what I do, I make sure the proposed patent and the way it's written for the lands that are described, that it's monumented according to the agreements and also meanderable, the navigable waters situation is pretty interesting. Early on, when-

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the BLM would convey land to the state, it would be just one township and then another T5 and another T5. And there were navigable water bodies within these T5s that they were conveying to the state which the state already had title to because of the Equal Footing Doctrine and the Submerged Land Act. At statehood the state came into ownership of the beds of all navigable ~~water~~ bodies within the state. Yukon River, Uena River, and on and on and on. It's countless.

The point being that whenever the Yukon river fell within a township that was being conveyed to the state, the acreage within the river was being subtracted from our entitlement. And so, in about the mid-80s there was an agreement between BLM and DAR that BLM would return to all of the survey plats that conveyances had been based upon wherever there was navigable waters and they would calculate how many acres were made up of navigable waters and they also agreed the navigability issue - is this water body navigable or not. That is something that's gonna ~~be~~ take decades and decades to get to every water body in the state. But, for the purposes of what the BLM was going to do, they decided and they agreed that any water body, any lake over 50 acres or any river over 3 chains which is 190 feet ~ over 3 chains wide would be considered meanderable, meaning that the BLM would meander those water bodies and they would subtract that acreage out of the ^{state} entitlement and the entitlement would go back up.

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it would get credit for already owned those water bodies. That has been on-going, and they -- they may be finished by now, as far as returning to previous survey plats and subtracting the meanderable waters.

But that's something I look for now to make sure that they have kept up with the agreement and any meanderable or navigable body has been meandered and is segregated and subtracted from the entitlement lands which are included under each survey plat and each patent. And then I write up a little report and mostly check a couple of boxes and then I send it back to the title people. And it's rare that we actually pick a fight with BLM because they are so difficult to win. They don't put much stock when we come to them with a complaint, so it's got to be very good, very solid point that we make and, for instance, one that we actually go after was a large lake was separated - part of it fell in one township, and part of it fell in another T5. ~~So~~ When one T5 was conveyed, they had segregated the lake and the part that fell in there they had subtracted from the acreage. Well, when they surveyed the next T5, they didn't do that and so that slipped like a slam dunk. We could say, well, look, if it was worthy of being segregated in this T5, well, then it should be here also, and so we did take that back in. That was a pretty easy argument to win.

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But usually they do a very good job. It's rare that I notice anything that is questionable. Very often I will see that some monumentation has not been according to the agreement. It should be 2 mile intervals and it may be 4 miles along a T-1 line that is monumented, but then I'll go to a USGS quad map and it's up in an ice field, they're not going to set a monument in an ice field. Or, it could be incredibly steep terrain, and you can see where they did set the monuments at maybe a mile and a half, and you can see where there is a little level flat spot there on the quad map, on the topo lines. And you can see they brought their helicopter in and that's where they set the monument. It really makes sense. So, these guys know what they're doing. They usually do a very good job, so we don't have to go back after them.

? Process of state selected, state approved?
The State under the Statehood Act makes what they call a general selection. And there are selections based on different statutes that are not called general selections, but most of the land that is coming from the BLM is coming through the Statehood Act and the state will make a selection of 5 townships somewhere. And then the process begins. There is a long review by BLM that can take years and years. And they will decide, well this part of this section

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is not really suited for conveyance, and then they will come back with a counteroffer. The State will look at that and say OK, well this section that you've considered not suitable for conveyance, we will withdraw that but then we want to add in something else, or maybe they decided they want to withdraw.

They will go back and forth over years and you can go through these files that are 3-4- or 5 inches thick and you can read all of the back & forth that goes on:

Letters from homesteaders stating how this will affect them, and written in long-hand. Eventually, they will come to an agreement and the BLM will issue a decision. Then, the patent is written up based upon the decision.

(I missed the Tentatively approved part)

Very often the land is not surveyed and the BLM will not convey land until it's been surveyed. And this is a long, long standing federal practice. It goes back to the Land Act of 1785 when they were getting ready to convey or give land to soldiers from the Revolutionary War to pay them for their service. It was another Jefferson versus Hamilton argument and Jefferson won, that land will be surveyed. This was the beginning of the township and range system. So, it's a long-standing policy.

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If the lands are not surveyed, the BLM will issue a decision that the lands are tentatively approved. That means that they've just given their OK to this conveyance, as to these lands being conveyed to the State. And they also have an agreement that Tentatively Approved lands are, it's as good as holding title. Even though the patent hasn't been issued, the State and the feds have agreed that it is equal to holding title. So the State can go and do things with their Tentatively Approved lands. They can convey it to - they can't convey it to municipalities - they've got to have patent before they can do that. But there's many other things they can do. They can give it to Mental Health Trust.

