

Editor's note: 83 I.D. 47 (Not in IBLA volume in I.D. format); Appealed -- aff'd, Civ. No. K-74-2 (D.Alaska Nov. 11, 1976)

CITY OF KLAWOCK
v.
P. H. ANDREW, ET AL.

CITY OF KLAWOCK
STATE OF ALASKA, DEPARTMENT
OF HIGHWAYS

IBLA 75-301
76-52

Appeals from decisions of the Alaska townsite trustee, Bureau of Land Management, awarding townsite lot deeds to respondents, and rejecting appellant's conflicting townsite lot application.

Affirmed.

1. Alaska: Townsites -- Rules of Practice: Appeals: Standing to Appeal

A city organized under Alaska State law has standing to appeal from the rejection of its application for townsite deeds to land within its city limits, and the awarding of deeds to occupants of the townsite lots at the time of final subdivisional survey.

2. Alaska: Townsites -- Regulations: Applicability

To the extent they do not vitiate the purposes or provisions of the Alaska Native townsite law, the provisions of the non-Native Alaska townsite law are to be applied in the disposition of Native townsite lands; in such cases, references to the Act of March 3, 1891, 43 U.S.C. § 732 (1970), in the documents

relating to a Native townsite are not pro forma, and the non-Native townsite provisions may be applied.

3. Alaska: Townsites--Townsites

The date determinative of the rights of occupants of Alaska Native townsite land is the date of final subdivisional survey, not the date of patent; if, at the date of final subdivisional survey, the lots are occupied by non-Natives as well as Natives, the lots will be disposed of under both the non-Native and Native townsite provisions.

4. Alaska: Townsites

The Alaska townsite trustee's lot awards will not be disturbed when the appellant challenging the awards fails to assert facts that might demonstrate error in the application of the Alaska townsite rules: (1) that, in the absence of conflicting occupants on the same parcel, occupancy of a portion of a lot is occupancy of the whole lot; (2) that occupancy may be established by the initiation of settlement if the intent to possess and improve is clearly evidenced on the ground; and (3) that lots will be awarded to those who occupy or are entitled to occupancy of the lots at issue.

APPEARANCES: Robert G. Mullendore, Esq., of Roberts, Shefelman, Lawrence, Gay & Moch, Seattle, Washington, for appellant; Ray C. Preston, Esq., Assistant Attorney General, State of Alaska, for State of Alaska, Department of Highways; Louis M. and Josephine Seltzer, Martin J. Fabry, III, Paul H. and Betty W. Breed, and DeMorrow and Nelda C. Lynch, pro se, and Ralph Burnett, President, Prince of Wales Lodge, Inc.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

The City of Klawock, Alaska, has appealed from separate decisions of the Alaska townsite trustee rejecting the City's application for various lots in the Klawock Townsite Addition, and granting the conflicting applications of the respondent parties (see Appendix). In each decision the townsite trustee

recited that the plat of dependent resurvey and subdivision of a portion of U.S. Survey No. 1569, containing the parcels at issue, was approved July 30, 1974, and that he found each lot at issue to be improved as described in each respondent's application on the date of the lot awards, December 11, 1974. The trustee held that non-Natives occupying lots in a Native townsite at the time of approval of the subdivisional plat of survey were entitled to deeds to the lots they occupied.

On appeal, the City of Klawock argues that the only persons entitled to a trustee's deed for land in a Native townsite are those who occupied lots at the date of patent to the trustee, and that the only proper disposition of lands unoccupied at the time of patent is to the City of Klawock itself. In the alternative, the City argues in its reply brief that if the date of final subdivisional survey can be used to determine occupants' rights, only Native occupants can acquire rights by occupancy at that date.

Klawock Townsite was established by Executive Order (E.O.) 4712 (August 30, 1927), which excluded approximately 195 acres of land from Tongass National Forest and "reserved [it] to be disposed of for townsite purposes as provided by Sec. 11 of the act of March 3, 1891 (26 Stat., 1095), and the act of May 25, 1926 (44 Stat., 629)."

Section 11 of the Act of March 3, 1891, 43 U.S.C. § 732 (1970), provided for the entry of Alaska lands as townsites for the benefit of the occupants thereof, to be disposed of in a manner generally consistent with the townsite provisions applicable in the lower 48 states, 43 U.S.C. § 718 et seq. (1970). The Act of May 25, 1926, 43 U.S.C. §§ 733-736 (1970), provided, inter alia, that land occupied by Alaska Natives as a townsite could be surveyed, patented and deeded to the occupants thereof.

