



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glennallen Field Office
P.O. Box 147
Glennallen, Alaska 99588
<http://www.blm.gov/ak>

North Slana Land Sales (Voight) Environmental Assessment, DOI-BLM-AKA-020-2013-0002-EA

AA-092949, Fred Voight

DECISION RECORD

Background

The Bureau of Land Management (BLM) has considered whether to dispose of up to three parcels of public land in North Slana, Alaska by non-competitive direct sales to resolve failed claims and unauthorized continued use. The subject parcels are located within the North Slana community, accessed by the Bear Valley and Suslositna trail systems from the Tok Highway. (For a description of the subject parcels, refer to Section 1.2 of the EA.)

All parcels have been appraised and the fair market value of each parcel is documented. The failed claimants have agreed to resolve the unauthorized use and occupancy through purchase of the parcels at the full fair market value. The BLM would prepare the necessary patent documents to complete the sale of the public land only to the failed claimants. Upon closing/sale, the lands would leave Federal management permanently.

Decision

It is my decision to implement *Alternative 2: Proposed Action*, as described in the attached EA (EA, pp. 4-5). Specifically, it is my decision to execute a non-competitive direct land sale to the failed claimant, Fred Voight, who has occupied and used these parcels continuously since the decision was made to reject the claim under the Homestead Act.

1. One parcel (5 acres) will be sold at full market value as established by appraisal.
2. The sale is subject to valid and existing access rights present at the time of sale (e.g., rights-of-way).
3. The sale includes transfer of surface ownership only; sub-surface or mineral ownership remains with the United States.
4. The buyer will cease to use any lands remaining from the original claim (beyond the five-acre sale parcel) without authorization from the BLM.

This decision is based on site-specific analysis in the *North Slana Land Sales (Voight and Riley) Environmental Assessment* (DOI-BLM-AK-A020-2013-0002-EA) and the management

decisions contained in the 2007 East Alaska Approved Resource Management Plan and Record of Decision (EARMP).

The attached Finding of No Significant Impact (FONSI) indicates that the selected alternative has been analyzed in an EA and has been found to have no significant environmental effects. Therefore, an Environmental Impact Statement is not required and will not be prepared.

Rationale for the Decision

Public lands regulations at 43 CFR § 2711.3-3 allow for direct sale of public land when a competitive sale is inappropriate and when the public interest would best be served by a direct sale to resolve inadvertent unauthorized use or occupancy of the lands.

The No Action Alternative was not selected because it is not in the public's best interest. The enforcement of trespass procedures and the removal of many tons of personal property would come at great government expense, both time and financial, and would result in ground disturbance that could be avoided by selecting the Proposed Action Alternative.

The Proposed Action Alternative was selected because it will resolve the unauthorized use of these failed claims at minimal expense to the government and with no ground disturbance. Furthermore, direct sales of public land to resolve unauthorized use in the Slana settlement area are specifically addressed in the EARMP; the Proposed Action best fulfills the EARMP direction (EA, pp. 3-4).

Laws, Authorities, and Land Use Plan Conformance

The EARMP and the FLPMA provide the overall long term management direction for the BLM Glennallen Field Office. The proposed action and alternatives are consistent with the EARMP and FLPMA. See also EA Section 1.5 for a list of other applicable laws, regulations, and policies.

Public Involvement, Consultation, and Coordination

The BLM offered two public scoping periods, one for each proposed land sale. The Voight sale scoping period was offered from January 28 to March 1, 2013. The Riley sale scoping period was offered from May 14 to June 21, 2013. In both cases, approximately 90 interested parties were notified and one response, pertaining to both sales, was received from Ahtna, Inc. The comments received were determined to be out of scope for this analysis. Based on the limited input received during the scoping period, I have decided not to recirculate the Environmental Assessment for additional public review prior to my decision.

Tribal consultation was conducted the Cheesh'na Tribe from Chistochina and the BLM on February 26, 2014. There were no additional comments on this action from that consultation.

Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Glennallen Field Office, P.O. Box 147, Milepost 186.5 Glenn Highway,

Glennallen, Alaska 99588, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Glennallen Field Office as noted above. *The BLM does not accept appeals by facsimile, email, or other electronic means.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Dennis C. Teitzel

October 10, 2014

Dennis C. Teitzel
Glennallen Field Manager

Date

Attachments

1. *Finding of No Significant Impact (FONSI), DOI-BLM-AK-A020-2013-0002-EA*
2. *North Slana Land Sales (Voight and Riley) Environmental Assessment, DOI-BLM-AK-A020-2013-0002-EA*