



Kotzebue to Cape Blossom Road Draft Environmental Assessment

Project No. 76884/NCPD-0001(204)

Appendix A

October 2013

Appendix A Land Status Report, Proposed Kotzebue to Cape Blossom Road

LAND STATUS REPORT
PROPOSED KOTZEBUE TO CAPE BLOSSOM ROAD

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State of Alaska Department of Transportation and Public Facilities
AKSAS PROJECT NO: 76844/NCPD-0002(204)

INTRODUCTION

The State of Alaska Department of Transportation and Public Facilities (DOT&PF) is preparing an Environmental Document and other related documents or evaluations in support of Federal permit and authorization decisions necessary for the development of an all season road from Kotzebue, Alaska to Cape Blossom on the Baldwin Peninsula. The road would improve access and enhance safety between Kotzebue and the shoreline at Cape Blossom and support the siting of a landing for ocean vessel traffic. Kotzebue is the transportation and economic center for the Northwest Alaska region, so the road would benefit Kotzebue and villages in the Northwest Arctic Borough. The Environmental Document will fully meet the requirements of the National Environmental Policy Act (NEPA) (40 CFR Part 230), the regulatory requirements of the Council on Environmental Quality (42 U.S.C. 4321-4370a and 40 CFR 1500), procedures for implementing NEPA (33 CFR 230) and the NEPA regulatory requirements of the Federal Highway Administration (FHWA).

This project will update the land status report and map prepared in October 2006 by McClintock Land Associates, Inc. in support of the Kotzebue Airport Relocation Feasibility Study. Several key accomplishments have occurred in Kotzebue with regard to Alaska Native Land Claims Settlement Act (ANCSA) land status. Final ANCSA selections were coordinated with the Bureau of Land Management (BLM) in compliance with the Alaska Land Transfer Acceleration Act. (Public Law 108-452). Final land survey of ANCSA exterior boundaries both Kikiktagruk Inupiat Corporation (KIC) and NANA Regional Corporation (NANA) in the area, as well as the survey for all ANCSA 14(c) lands for individual subsistence claims and lands for municipal community expansion were completed during the summer of 2012.

This report will identify existing land interest, ownership of adjacent property, rights-of-way, and other land interests within the project area. A land use inventory summarizes all ANCSA conveyance documents, U.S. Surveys, BLM and State Master Title Plats, recorded plats and subdivisions, agreements, leases, rights-of-way, 17(b) easements, and Native

Allotment certifications for land actions within the project area. An excel spreadsheet summarizes all documents which are provided electronically in PDF format and in hard copy. All are shown on an updated land status map. Information on planned and proposed land uses, potential conflicts on and adjacent to the route alternatives are provided. All land status information is based on the most current federal, state and officially recorded documents. An assessment of land use compatibility issues affecting the proposed road routes (as it relates to documented land status) and potential actions is also provided.

COMMUNITY PROFILE

Kotzebue is located on a 3-mile long sand spit at the end of the Baldwin Peninsula in Kotzebue Sound, 26 miles above the Arctic Circle. The community lies at approximately 66° 53.2' N, 162° 32.1' W. (Sections 2 and 3, Township 17 N., R. 18 W., Kateel River Meridian.) The community is bordered by Kotzebue Sound to the west and Hotham Inlet (locally referred to as “Kobuk Lake”) to the east. There is also a tidal lagoon behind the City. Hotham Inlet meets Kotzebue Sound that is part of the Chukchi Sea.

Kotzebue serves as a regional center for villages in the Northwest Arctic Borough and one in the North Slope Borough. Kotzebue Sound was named after Russian explorer Otto von Kotzebue who 'discovered' it in 1818. The site was the hub of ancient arctic trading routes for local Natives as well as Russian Natives across the Bering Straits for hundreds of years. A post office was established in 1899.

The local name for the site is Kikiktagruk and is believed to have been occupied by Iñupiat Eskimos for at least 9,000 years. It may be one of the oldest settlements in both North and South America. Kotzebue had a 2010 population of 3,201 and has an annual growth rate of 3.9%. Approximately 70-75% of the population is Native Alaskan (Iñupiat Eskimo). The community is highly dependent upon a traditional subsistence lifestyle as a supplement to their income.

LAND STATUS WITHIN THE PROPOSED PROJECT AREA

The land status is shown for areas near the proposed Cape Blossom road alignments within:

Township 15 North, Range 16 West, Kateel River Meridian
Township 15 North, Range 17 West, Kateel River Meridian
Township 15 North, Range 18 West, Kateel River Meridian
Township 16 North, Range 16 West, Kateel River Meridian
Township 16 North, Range 17 West, Kateel River Meridian
Township 16 North, Range 18 West, Kateel River Meridian
Township 17 North, Range 16 West, Kateel River Meridian
Township 17 North, Range 17 West, Kateel River Meridian
Township 17 North, Range 18 West, Kateel River Meridian
Township 18 North, Range 17 West, Kateel River Meridian
Township 18 North, Range 18 West, Kateel River Meridian

The land status is described below and is depicted on the Land Status Map.

EXISTING LAND OWNERSHIP AND AGENCY JURISDICTION

Land Ownership

The primary landowners within the project area are Kikiktagruk Inupiat Corporation (KIC), NANA Regional Corporation (NANA), the City of Kotzebue, and Native Allottees. The State of Alaska filed a General Services Grant selection within Township 15 North, Range 18 West, Kateel River Meridian over the land which is considered for the Cape Blossom Port development.

KIC is the Native Village Corporation for the village of Kotzebue which incorporated and organized in 1973 in accordance with Section 8 of the Alaska Native Claims Settlement Act (ANCSA), as amended, Public Law 92-203, 85 Stat. 688, 43 U.S.C. 1601 *et. seq.*, and the laws of the State of Alaska. KIC is headquartered in Kotzebue, Alaska and has 1,953 original shareholders.

KIC owns the interest in the surface estate and NANA owns the subsurface estate through Interim Conveyance and Patent. Interim Conveyance is title to unsurveyed land and Patent is title to surveyed land. NANA has surface and subsurface ownership to some of the lands in the project area. Native Allottees own both surface and subsurface estate.

AGENCY JURISDICTION

Northwest Arctic Borough

The Northwest Arctic Borough (NAB) was formed in June 1986 and is a home rule borough and is the local political subdivision of the State of Alaska. The Borough encompasses approximately 36,000 square miles and is the second largest borough in Alaska. Kotzebue is the largest community in the Borough. As a home rule borough with planning and zoning authority, the NAB is responsible for issuing permits for most projects in or affecting lands within the Borough. Title 9 of the NAB Code provides the authority for the NAB to guide, control, regulate and prohibit future development of land within the Borough in accordance with its land use policies and the NAB Comprehensive Plan. According to the Borough Planning Director, the proposed project area is in a Subsistence Conservation Zone, however, there are exceptions made for development.