In Solicitor's Opinion, 66 I.D. 212 (1959) (hereinafter Saxman Townsite), the Deputy Solicitor held that the townsite trustee should not charge purchase money or survey fees in the deeding of lots to Natives in Saxman townsite. The holding was based on the Solicitor's finding that, since Saxman qualified as a Native townsite under the 1926 Act, the reference in the patent to the trustee to both the 1891 Act (43 U.S.C. § 732 (1970)) and the 1926 Act (43 U.S.C. §§ 733-736 (1970)) was pro forma only, and was not intended to impose any of the 1891 Act requirements, including purchase money or survey fees, on the disposition of lots in Saxman townsite. Saxman Townsite, supra at 214.

Appellant argues that the reference to the 1891 Act, the so-called non-Native townsite provisions, in the Klawock patent

was similarly pro forma, and that the lots are to be disposed of only in conformity with the 1926 Act. If so, the City argues, 43 CFR 2565.3(c), which provides that in a non-Native townsite, "Only those who were occupants of lots * * * at the date of the approval of final subdivisional town site survey * * * are entitled to the allotments herein provided," cannot be applied to Klawock. Instead, according to the City, the trustee should follow the cases under the townsite laws applicable to the lower 48 states (43 U.S.C. § 718 et seq. (1970)), and hold that the only occupants entitled to deeds are those who occupied their lots at the time of patent to the trustee.

[1] In response to the City's contentions, the State of Alaska, Department of Highways (hereinafter the State), applicant for Lot 6, Block 65 and respondent in IBLA 76-52, argues as an initial matter that the City of Klawock's appeal should be dismissed because the City has no standing to raise the claim made on appeal. Regulation 43 CFR 4.410 provides in part that "any party to a case who is adversely affected by a decision of an officer of the Bureau of Land Management * * * shall have a right to appeal to the Board." As the City is a conflicting applicant, asserting rights under 43 CFR 2565.7, inter alia, for a deed to the parcel awarded to the State of Alaska, we are hard put to understand how it is not adversely affected by the decision appealed from.

However, the State proceeds to argue: (1) that the City as an applicant could only take as trustee for the benefit of its citizens (43 CFR 2565.5(b)(1), 2565.7), and thus the townspeople of Klawock are the real parties in interest; and (2) that a City organized under the laws of the State of Alaska (AS 18.80.255) violates its charter when it represents a racial or ethnic group against another such group. First, a holder (or potential holder) of a legal title in trust is adversely affected by a decision rejecting its claim to the title asserted, just as the beneficiaries are adversely affected. 76 AM. JUR. 2d Trusts § 600 (1970). Second, whether or not the City has an impermissible motive for appealing is not at issue -- whether or not the occupant of a lot at the time of final subdivisional survey has a superior right to that lot is at issue. The City was adversely affected by the decision below, and we hold it has standing in IBLA 76-52. 43 CFR 4.410. Since the City has appealed from the decisions of the trustee rejecting its application for deeds to the remaining lots in issue, the City clearly has standing to appear as to those decisions as well.

On the merits of the case, the State argues that the townsite trustee correctly cited and applied 43 CFR 2564.3, which provides:

Native towns which are occupied partly by white lot occupants will be surveyed and disposed of under the provisions of both the act of March 3, 1891 * * *, and the act of May 25, 1926 * * *.

The State points out that the City seeks to benefit from some of the non-Native townsite regulations, (e.g., 43 CFR 2565.7, which provides for the conveyance of undeeded lands to the municipality), while asserting that the rest are inapplicable, especially 43 CFR 2565.3(c). The State also argues that the cases cited by the City, for the proposition that only settlers at the time of entry and patent to the trustee are entitled to deeds, all deal with the substantially different townsite provisions applying to the lower 48 states, 43 U.S.C. § 718 *et seq.* (1970). Further, the State points to the general grant of authority to the Native townsite trustee, 43 CFR 80.22 (1938), now 43 CFR 2564.0-4(b) (1975), as support for the trustee's action in awarding it the lot for which it applied.

The individual parties respondent in IBLA 75-301 separately indicate their reliance on the townsite trustee's assurances about how the unsurveyed portion of the townsite would be disposed of, and various City Council actions, especially a resolution of May 9, 1973, endorsing the trustee's proposal for lot distribution and authorizing respondents' occupancy and improvements. Martin J. Fabry, III, based on his experience as a member of the Klawock City Council, indicates that until after the respondents had begun constructing their improvements the City's practice was to stake and post whatever vacant townsite land it claimed and felt it needed. ^{1/} In addition, respondents individually attack appellant's characterization of awards to non-Natives as an invitation to speculation and a destruction of Native "cultural integrity," arguing that they are permanent residents, not speculators, and provide essential services to the community.