Miners can stake claims and not pay rent. I had a remote parcel out the Steese Hwy years ago, and whenever the bill came from the Borough for taxes, it said, it had my name and it had State of AK and the United States of America, and I never understood why it had the United States on there. But, they still had a claim on the title because it was only Tentatively approved. And until the lands were surveyed, conveyed, and patented, the United States was still on the chain of title. The Tentative approval is like you're almost there. Once land is Tentatively approved, they're all waiting in line to

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be surveyed. The BLM has been going at it hard and heavy for many years. As the lands become surveyed, patent is issued to the state and that's what I was describing. The proposed patents would come to title, and then they would be passed around and everybody would approve it, or they would raise a red flag over some reason. But, eventually the State would receive patent to it and then it was ours.

? 2013 now - you were saying, we're at the end?
I'm guessing that there's about 60 million acres that have been patented to the state, and I'm guessing there's about 30 million sitting in tentative approval status waiting to be surveyed, and then there's probably 10 or 12 million that are waiting to be selected. The priority list the State has on which they have prioritized which lands they want to select with the 10 or 12 million acres of entitlement that they still have. ^{and they were not selected earlier} They are constantly reviewing that and updating it and looking for a better deal that might be more interesting or more value.

I think part of the reason they're holding off is first they never know what might surprise that would make a certain area more valuable and something the State would want to get title to.

? Blocks of land - along highway - Prudhoe - others?
I have seen 10 Townships on one patent all off of the Glenn Hwy kind of in the very high, rocky, mountainous, remote. There's probably only

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goats up there, goats and sheep. As a matter of fact, the USGS quad map, all they have on it are topo lines, contour lines that are just so tight and there's no green on it.

This guy told me one time and I found it interesting was that the green on each USGS quad map means there's enough vegetation there to hide troops from the air. And I never knew that. But, if you look at a tundra bog, it's white, it's not green. ~~Then~~ It might be kind of blue with particular little speckled things.

That's why I mention that these are white and why the State would want those. I would think maybe for hunting and habitat purposes, where they can control the monitoring of fish & game. But, all I can do is guess at that. I really don't know. I do know that the Native Corporations — excuse me, the Native municipalities in the bush, for instance, we've been conveying a lot of land through the municipal entitlement act to the Northwest Arctic Borough, which is ~~based~~ based in Kotzebue. And they like picking land on river corridors. And they will just go down these rivers and they'll pick blocks of townships or parts of townships that cover the river and surrounding land. It only makes sense. Those rivers are their highways. But, of course, the State retains ownership of the bed of the large, navigable water bodies. And there's public access, easements along the edge of the rivers. As a matter of fact, they will sometimes require a camping site, or 5 acre

Camping site so people can come to a public area and camp. The private property owners that are adjacent can't throw them off. (change)
That's another pattern that I've noticed.

? Small issues outstanding?

One obscure, little deal that I've found fascinating, I could hardly believe it was for real when I first heard of it, but it is for real - it's called "emerging islands." The State, of course, at Statehood came into possession of the beds of all navigable rivers. If an island emerged since Statehood, regardless of who owns the adjacent uplands, the State is asserting that that island emerged from the bottom of the river that was State land when it was below ordinary high water. Now, because it's above ordinary high water, the state still owns it, and they call that "emerging islands." And I don't - I think right now that's no further than a concept. I don't think they've pushed that with the BLM. I really don't know.

I was listening to a talk at one of the (meetings) down in Anchorage, just a general overview of what we were doing and, he was giving it to new employees, which I was at the time. He said that he went to a nation-wide convention of land managers like himself from all over the country, and he was talking to a guy from Colorado. This guy from CO said that CO even now did not have full entitlement of lands that were granted to them at Statehood.

If you can imagine that is how slow this stuff moves. What exactly the causes are of that, I'm not sure. These are just hugely ponderous, slow moving issues. And part of the reason is that they are so important and they are so irreversible that once you make your call, you can't change your mind. It's forever. (laughs) As far as forever makes any sense to us.

? Statehood - big picture - first big land transfer?

When Statehood came, the State was very interested in getting its hands on land, because that was something that would translate to money. So, of course, they got Pundhoe Bay, and they were selecting almost willy nilly without there really being a mechanism for them to select. This is just little bits and pieces that I've put together over the years. I might have it wrong a little bit.