Bureau of Land Management

The Bureau of Land Management (BLM) has a mandate pursuant to ANCSA §13(a) to survey and Patent lands selected under the ANCSA to Alaska Native Corporations. They are also required to survey land applied for by Alaska Natives pursuant to the *1906 Native Allotment Act* and the *Alaska Native Veterans Allotment Act of 1998* and land to the State of Alaska under the *Alaska Statehood Act of 1959* (Statehood Act). The Alaska Conveyance Program is the mechanism for accomplishing these transfers. BLM retains interim jurisdiction on lands that were selected but not yet conveyed to KIC and NANA as well as to the State of Alaska.

Section 17(b) of the ANCSA, 43 U.S.C. 1616(b), authorizes the reservation of public easements on lands conveyed to Native Regional and Village Corporations. Such easements are referenced by Easement Identification Number (EIN) on the easement map. Department Manual 601 DM 4 (September 11, 1984) establishes procedures for the administration of easements that are under the jurisdiction of the Department of the Interior. It provides that the Department of the Interior agency whose land is accessed by the easement shall

administer an easement reserved pursuant to Section 17(b) of ANCSA. Any uses which are not specifically listed are prohibited.

U.S. Air Force

The Federal Government granted Patent 1236172, USS 10393, Lot 1 to the U.S. Air Force for the Kotzebue Long Range Radar Site (LRRS) within the core township for KIC. Under ANCSA, KIC filed selections of all unappropriated public land within the core township of Kotzebue with land selection application F-14850-A. The Air Force site has since disbanded the site. Although BLM was not able to make former military sites available for conveyance to a Corporation, Section 201 of the Alaska Land Transfer Acceleration Act (ALTAA) made it possible for these sites which were top-filed to be made available for conveyance to ANCSA Corporations like KIC. The U.S. Air Force desires to dispose of this site, and is in the process of conducting an environmental clean-up of the parcel. To date, BLM has not received a relinquishment notice from the U.S. Air Force. The relinquishment notice would indicate that the cleanup is completed and the site is ready for disposal to KIC.

The preferred *Upgrade Route* begins at the Hillside Road and traverses through a restricted area, the Air Force parcel (Patent 1236172, USS 10393, Lot 1) to the Kotzebue Electric Association Wind Farm Lease. A portion of this road is covered by a 60 foot ANCSA 17(b) Easement reservation (EIN 15 C5) is reserved in KIC and NANA's Interim Conveyance. The Air Force Road was originally withdrawn (F-01258) for a 100 foot wide road from Kotzebue to the Air Force Station. This road was intended to be used by the U.S. as long as they needed it and was to be used only by them. A Native Allotment (Patent 50-86-0267) near the Air Force site was conveyed but was made subject to the reservation of the Air Force road. The road continues on to the Windmill farm that is leased from KIC to the Kotzebue Electric Association.

U.S. Bureau of Indian Affairs/Kotzebue IRA Council

The Bureau of Indian Affairs (BIA) has trust responsibilities over Native Allotments held in restricted title. The Native Village of Kotzebue is the federally recognized Tribal Government for the Qikiktagrukmiut, the original inhabitants of Kotzebue. The Kotzebue IRA Council is a sovereign entity formed under the Indian Reorganization Act of 1934 which was amended and applied to Alaska in 1936. The Kotzebue IRA has undertaken the trust functions for Native Allotments around Kotzebue under Public Law 93-638, the *Indian Self-Determination and Education Act*, through contract with the BIA. The Realty program provides information, counseling, and other assistance to Alaska Natives concerning pending Native Allotment claims, forest management, general land management, property rights, probate matter, and wills.

KIC granted ownership of the Hillside Road to the Kotzebue IRA through Quitclaim Deed on September 15, 1998 (Book 52, Pages 185-190).

City of Kotzebue

The City of Kotzebue is the local Municipal Government for the Community of Kotzebue that was established pursuant to Alaska Statutes Title 29. The City has jurisdiction over lands within their municipal boundaries. Under Municipal Code 17.36.090(D), the Planning Commission has the power to “Studying and making recommendations regarding the advisability, location and design of any proposed public building, park, right-of-way or other public use of land within the city. Before any final action is taken on a proposed public capital improvement within the city, including state and federal capital improvements, plans, and drawing of the proposed improvement shall be submitted to the planning commission for its review and recommendation.” Portions of the all of the proposed routes are located within the City Municipal Boundaries. The *Hillside Road route* (currently dismissed as an option) would be located adjacent to the City Watershed which was surveyed in 2012.

Federal Aviation Administration

VORTAC SITE

On January 14, 1977, FAA submitted an application for a 100-foot wide Right-of-Way (F-23302) in Kotzebue for the construction of an access road to the VORTAC facility. NANA and KIC issued letters of non-objection to FAA for the construction of a road (F-23302) on January 31, 1977.

On August 16, 1979, the PHS Department Health, Education and Welfare sent a letter to BLM requesting that an easement be reserved on lands that would soon be transferred to KIC and that BLM retain land under a 3(e) determination. The requests were made so that the City of Kotzebue could have access to its municipal potable water facilities for the purpose of use and maintenance. The VORTAC structures have been in use since 1970 and the Devil's Lake structure has been used since 1975. The structures requested for BLM retention include a 1,050 foot long compacted silt dam located in the FAA withdrawal, a 30x24 foot water heating plant located within 200 feet south of the dam, and the VORTAC reservoir. On December 20, 1979 BLM approved the grant of a Right-of-way Grant for 1,667.88 x 100 feet and serialized the reservation as F-23302.

The land status of the road beyond the Bridge was complicated by various Airport related withdrawals made over the years starting in 1964. The VORTAC site (PLO 3830) was withdrawn on September 17, 1965. Other infrastructure related to the construction of the VORTAC, including the road right-of-way, waterline easement and power line easement were reserved for the benefit of FAA. The VORTAC road also serviced the community of Kotzebue by providing access to the water reservoir.

In addition to the VORTAC site, other land rights included a Native Allotment, a permit to the State of Alaska for an Avigation and Hazard Easement, existing and future ANCSA 17(b) easements, a 2,000-foot buffer around the VORTAC antenna and the watershed KIC intends to deed to the City of Kotzebue.