The individual respondents rely on a roughly phrased claim that the City, after approving of or authorizing their staking and

^{1/} Ralph Burnett, President of respondent corporation, Prince of Wales Lodge, Inc., submitted with his answer a copy of a Notice, dated August 30, 1974, from the City of Klawock indicating that the BLM had approved the subdivisional survey of townsite, and that the townsite lands were henceforth not subject to staking by non-Natives.

improving the lots at issue, is estopped to appeal the award to them. Similarly, the State in its counter-reply, and some of the individual respondents, assert that the United States cannot renege on the townsite trustee's assurances that they could enter on and improve the lots at issue. (But see 43 CFR 1810.3.) It is unnecessary for us to rule on the merits of these claims because, for the following reasons, we hold that the trustee's awards were proper, and the City's application for the lots at issue was properly rejected.

[2] The Native townsite regulations provided at the time Klawock townsite was patented, and now provide, that the townsite trustee "will take such action as may be necessary to accomplish the objects sought to be accomplished by [section 3 of the Act of May 25, 1926]." 43 CFR 80.22 (1938), now 43 CFR 2564.0-4(b) (1975). As construed in Saxman Townsite, supra, the statute requires the trustee to administer his trust so that the provisions of the 1926 Act, and the regulations issued thereunder, are not vitiated by the application of 1891 Act provisions. Thus, the Deputy Solicitor held in Saxman that the non-Native townsite purchase and survey charges should not be imposed in a Native townsite governed by 43 CFR 80.22 (1952), now 43 CFR 2564.2 (1975).

The discretion granted the trustee, however, authorizes him to apply the general regulations under the non-Native townsite law when these do not conflict with the 1926 Act. In such situations, the reference in the Executive Order withdrawal and patent to both the 1891 Act and the 1926 Act is not pro forma, as in Saxman, and the 1891 Act provisions and regulations may be applied.

[3] As the Deputy Solicitor indicated in Saxman, there are no specific Native townsite regulations governing the disposal of additional lots and lots unoccupied at the time of reservation and patent. We hold that the townsite trustee thus properly invoked 43 CFR 2565.3, 2/ providing for the award of lots to those who occupy them "at the date of final subdivisional townsite survey," which applies to both classes of Alaska townsites, and which in no way vitiates the provisions of the 1926 Act.

In determining occupancy at the date of final subdivisional survey, the trustee properly invoked the provisions of 43 CFR 2564.3, which provide that Native towns partly occupied by non-Native lot occupants will be surveyed and disposed of under the

2/ 43 CFR 2565.3 (1975), formerly 43 CFR 80.11 (1938), codifying Circular No. 491, as revised Feb. 24, 1928, was in effect at the time of E.O. 4712 establishing the Klawock townsite reservation.

provisions of both the 1891 and the 1926 Acts. 43 CFR 2564.3 (1975), formerly 43 CFR 80.26 (1938), codifying Circular No. 491, Native Towns, para. 7 (February 24, 1928). 3/

Appellant makes three arguments to support its conclusion that the time of patent, rather than the date of final subdivisional survey, controls lot awards. First, appellant argues that Saxman Townsite, supra, held that references to the 1891 Act in Native townsite transactions were pro forma, and thus the townsite provisions of the lower 48 states apply. Since we construe Saxman to have held only that reference to the 1891 Act is pro forma in situations where the 1926 Act controls the manner of executing the trust, this argument fails.

Second, in its reply brief, appellant relies heavily on the argument that the Alaska townsite provisions themselves require that the provisions of the general townsite law, 43 U.S.C. § 718 et seq. (1970), govern the date for determining occupancy rights in a Native townsite. Both section 11 of the 1891 Act, 43 U.S.C. § 732 (1970), and section 4 of the 1926 Act, 43 U.S.C. § 736 (1970), however, authorize the Secretary to promulgate regulations to administer these laws. The regulations applied by the townsite trustee, 43 CFR 2564.3 (Native towns occupied partly by non-Native lot occupants) and 43 CFR 2565.3 (occupancy to be determined at date of final subdivisional survey), were both promulgated pursuant to these grants of authority.