One thing that tells me that is they drew up in the early 60s what they call "retraction diagrams maps". Because if the State wants to get some land, number one, what are you going to call this land? You need a property description. This is fundamental to land management, ~~even~~, any title person, any land surveyor. You need a property description and you need to be able to go out from that property description and find it and survey it. And, if you can't do that, your property description is deficient. So, what the State did was they made what they

called protraction diagrams which had about 4 townships north/south, and I don't know, 4 " east/west. They put on a T.S. corner a latitude and longitude. They calculated lat. and long. for every T.S. corner in the whole block, and every section corner on the exterior, and then they had lines of latitude going straight through. So you could calculate every section corner - a position for it. And this was, I think, a just a stab in the dark at creating property descriptions, so land could start to be conveyed. The state BLM made these and the State made these. They did do some early conveyances based on protraction diagrams, but realized this is a mistake. Because, once you go out and find that protracted position on the ground - well, it's not what you thought it was. You're not getting what you thought you were getting. They finally, they stopped it. But that didn't stop the selections.

The Native Communities were selecting just willy nilly - like we said earlier they basically at one point said, "We select the entire state because it's all ours. Which, why not? Why not make that assertion? Who's going to say you're wrong?" (laughs) It got a little bit out of control because who even had the standing to say who could make a selection?

The Natives were getting real nervous because they could see losing this game.

In the early to mid 60's that's when the Alaska Federation of Natives started. It was pointed out to me that this was quite remarkable, that indigenous peoples of different cultures - Eskimos, Athabascans, Aleuts, Iñupiat - all came together in one federation.

Willie Hensley said: "Thank God for mo Udall" [Sec. of the Interior] because he put a stop to all the frivolous land selections in 1968, freezing all federal actions on any land in the state of AK. That put the brakes on all of that, and it enabled everybody to step back and say "what are we gonna do here." They discover oil in Prudhoe Bay. They discover we need a right of way and the need for that right of way that really pushed the land claims through because the oil companies were not going to build a pipeline on land that they didn't have a right of way through. Who are you going to get the right of way from if ownership is undetermined? Let's find out who owns this and then whoever owns it can give, grant the right of way, and that's what pushed the Native Claims Act through.

Also, and at the same time, all of the shakers and movers behind the Native Claims Act were down in Wash. DC: Ted Stevens, Willie Hensley, and a bunch of others, I think "Scoop" Jackson from Wash State. They basically did a - said, look, you want your pipeline, you want this lands act to go through, well, we want millions of acres of land for parks and refuges and national scenic rivers and - it basically set the stage for ANILCA.

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They said: we wanted \$5 million acres, and it was a handshake and a nod, and by 1980 they had put the whole package together, ANILCA was passed, and it was just a quid pro quo, a payoff for the Land Claims Act.

[Sec. 17. d. 2 of ANILCA - called the d. 2 lands]

The d. 2, it was really silly the way people were upset with the withdrawal that Jimmy Carter did, because the hands had already been shaken and the deal had been made. Jimmy Carter was just saying: nothing is going to happen until the deal is finalized. And that's fair.

One thing that ANILCA did is it amended some of the statehood act specifications. For instance, the state now can select up to 125% of their entitlement, meaning, if we are entitled to 103 m. acres and we select up to 103 m. acres, we don't have to stop, we can continue to select. Down the road we can decide which one of these selections do we want to have surveyed and get patent to.

and there's a couple of other little changes, too, like top filing, I think. If a Native corporation has applied for certain lands, well the state can come behind and they can top file on it, meaning they can select it but it's subject to the Natives relinquishing their selection of that land. So if the Natives back off, then the state is all ready to come in.

behind them. They call that stop filing.

There's probably other things that I just don't know about.

I guess ANILCA was nearly the end of the big picture. Since then it's just been filling in the details as to what land the Native Corporations are going to get and what land the State will get.

d. The state does encourage areas to form a Borough?

The Denali Borough which is formed in our memory. They get to select a certain amount of lands within and around their borough. They get fee simple title to it, and then they can use it for economic development and they can subdivide it and sell it. They can make a park out of it. They can put a dump on it. They've got a real nice dump off the Parks Hwy. And I bet that's on their private property.

They can make money off of it. That's the whole point.

e. Depends on some big economic boost - a nice -
the highway?

How borough offices discuss this, I have no idea. I think the Natives have done a lot of selecting just to help preserve their traditional lifestyles, their subsistence, and that's one reason why they like the rivers.

8-31-13

Pat Green came 1976

wound silver-rim glasses

Travelled salt & pepper beard

begin 2004 DNR - land surveyor

in office at computer - using status plate
to trace navigable rivers