VORTAC Road

On January 14, 1977, FAA submitted an application for a 100-foot wide Right-of-Way (F-23302) in Kotzebue for the construction of an access road to their VORTAC facility. On January 31, 1977, NANA and KIC issued letters of non-objection for the construction of the road (F-23302) to FAA. BLM approved the right-of-way grant for 1,667.88 x 100 feet for F-23302 on December 20, 1979. When KIC received Interim Conveyance No. 544 on September 2, 1982, the conveyance was subject to the reservation of right-of-way F-23302 for an access road granted to FAA. A letter from Robert D. Arnold to KIC on June 21, 1982, stated, "EIN 66 C5 Delete this existing trail easement as access to the VORTAC station will be provided for by an agreement between FAA and KIC Access via granted right-of-way F-23302 50' FAA is also available."

As grantee, FAA was entitled to all the rights, privileges and benefits granted by the terms of the grant during the term of the grant, until it expired, was relinquished or was modified by the mutual consent of KIC and the FAA. This right-of-way called VORTAC Access Road (Renamed Ted Stevens Way) Project reserved a total of 1667.88 feet long x 100 feet wide for a total of 3.83 acres and shown on drawing ALD-OTZ-040.002X. The easement was not reserved on the subject 3(e) lands because the right-of-way was reserved for the FAA, and the FAA had control of the subject lands at the time. It is apparent that FAA's original intent was to reserve a 100-foot access road. BLM granted a twenty-year term right-of-way with an expiration date of December 20, 1999.

The Kikiktagruk Inupiat Corporation received Interim Conveyance #544 on September 2, 1982. The IC reserved right-of-way F-23302 under ANCSA Section 14(g). Such interest applies to lessees, contractees, permittees, and grantees of rights-of-way and easements that originated before ANCSA. The corporation was required to honor the provisions of the right-of-way, permit or lease for its duration.

Upon receipt of IC #544 in 1982, administrative agency BLM waived jurisdiction of this road to KIC. The right-of-way expired on December 20, 1999. This road was included in the agreement for KIC to reconvey it to the City of Kotzebue under 14(c)(3).

LAND STATUS OWNERSHIP IN THE PROJECT AREA

KIKIKTAGRUK INUPIAT CORPORATION

KIC has an original land entitlement of 161,280 acres pursuant to the terms of ANCSA §12(a) from the United States Government. KIC also received an additional selection entitlement of land under ANCSA 12(b), which is the “second-round selection” of land that is allocated from NANA Regional Corporation (NANA) out of its 12(b) pool. KIC has a combined ANCSA Section 12(a) and Section 12(b) entitlement of 208,350 acres. KIC did not have sufficient land to fulfill its entitlement within their original withdrawal area, so they selected their remainder from a deficiency area outside of their original withdrawal area. There is a mixture of KIC and NANA ownership throughout the project area.

The Bureau of Land Management has conveyed approximately 205,873 acres of surface estate by either Interim Conveyance or Patent to KIC. Approximately 2,477 acres remains to be conveyed. During the summer of 2012, KIC as Survey Contractor to BLM completed the field work on all of the ANCSA 14(c) lands, and remaining ANCSA exterior boundaries for its complete entitlement. When the plats are approved by BLM, KIC can transfer title to all vested occupants of 14(c) lands and land to the City of Kotzebue and BLM can issue final Patent to all ANCSA lands.

The title that KIC receives is subject to specific exceptions and reservations to the United States from the lands granted, including the subsurface estate, ANCSA 17(b) easements, valid existing rights, requirements, third party interests created by the U.S. Government pursuant to ANCSA Section 14(g), and requirements of ANCSA 14(c).

NANA REGIONAL CORPORATION

NANA Regional Corporation merged with 10 of 11 Northwest Alaska villages in the Region in 1976. As a result, NANA owns both surface and subsurface lands of 10 villages encompassed by the merger. KIC did not join in the merger but their land ownership is bordered by NANA surface and subsurface within the project area.

NANA's total entitlement is 2,256,074.69 areas. In their most recent figures, NANA has received 136,324.53 acres of its entitlement. The 12(c) selections are the Regional Corp selections in which NANA receives both surface and subsurface. NANA was also entitled to receive land under ANCSA 14(h)(8) which are referred to as "in lieu selections." NANA owns both surface and subsurface estate of these "in lieu" lands. Acquisition of a right-of-way will involved KIC/NANA split estate and NANA surface/subsurface fee simple title.

KIC ANCSA Land Ownership

KIC received title to the surface estate of certain real property located within the following lands around Kotzebue from the Bureau of Land Management (BLM). These conveyances are specific to the project area:

Interim Conveyance 004

The surface estate of Interim Conveyance 004 was issued to Kikiktagruk Inupiat Corporation and recorded in Book 5, Pages 574-583 on July 12, 1977.

Interim Conveyance 024

The surface estate of Interim Conveyance 024 was issued to Kikiktagruk Inupiat Corporation and recorded on December 29, 1975.

Interim Conveyance 062

The surface estate of Interim Conveyance 062 was issued to Kikiktagruk Inupiat Corporation and recorded on July 6, 1977.

Interim Conveyance 544

Surface estate of Interim Conveyance 544 was issued to Kikiktagruk Inupiat Corporation on September 2, 1982.

Interim Conveyance 759

The surface estate of Interim Conveyance 759 was issued to Kikiktagruk Inupiat Corporation and recorded on December 5, 1983.

Interim Conveyance 1364

Surface estate of Interim Conveyance 1364 was issued to Kikiktagruk Inupiat Corporation on September 15, 1988.

Interim Conveyance 1404

Surface estate of Interim Conveyance 1404 was issued to Kikiktagruk Inupiat Corporation on December 14, 1987.

Interim Conveyance 1359

The surface estate of Interim Conveyance 1359 was issued to Kikiktagruk Inupiat Corporation on September 21, 1987.

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Interim Conveyance 1556 & Corrected Interim Conveyance 1892

The surface estate of Interim Conveyance 544 was issued to Kikiktagruk Inupiat Corporation and recorded on September 2, 1982 in Book 23, Pages 894 - 906. Corrected Interim Conveyance 1892 was issued on June 27, 2005 and recorded as 2005-000283-0 on July 5, 2005 to identify Native Allotments to be excluded.

Interim Conveyance 1627

The surface estate of Interim Conveyance 1627 was issued to Kikiktagruk Inupiat Corporation on August 1, 1995.

Interim Conveyance 1849

The surface estate of Interim Conveyance 1849 was issued to Kikiktagruk Inupiat Corporation on October 25, 2002 and recorded as 2002-000662-0 on November 22, 2002.