The application of these regulations, especially 43 CFR 2565.3, in a Native townsite would, according to appellant, violate the provision in 43 U.S.C. § 732 (1970), that the Secretary conform his regulations to the intent of the general townsite law in order to achieve as nearly the same results as possible. We do not feel that the regulations as construed above violate this provision: unlike the general townsite law, the provisions of the Alaska townsite statutes require the Secretary to administer the trust subsequent to entry, reservation or patent. The regulation attacked by

3/ To the extent that the trustee's discretion is guided by the applicable portions of the Bureau of Land Management Manual, we note that its provisions accord with this construction of the Native and non-Native townsite laws. The Manual provisions uniformly use the date of final subdivisional survey as the "critical date" for determining occupancy. E.g., V BLM Manual Ch. 2A.8.2, 2A.8.17G. The Manual also provides for the application of provisions of both townsite laws in conjunction when necessary. "All townsite patents for trustees are issued under the authority of the Acts of 1891 and 1926 so that both white and native persons may be accommodated by the Trustee as circumstances warrant." V BLM Manual Ch. 2A.8.14.

appellant was promulgated to govern the trustee in executing this portion of the trust as the county judge would have under state or territorial legislation in the lower 48 states. Regulations governing execution of the trust subsequent to entry or patent, including 43 CFR 2565.3, were thus essential under the Alaska townsite laws. The regulations under the 1891 Act control this case, rather than the townsite cases from the lower 48 states cited for the proposition that the date of entry or patent is determinative of rights. ^{4/}

Third, appellant argues that the time of subdivisional survey, as established by 43 CFR 2565.3(c), "is especially unsuitable to native townsites, however, since the time of final subdivisional survey is so arbitrary that it is no standard at all." We find nothing arbitrary in the use of the subdivisional survey date. Application of the regulation vitiates no provision of the 1926 Act and its regulations; Natives could establish rights to unsurveyed townsite lands in this same manner. Nor does the delay in final subdivision of the unoccupied portion of the townsite render the survey date an "extraneous factor." Patent issued to the Klawock trustee 14 years after the townsite was established, a delay which would, if appellant's argument were accepted, deny the significance of the patent date as well.

As Saxman Townsite, supra at 214-15, indicated, the failure to survey and lot unoccupied lands in a Native townsite was well justified by the prevailing uncertainty about the manner in which they might be disposed. Indeed, the regulations during the period at issue provided that the survey of occupied Native townsite lands would be ordered by the Commissioner of the General Land Office (now the Director, Bureau of Land Management) only on a report from the townsite trustee showing that it would be in the best interests of the Native occupants to have the lots platted, and streets and alleys set aside. Circular No. 1082, 51 L.D. 501, 503 (1926).

^{4/} Appellant cites Hodges v. Lemp, 135 P. 250 (Idaho 1913); Scully v. Squier, 13 Idaho 417, 90 P. 573 (1907); Holland v. Buchanan, 19 Utah 11, 56 P. 561 (1899); Newhouse v. Simino, 29 P. 263, 264 (Wash. 1892). These cases are inapposite in this situation because under the general townsite laws, 43 U.S.C. § 718 et seq. (1970), all title passed from the United States upon patent to the trustee, usually the county judge, at which time the "pre-emption" right granted by the federal statute terminated and state law governed further disposition of the land. 43 U.S.C. § 718 (1970). In Alaska, however, the United States remains title holder as trustee, and the disposition of the land subsequent to patent is governed by federal law and regulation.

The second thesis of the City's appeal is that the City is entitled to all lots in the townsite unoccupied at the time of patent. For the reasons stated above, the awards to the occupants of the lots at the time of final subdivisional survey were proper. On the record before us the City established no conflicting claim to any of the lots at issue by staking or improvement prior to the date of final subdivisional survey, so that the rejection of the City's application therefor is affirmed. It is thus unnecessary to examine the merits of appellant's argument that the regulations authorize and/or require the conveyance to the City of the Native townsite lots unoccupied at the time of patent. It is further unnecessary in these cases to examine the merits of the City's claim as it may apply to lots unoccupied at the time of final subdivisional survey. 5/

The City further argues that the Act of 1926 was intended solely for the benefit of Natives, and that only Natives may acquire lands by occupancy within a Native townsite. The regulations of the Department of the Interior under the 1926 Act have always provided to the contrary. 43 CFR 80.26 (1938), codifying Circular No. 491, Native Towns, para. 7 (February 24, 1928) (found in Circulars and Regulations of the General Land Office, 1930 ed., at 270-71), now 43 CFR 2564.3 (1975). We are not free to ignore these provisions. See Arizona Public Service Co., 20 IBLA 120, 123 (1975); see also Chapman v. Sheridan-Wyoming Coal Co., 338 U.S. 621, 629 (1950); McKay v. Wahlenmaier, 226 F.2d 35, 43 (D.C. Cir. 1955).