Corrected Interim Conveyance 1895

Surface estate of Interim Conveyance 1895 was issued to Kikiktagruk Inupiat Corporation on June 27, 2005 and recorded as 2005-000300-0 on July 6, 2005. This Interim Conveyance corrected I.C. 580 dated December 28, 1982 recorded in Book 24 beginning at page 663, Kotzebue Recording District.

Corrected Interim Conveyance 2192

Surface estate of Interim Conveyance 2192 was issued to Kikiktagruk Inupiat Corporation on December 11, 2008 and recorded as 2009-000024-0 on January 20, 2009. This Interim Conveyance corrected I.C. 544 dated September 2, 1982 recorded in Book 23 beginning at Page 894, Kotzebue Recording District.

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Corrected Interim Conveyance 2207

Surface estate of Interim Conveyance 2207 was issued to Kikiktagruk Inupiat Corporation on March 3, 2009 and recorded as 2009-000095-0 on March 12, 2009. This Interim Conveyance corrected I.C. 544 dated September 2, 1982 recorded in Book 23 beginning at Page 894, Kotzebue Recording District. The Native Allotment F-86934, USS 13832 was excluded.

Patent 50-82-0133

Patent for Surface estate was issued to KIC on September 22, 1982 and recorded in Book 23, Pages 914-918.

Patent 50-83-0025

Patent for Surface estate was issued to KIC on December 28, 1982 and recorded in Book 24, Pages 670-672.

Patent 50-83-0063

Patent for Surface estate was issued to KIC on February 8, 1983 and recorded in Book 24, Pages 795-796.

Patent 50-87-0130

Patent for Surface estate was issued to KIC on December 23, 1986.

Patent 50-88-0033

Surface estate of Patent was issued to KIC on December 21, 1987.

NANA REGIONAL CORPORATION, INC.

Interim Conveyance 545 & Corrected Interim Conveyance 1892

Corrected IC was issued to NANA Regional Corporation, Inc. for the subsurface estate and recorded as 2005-000295-0 on July 5, 2005.

Interim Conveyance 1893

Corrected IC of the subsurface estate was issued to NANA Regional Corporation, Inc. and recorded as 2005-000283-0 on July 5, 2005.

Corrected Interim Conveyance 1894

Corrective Interim Conveyance 1894 was issued for the subsurface estate to NANA Regional Corporation, Inc. on June 27, 2005 and recorded as 2002-000662-0.

Patent 50-82-0134

Patent 50-82-0134 for the subsurface estate was issued to NANA on September 2, 1982.

Patent 50-87-0130

Patent 50-87-0130 for the subsurface estate was issued to NANA and recorded in Book 32, Pages 545-546.

Patent 50-88-0033

Patent 50-88-0033 for the subsurface estate was issued to NANA and recorded in Book 33, Pages 839-840.

Patent 50-2003-0290

The surface and subsurface estate of Patent 50-2003-0290 was issued to NANA on June 4, 2003.

KIKIKTAGRUK INUPIAK CORPORATION ANCSA 14(C) OBLIGATION

ANCSA §14(c)

Under ANCSA §14(c), KIC was required to reconvey the surface estate of certain lands to individuals, organizations, municipal governments and airport operators. Section 14(c)(1) refers to land occupied as of December 18, 1971 as a primary place of residence, primary place of business, reindeer husbandry headquarters site, or subsistence campsite. ANCSA §14(c)(2) refers to non-profit organizations. ANCSA §14(c)(3) provides for conveyances to municipal governments for community expansion and §14(c)(4) refers to airports.

ANCSA §14(c)(1) & (2)

There are numerous 14(c)(1) subsistence campsites located throughout the mapping area. Concentrations of subsistence campsites are located on KIC land at the Noatak River, on Shesolik Spit, and the Little Noatak River. There are no subsistence campsite claims within the proposed alignments of Cape Blossom Road that might conflict with the proposed road. The 14(c) claims were surveyed by BLM contractors during the summer of 2012. Platting of these claims are expected to be completed in 2013.

ANCSA §14(c)(3)

Pursuant to the terms of ANCSA §14(c)(3), all ANCSA village corporations are required to reconvey land to municipalities or to the State in Trust to meet present and foreseeable community use and expansion.

The provision states:

“the Village Corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs: Provided, That the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres; Provided further, That any net revenues derived from the

sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: Provided, however, That the word "sale", as used in the preceding sentence, shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation or the State in trust, nor shall it include the issuance of free use permits or other authorization for such purpose."

ANCSA §14(C)(3) Agreement

KIC and the City of Kotzebue signed an agreement on May 17, 1996, in complete satisfaction of KIC's ANCSA §14(c)(3) obligation. By this agreement, KIC agreed to convey land to the City to meet present and foreseeable public needs. KIC's ANCSA 14(c) Map of Boundaries (MOB) was submitted to the Bureau of Land Management on May 6, 2008 and the one year ANILCA 902 (b) Statute of Limitation has elapsed so judicial challenges cannot be filed on KIC 14(c) decisions. The 14(c)(3) agreement identifies the following land to be conveyed to the City of Kotzebue. Acreages are approximate and will be conformed upon survey:

- A new landfill site consisting of 45 acres.
- Kotzebue Wastewater Treatment site consisting of 29.14 acres.
- Sewage lagoon parcel consisting of 13.25 acres.
- A watershed consisting of 350 acres.
- A waterline utility easement consisting of 6.26 acres.
- A waterline utility easement consisting of 8.52 acres.
- A water utility line consisting of 2.85 acres.
- Ted Stevens Way right-of-way consisting of 10.90 acres.
- Cemetery road right-of-way consisting of 1.52 acres.
- A recreation parcel consisting of 5.00 acres.
- The watershed/utility corridor consisting of 650 acres.

The proposed road alignments do not conflict with any of lands that will be conveyed to the City of Kotzebue pursuant to ANCSA 14(c)(3). However, *the dismissed Hillside Route* is located very close to the 320 acre City watershed parcel.

ANCSA §14(c)(4)

ANCSA §14(c)(4) is the provision providing for the reconveyance of airports that existed as of December 18, 1971. KIC implemented this provision for portions of the Kotzebue airport. The provision states:

“the Village Corporation shall convey to the Federal Government, State, or to the appropriate Municipal Corporation, title to the surface estate for airport site, airway beacons, and other navigational aids as such existed on December 18, 1971, together with such additional acreage and/or easements as are necessary to provide related governmental services and to insure safe approaches to airport runways as such airport sites, runways, and other facilities existed as of December 18, 1971.”

The Federal Aviation Administration claimed a storage shed, easement and the previous site for the VORTAC antenna (which was destroyed) pursuant to ANCSA 14(c)(4). KIC denied the application and the FAA filed a mandatory injunction requiring KIC to convey title to the United States for the surface estate of the land on which the VOR facility at the Ralph Wien Memorial Airport was located, together with such additional acreage and easements as are necessary to provide the government services related to that facility. A Stipulation of Dismissal was filed in the U.S. District Court on March 1, 2011.

ANCSA §14(c) Map of Boundaries and Survey

Bureau of Land Management (BLM) regulations in 43 CFR 2650.5-4, ANCSA require Corporations to prepare and submit Maps of Boundaries depicting lands qualified as ANCSA §14(c) reconveyances to BLM. The KIC ANCSA 14(c) Map of Boundaries was the official map that depicts the location of all 14(c) land to be surveyed by BLM. KIC submitted their final ANCSA 14(c) Map of Boundaries depicting the location of all 14(c) land on May 8, 2008. The survey field work on all KIC’s 14(c) lands was completed during the summer of 2012. Platting and approval of the parcels will take a year. Once approved by BLM, KIC will be able to give deeds to all valid claimants.

LAND OWNERSHIP OF THE PROPOSED CAPE BLOSSOM ROUTES

Introduction

There are four alternative routes proposed to access Cape Blossom: *Eastern Route*, *Middle Route*, *Upgrade Route*, and *Hillside Route*. The *Upgrade Route* and *Hillside Route* include crossings of Sadie Creek and June Creek. The *Eastern Route*, *Middle Route*, and *Hillside Route* have been dismissed as proposed alternatives.

Existing Access

There are 26 miles of local gravel roads, used by cars, trucks and motorcycles during the summer. Snowmachines are preferred in winter for local transportation. Existing surface access to the Terminal Area from Kotzebue is by Third and Fifth Avenues. Third Avenue was paved in 1996, becoming the first paved road in Kotzebue.

The only road, leading south from town passes through the Airport within the safety area of Runway 8. The road is used to access summer fish camps, the sanitary landfill, an Air Force radar site, and properties along the coast to the south. There is a gate controlling access to the airport operating area via this road, although it is not always used.

Former VORTAC Lake Road was renamed Ted Stevens Way. During the effort to reconstruct Ted Stevens Way, the City of Kotzebue needed site control for a 100 foot road right-of-way. BLM reserved a 60-foot road under an ANCSA 17(b) easement. KIC owned the underlying interest of the 17(b) easement and had to use two legal descriptions to transfer the 100-foot road to the City of Kotzebue, one for the 60 foot 17(b) easement and another for an additional 40 feet. Since the VORTAC site has a 2,000-foot restrictive easement, KIC requested a waiver from FAA to grant the additional 40 feet needed for the road right-of-way for that portion of the road inside the excess 3(e) site. This right-of-way was granted to the City of Kotzebue by KIC with Quitclaim Deed recorded on April 18, 2001 in Book 58, Pages 59-60. KIC granted a right-of-way to the City of Kotzebue on January 14, 2003 for the Ted

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Stevens Way extension. It was recorded as 2003-000025-0, Kotzebue Recording District on January 16, 2003. This 14(c)(3) road was surveyed in 2012.

In 1997, the Bureau of Indian Affairs (BIA) funded the construction a 3.7 mile, \$6 million road east of Kotzebue Lagoon to divert traffic around the airport runway and to serve the community as the link to the new solid waste facility. The Hillside Road connects Ted Stevens Way to the City's landfill, wind generation site and cemetery. KIC granted a right-of-way to the Kotzebue IRA Council for the Hillside Road project adjoining the easterly right-of-way of the Air Force Road (EIN 53 C5) located within the East ½ of Section 21, T. 17 N., R. 18 W., K.R.M. This right-of-way grant included conditions and a reverter clause. The Hillside road was granted to the IRA with a proper legal description but the road right-of-way was not monumented. During the Cadastral Survey of the ANCSA 14(c) lands in 2012, portions of Hillside Road that adjoin 14(c)(3) parcels were monumented.

Bison Street, Caribou Way and Ted Stevens Way from Third Avenue to Devils Lake were upgraded a distance of two miles. The upgrading included grade raising, widening, drainage and surfacing, as well as minor erosion protection in the tidal area near town. Bicycle and pedestrian traffic between town and the Hillside Road was also accommodated.

A right-of-way, F-033395, located within Sec. 11, T. 17 N., R. 18 W., K.R.M. was granted for a power line to Kotzebue Electric Association, Inc., under the provisions of the act of February 15, 1901 (43 U.S.C. 959), as amended; Kikiktagruk Inupiat Corporation also granted an easement for an electric line to Kotzebue Electric Association in Sections 16, 21 and 28 of T. 17 N., R. 18 W., K.R.M. on March 27, 1984.

A 100 foot right-of-way, F-23302, located within Sec. 11, T. 17 N., R. 18 W., K.R.M. was granted for an access road to the Federal Aviation Administration, under the provisions of Public Law 94-579 (October 21, 1976) Title V (43 U.S.C. 1761-1771).

PERMITS AND LEASES

The KIC Lands Department issues gravel permits to KIC shareholders and other permittees that need gravel for projects in the City of Kotzebue. KIC has two active gravel permits and will probably receive gravel permits at Nimiuk Point and Arctic Circle in the near future.

Kikiktagruk Inupiat Corporation granted a lease agreement for a windmill site to Kotzebue Electric Association in Section 25 and 35 of T. 17 N., R. 18 W.. K.R.M. on July 7, 2003.

The Department of the Air Force granted an Easement for Right of Way for Electric Power Transmission or Communication Facilities to the Kotzebue Electric Association on November 18, 1986. This easement was recorded in Book 31, Pages 316-318.

UNITED STATES BUREAU OF LAND MANAGEMENT EASEMENTS

ANCSA §17(b) Easements

There are two 17(b) Easements (25 foot trail easements) that could be impacted by proposed *Upgrade and Hillside routes* to Cape Blossom: the Trail to Buckland (EIN 12, D1) and the Trail to Noorvik (EIN 8, D1, and D9). The uses allowed on these 25 foot trail easements are travel by foot, dogsled, animals, snowmobiles, two and three wheeled vehicles, and small all terrain vehicles (less than 3000lbs GVW). The season of use is limited to winter. If an all season road is constructed to Cape Blossom, considerations of the road impacts should be included in the environmental process and engineering of the road. Trail crossings and road access will need to be considered. 17(b) Easements reserved throughout the Baldwin Peninsula are shown on the land status map. They include the following:

EIN 76 C4:

An easement twenty (20) feet in width for the City of Kotzebue's existing waterline from the west boundary of Tract B Parcel 2, in Sec. 11, T. 17 N., R. 18 w., Kateel River Meridian., southeasterly to the south boundary of Tract B Parcel 2 in Sec. 11, T. 17 N., R. 18 w., Kateel River Meridian. The uses allowed are those activities associated with the construction, operation, and maintenance of the waterline facility.

EIN 77 C4:

An easement twenty (20) feet in width for an existing powerline from the west boundary of Tract B Parcel 2 in Sec. 11, T. 17 N., R. 18 w., Kateel River Meridian, southeasterly to the south boundary of Tract B in Sec. 11, T. 17 N., R. 18 w., Kateel River Meridian. The uses allowed are those activities associated with the construction, operation and maintenance of the powerline facility.

EIN 8a C5:

An easement sixty (60) feet in width for an existing road from the west boundary of Tract B Parcel 2, in Sec. 11, T. 17 N., R. 18 W., Kateel River Meridian, southeasterly through Tract B Parcel 2 to the southern boundary of Tract B Parcel 2. The uses allowed are those listed above for a sixty (60) foot wide road easement.”

EIN 8 D1, D9:

An easement for an existing access trail twenty-five (25) feet in width from the edge of State patented submerged lands near Kotzebue within Tract 5, U.S. Survey No. 2645 within Secs.

2 and 11, T. 17 N., R. 17 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five foot wide trail easement.¹ The season of use will be limited to winter.

EIN 12 D1:

An easement twenty-five (25) feet in width for an existing access trail from the west section line of Section 18, T. 16 N., R. 17 W., Kateel River Meridian, southeasterly to public land. The uses allowed are those listed above for a twenty-five foot wide trail easement. The season of use will be limited to winter.

EIN 15 C5:

An easement sixty (60) feet in width for an existing road from the south boundary of patent No. 1236172, in Section 16, T. 17 N., R. 18 W., Kateel River Meridian, southerly to public land in T. 16 N., R. 18 W., Kateel River Meridian. The uses allowed are those listed for a sixty (60) foot wide road easement.

EIN 53 C5:

A transportation and communications easement sixty-five (65) feet in width for an existing road and two (2) buried communications cables, from the southern edge of patented State land in Sec. 16, T. 17 N., R. 18 W., Kateel River Meridian, southerly to the north boundary of the U.S. Air Force withdrawal. The uses allowed are those listed for a sixty (60) foot wide road easement and those use associated with the construction, operation and maintenance of the communication cable facilities.

¹ 25-Foot Trail – The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheeled vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

RS 2477 Rights of Way

“Revised Statute 2477 (RS 2477) was a congressional grant of rights of way which provided: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." RS 2477 was repealed in 1976 which marked a dramatic change in federal land management policy. However, the RS 2477 rights of way that existed at that date expressly remained a valid existing right. As a result there are thousands of RS 2477 rights of way across the western United States and Alaska which, as congress intended, provided an important role in settling those areas. In Alaska, these rights of way continue to play an essential role in accessing Alaska's lands. In Kotzebue, two RS2477's were nominated but they are not reserved and are thus not shown on the map. To date, DNR has researched over 2,000 routes and determined that approximately 647 qualify under the RS 2477 statute.”²

RS2477

Casefile Summary: RST 124, Nimiuk Point-Shungnak Trail. Nominated Only

The Nimiuk Point-Shungnak trail is located in northwestern Alaska, east of Kotzebue. The route is an extension of RST #1738, Kotzebue- Nimiuk Point. The trail runs eastward from Nimiuk point on the Baldwin Peninsula across Hotham Inlet, then follows Riley channel of the Kobuk River eastward to Noorvik. The route continues eastward, following Nazaruk Channel and Melvin Channel northeastward to the Kobuk River and Kiana. The route crosses the Squirrel River and continues northeastward through the Kobuk Valley National Park, generally following the north shore of the Kobuk river. The trail passes through Ambler, then heads southeastward over lowlands surrounding the Kobuk river. The route crosses Pitkin Lake and continues on southeastward to Shungnak. Portions of the route cross over water. The location of the trail, based on historical evidence, has been mapped by DNR, Division of Land Personnel, on USGS 1:63,360 Kotzebue D-1 and D-2, Selawik C5, C-6, D-3, D-4, D-5

²*State of Alaska, Department of Natural Resources, Public Information Center on line.*

and D-6, Baird Mountains A-1, A-2 and A-3, Ambler River A-4, A-5 and A-6, and Shungnak D3 quadrangle maps. The route is approximately 200 miles long.

Casefile Summary RST 1738 Kotzebue - Nimiuk Point Trail. Nominated Only

The Kotzebue-Nimiuk Point Trail is located in northwestern Alaska. The route runs from the City of Kotzebue southeastward, crossing the Baldwin Peninsula to Nimiuk Point. The location of the trail, based on historical evidence, has been mapped by DNR, Division of Land personnel, on USGS 1:63,360 Kotzebue D-1 and D-2 quadrangle maps. The route is approximately 29 miles long.

NATIVE ALLOTMENT ACT

Pursuant to the Native Allotment Act of May 17, 1906, any Alaskan Native of full or mixed blood who was either head of a family or 21 years old could apply for no more than 160 acres of non-mineral land from the Department of Interior, BLM. Native Allotees receive title in the form of a Certificate, which is a legal document that conveys beneficial possession of land and contains a patent number protected against alienation and taxation by the U.S. Government. The Village of Kotzebue is the Federally-recognized Tribal government representing the Qikiktagrukmiut. “Kotzebue IRA” is the main service provider for Native Allotment administration in Kotzebue. Several allotments near Kotzebue have been taken out of restricted status. The Kotzebue IRA Resources Program provides services to restricted Native Allotment and Townsite owners within their geographical service area. The IRA staff helps to resolve trespass issues, and processes sales, leases and permits. This process is time consuming due to the steps that staff must take to process sales, leases and permits. These restrictions are placed to protect the best interest of owners or their heirs.

Restricted Deeds

“Restricted” deeds are protected against taxation and alienation, and cannot be conveyed or encumbered without approval by the Secretary of the Interior (BIA). Restricted lands mean that:

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- The property is tax-exempt from all taxes.
- Income from the land cannot be taxed. (If the land is rented, leased or sold, the money cannot be taxed, just the interest, and it does not need to be reported to the IRS.)
- The land cannot be seized, taken away, trespassed upon, or be subject to liens. The land receives protection by the Federal Government from unauthorized seizure by the State, Federal and City governments for anything (not even the IRS). No one can trespass on the land, and no one can place liens against the land.
- Restricted landowners can obtain free real estate services and counseling. (638 Services Providers or the BIA)
- The Bureau of Indian Affairs must approve all transactions (sales, leases, rights-of-way, rents, gift deeds, mortgages, etc.)

Unrestricted Deeds

“Unrestricted” deeds mean that the land is removed from a protected status in a manner approved by the Secretary of the Interior (BIA). The land is taxable, alienable and no longer under the BIA’s jurisdiction.

Unauthorized Use.³

Prior to approval of the allotment application, the agency having jurisdiction of the land retains unauthorized use abatement responsibility. In the case of BLM lands, at least, BIA assumes this responsibility after the application is approved. Prior to approval, either agency may initiate unauthorized use investigation with BIA providing its findings to the district office for appropriate action.

Prior to approval, removal of resources or construction of improvements by a third party constitutes unauthorized use. An allotment applicant may, before approval, utilize resources for his/her personal use, but not for most commercial purposes except in the case of subsistence resources under State fish and game laws. After approval, the Allottee and BIA assume jurisdiction over all resources not reserved to the United States.

³ NATIVE ALLOTMENTS, BLM ALASKA HANDBOOK

Alienation of Interest

Certain activities on allotments are considered an alienation of interest. If cultural resources, for example, may be adversely affected by proposed development, the BIA must observe the requirements of Section 106 of the National Historic Preservation Act before approving a change in an allotment's restricted status.

Revocable Use Permits

P. L. 93-638 Service Providers must comply with several regulatory authorities in granting leases or permit on trust lands. 25 U.S.C. Sec. 415. deals with "Leases of restricted lands" and 25 CFR 162.3 provides procedures for Leasing/Permitting, Grazing, Probate and Funds Held in Trust.

25 U.S.C. 169 and 25 USC 415 provide procedures for the granting of leases and permits on restricted land. This authority is cited in the beginning of the Revocable Use Permit (RUP) that grants permission to State of Alaska, Department of Transportation/Public Facilities to gain access on restricted land for the purposes of conducting topographic surveys, Geotechnical work, soils inspection, and wetlands delineation. The compensation amount is negotiated between the 638 Service Provider and the Allottees.

The regulations were revised on January 22, 2001 in the areas of probate, funds held in trust for Indian tribes and individual Indians, leasing/permitting, and grazing. These revisions are meant to further fulfill the Secretary's fiduciary responsibility to federally recognized tribes and individual Indians. Revisions to leasing/permitting regulations implement the Indian Agricultural Resource Management Act and address appropriate procedures for entering into leases and permits on Indian lands and, more importantly, aid in properly determining and accounting for the value of such leases to individual land owners and tribal entities. The

effective date for the implementation date of the regulations is March 23, 2001. Included below are portions of the regulations and a web site to view the regulation.

169.3 Consent of landowners to grants of right-of-way.

(a) No right-of-way shall be granted over and across any tribal land, nor shall any permission to survey be issued with respect to any such lands, without the prior written consent of the tribe.

§169.4 Permission to survey

Anyone desiring to obtain permission to survey land for a right-of-way across individually owned, tribal or Government owned land held in restricted status must file a written application with the Secretary. Upon receipt of an application made in compliance with the regulations of part 169, the Secretary may grant the applicant written permission to survey.

Native Allotments within the subject area include:

T. 17 N., R. 17 W., KRM

50-96-0070
50-96-0028, Lot 3, Tract 41
50-89-0224

T. 17 N., R. 18 W., KRM

50-85-0400, Lots 2, 4, and 5
50-85-0121
50-97-0162
50-84-0474, Lot 2
50-2005-0361
50-84-0339, Lots 2, 3, and 6
50-84-0771
50-86-0267, Lot 2

T. 18 N., R 17 W. and 18 W., KRM

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50-96-0079, U.S.S. 10915, Lots 1 and 2
50-95-0341, U.S.S. 10911 and 10935, Lot 1
50-96-0219, U.S.S. 10911, Lot 2
50-96-0085, Tract 37
50-84-0497 U.S.S. 5299, Lot 3
50-89-0177
50-89-0535
50-95-0644
50-95-0028 Lot 3, Tract 41
50-84-0406
50-95-0569
50-89-0224 U.S.S. 6761
50-96-0070
50-95-0556 U.S.S. 10855, Lot 6, U.S.S. 10925

T. 16 N., 18 W., KRM

50-91-0367, U.S.S. 10663
50-95-0508, U.S.S. 10855, Lots 2 & 3
50-96-0080, U.S.S. 10855, Lot 1
50-95-0620, U.S.S. 10855, Lot 4
50-95-0640, U.S.S. 10855, Lot 5
50-95-0556, U.S.S. 10855, Lot 6
50-95-0195, U.S.S. 10858, Lot 7
50-96-0649, U.S.S. 10858, Lot 9
50-97-0202, U.S.S. 10854
50-2006-0214, U.S.S. 10850
50-2005-0522, U.S.S. 10001, Lot 3
50-2005- 0409 U.S.S. 10801, Lot 2

T. 17 N., R. 16 W., KRM

50-86-0263, Lots 1 and 2, U.S.S. 6764
50-96-0220, U.S.S. 10858

T. 17 N., R. 18 W., KRM

50-91-0055, U.S.S. 10393, Lot 2
50-86-0065, Lots 4 and 5
50-96-0366, Lot 1

T.15 N., R.16 W. KRM

50-95-0408, Lots 1 and 2, U.S.S. 10792
Portion of 50-2005-0005, Lots 2 and 3,

T. 15 N., R. 17 W., KRM

50-95-0298, U.S.S. 10800, Lot 2
50-95-0299, Lot 2, U.S.S. 10800
50-86-0224, U.S.S. 6761
50-95-0297, Lots 1 and 2, U.S.S. 10846
50-95-0338, Lots 3 and 4, U.S.S. 10846
50-2004-0329, U.S.S. 10847, Lot 1
50-2005-0005, Lot 1 and portions of Lot 2 and 3, U.S.S. 10847

T. 15 N., R. 18 W., KRM

50-2006-0124, U.S.S. 10850
Portion of 50-2005-0409, Lot 2, U.S.S. 10801
Portion of 50-96-0363, Lot 1, U.S.S. 10801
Portion of 50-2005-0522, Lots 3 and 4, U.S.S. 10801
Portion of 50-95-0298

T. 16 N., R. 16 W., KRM

50-95-0334, U.S.S. 10852, Lot 1 and U.S.S. 10851, Lot 1
50-95-0403, U.S.S. 10852, Lot 2
50-95-0404, U.S.S. 10852, Lot 3
50-98-0238, U.S.S. 10853, Lot 2
50-95-0259, U.S.S. 10851, Lot 2

T. 16 N., R. 18 W., KRM

50-95-0556, U.S.S. 10855, Lot 6, U.S.S. 10925
50-96-0195, U.S.S. 10855, Lot 7
50-95-0607, U.S.S. 10855, Lot 8
50-96-0649, U.S.S. 10855, Lot 9
50-97-0202, U.S.S. 10854

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50-2006-0124, USS 10850

Portion of 50-2005-0409, Lot 2, U.S.S. 10801

Portion of 50-2005-0522, Lots 3 and 4, U.S.S 10801

DEVELOPMENT PLANS AND PLANNED USES

ANILCA §1407 Shareholder Homesite Program

§1407. §21 of the Alaska Native Claims Settlement Act is amended by adding a new subsection at the end thereof, as follows:

"(j) A real property interest distributed prior to December 18, 1991, by a Village Corporation to a shareholder of such Corporation pursuant to a program to provide homesites to its shareholders, shall be deemed conveyed and received pursuant to this Act: Provided, That the land received is restricted by covenant for a period not less than ten years to single-family (including traditional extended family customs) residential occupancy, and by such other covenants and retained interests as the Village Corporation deems appropriate: Provided further, That the land conveyed does not exceed one and one-half acres: Provided further, That the shareholder receiving the homesite, if the shareholder subdivides the land received, shall pay all Federal, State, and local taxes which would have been incurred but for this subsection, together with simple interest at six percent per annum calculated from the date of receipt of the land to be paid to the appropriate taxing authority."

KIC has considered implementing a shareholder homesite program near the community on unencumbered land located adjacent to Ted Stevens Way (which connects to Hillside Road, but remains undecided about its development. The homesite distribution allowed under ANILCA §1407 would accommodate 1,953 shareholders, whose parcels must be no more than 1½ acres in size.

The development will require the survey, platting and approval for multiple subdivisions, road access, and may require approximately 3,000 acres of unencumbered KIC land. If implemented, planning for the shareholder homesite subdivision is expected to take a minimum of two years. Many Alaska Native Corporations have initiated plans for Shareholder Homesite Programs only to discover that the costs and land requirements are too great to be feasible.

POTENTIAL CONFLICTS

Upgrade Route

- ANCSA 17(b) easement EIN 15 C5. for an easement sixty (60) feet in width for an existing road from the south boundary of patent No. 1236172, in Section 16, T. 17 N., R. 18 W., Kateel River Meridian, southerly to public land in T. 16 N., R. 18 W., Kateel River Meridian. The uses allowed are those listed for a sixty (60) foot wide road easement.
- ANCSA 17(b) easement EIN 53C5 for a transportation and communications easement sixty-five (65) feet in width for an existing road and two (2) buried communications cables.
- Windmill Farm. The Kotzebue Electric Association (KEA) has a lease from KIC for a windmill farm (Tract No. 1) that is approximately 3 miles from Kotzebue, but this alignment avoids the lease boundaries. The Department of the Air Force granted an Easement for Right of Way for Electric Power Transmission or Communication Facilities to the Kotzebue Electric Association on November 18, 1986.
- Patent 1236172, USS 10393, Lot 1 to the U.S. Air Force for the Kotzebue Long Range Radar Site (LRRS) which restricts access.
- Subsistence picking of wild plants/berries.
- Nesting areas of migratory birds/Animal habitats.
- Caribou migration.
- Hunting.
- Old village sites in the area – may have archeological restrictions.
- ANCSA 17(b) Easement for 25 Foot Winter Trail (EIN 12, D1).
- Native Allotments nearby

Dismissed Routes

Eastern Route

- ANCSA 17(b) Easement EIN 8, D1, D9 for 25 foot Noorvik Winter Trail Easement.
- ANCSA 17(b) 25 Foot Winter Trail Easement (EIN 12, D1)
- Native Allotments nearby
- Subsistence picking of wild plants/berries.
- Nesting areas of migratory birds/Animal habitats.
- Caribou migration.
- Hunting.
- Proposed alternate (dismissed) airport relocation.

Middle Route

- ANCSA 17(b) Easement EIN 8, D1, D9 for 25 foot Noorvik Winter Trail Easement.
- Near City of Kotzebue Watershed area.
- Proposed alternate (dismissed) airport relocation.
- Subsistence picking of wild plants/berries.
- Nesting areas of migratory birds/Animal habitats.
- Caribou migration.
- Hunting.

Hillside Route

- 320 acre Kotzebue Water Shed parcel was surveyed during the summer of 2012, but is not yet platted nor conveyed by KIC to the City of Kotzebue under ANCSA 14(c)(3). Any road considered must not conflict with the Water Shed boundaries.
- Subsistence picking of wild plants/berries.
- Nesting areas of migratory birds/Animal habitats.

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- Hunting.
- Possible Shareholder Homesite Subdivisions.
- Recreational areas.
- The proposed site for the Port is located in an area prone to erosion and inundation of high water due to 50 year storms according to local elders. This area reportedly goes totally under water during severe storms and large logs are deposited uplands on the tundra. This area was purposefully not selected by local people under the Native Allotment Act due to its unsuitability.
- Windmill Farm. The Kotzebue Electric Association (KEA) has a lease from KIC for a windmill farm (Tract No. 1) that is approximately 3 miles from Kotzebue, but this alignment avoids the lease boundaries. The Department of the Air Force granted an Easement for Right of Way for Electric Power Transmission or Communication Facilities to the Kotzebue Electric Association on November 18, 1986.
- ANCSA Regional Selections with application F-19154-22 by NANA that were top-filed by the State of Alaska with FF 44408 General Grants selection application in the Port area are in discussions with BLM and NANA.
- Proposed alternate (dismissed) airport relocation.

Upper Sadie Creek Option Route

- Subsistence picking of wild plants/berries.
- Nesting areas of migratory birds/Animal habitats.
- Caribou migration.
- Hunting.
- Increased noise may impact sea mammals and other wildlife.
- Native Allotments nearby.
- ANCSA 17(b) Easement for 25 Foot Winter Trail (EIN 12, D1).

Summary

The documentation of land status of the proposed routes for the Cape Blossom Road and detailed mapping of the land status is important to assist in the site selection of the preferred route. The land status map cumulates the documented conveyances and land actions of a large, growing community. The information in this report will supplement the local information provided on the community level.

REFERENCES

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Native Village of Kotzebue IRA. <http://www.kotzebueira.org>

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Bureau of Land Management Public Records.