In the same vein, the City argues in its reply brief that if rights can be accrued by occupancy subsequent to patent in a Native townsite, only Natives can acquire such rights. In support of this argument, appellant cites the legislative history of the Act of August 14, 1964, 78 Stat. 438, which provided for the disposition of the unoccupied lots remaining in the townsite of Saxman, Alaska. The cited material, H.R. Rep. No. 1247, 88th Cong., 2d Sess. (1964),

5/ The State of Alaska notes that the City's claim to deeds for such lands depends on the application of non-Native townsite regulations, viz., 43 CFR 2565.5(b) and 43 CFR 2565.7, to this Native townsite, the same proposition which the City could not countenance with respect to the regulation governing the date determinative of occupants' rights. We reiterate that the non-Native townsite regulations may be applied, and the reference to the 1891 Act is not pro forma, where the provisions will do no violence to the purposes and provisions of the Native townsite law. The City may have a claim to title to all unoccupied lands, but occupancy must be determined as of the date of final subdivisional survey.

states that the unoccupied lands in the townsite are held for the benefit of the Natives, but the material does not speak to the central issue here, i.e., when the determination of occupancy is to be made. The material certainly does not purport to nullify the two regulations whose application appellant contests here, 43 CFR 2564.3 and 43 CFR 2565.3(c).

In fact, the Act of August 14, 1964, 78 Stat. 438, better supports the construction of the Alaska townsite law applied in this decision. The Act provides that the trustee may convey to the City of Saxman all lands "which on the date of enactment of this Act are unoccupied * * *," indicating that the date of patent did not terminate the acquisition of rights by occupation, and indicating no limitation on who might qualify by occupation. 6/

Appellant also objects to the failure of the Department to have promulgated rules as recommended by the Deputy Solicitor in Saxman Townsite, supra at 215. The City argues that the non-Native townsite regulations cannot be expanded to apply to Native townsites by adjudication, and that the Department must first go through rulemaking under section 4 of the Administrative Procedure Act, as amended, 5 U.S.C. § 553 (1970). We do not find that the Department created new rules with the construction of the townsite regulations in this case.

The City argues that "the authority to dispose of unoccupied native townsite lands must be lawfully ruled into existence before it can be delegated to a subordinate to be carried out." Reply Brief at 17. However, the authority to "dispose" of such lands has always existed. As Saxman Townsite, supra, and H.R. Rep. No. 1247, 88th Cong., 2d Sess. (1964), accompanying the Act of August 14, 1964, both pointed out, the authority the trustee lacked was the authority to sell unoccupied Native townsite lands. Contrary to appellant, the legislative history of the Act of August 14, 1964, 78 Stat. 438, recognized that the trustee had the authority to hold the lands open to occupancy subsequent to patent. H.R. Rep. No. 1247, 88th Cong., 2d Sess. (1964).

To the extent that this case "fills the void" in the townsite regulations, however, we note that the Supreme Court has held that the Administrative Procedure Act, 5 U.S.C. § 551 et seq. (1970), does not compel agencies with rulemaking authority to engage

6/ We reject the City's argument as a matter of statutory and regulatory interpretation, without reaching the State's assertion that the City's construction of the townsite law would violate the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

therein, nor does it prescribe, in any sense relevant here, when adjudication is improper. NLRB v. Bell Aerospace Co., 416 U.S. 267, 290-95 (1974). "[T]he choice between proceeding by general rule or by individual, ad hoc litigation is one that lies primarily in the informed discretion of the administrative agency." SEC v. Chenery Corp., 332 U.S. 194, 203 (1947). We reject appellant's contention that the trustee's decision violated the Administrative Procedure Act or due process in this regard.

[4] The City filed a supplemental notice of appeal and statement of reasons challenging the lot awards to some of the individual respondents on factual grounds. First, it argues that the lots awarded to the Breeds, the Fabrys and Prince of Wales Lodge, Inc., are too large to be considered occupied by these respondents. Except where separate parties simultaneously occupy different portions of the same lot, it has been the rule of the Department that occupancy of a portion of a townsite lot constitutes occupancy of the whole lot. See Mary M. Tweet, A-28417 (November 16, 1960). Appellant's argument appears to be a challenge to the lotting in the survey, the accuracy and propriety of which is not before us.

Second, appellant argues that the improvements on Block 64, Lot 8 of P.H. and Victoria Lee Andrew are insufficient to justify a claim of occupancy, and that "some or all" of the Andrews' improvements and those of Paul H. and Betty W. Breed were made subsequent to approval of the final subdivisional survey on July 30, 1974. In Sawyer v. Van Hook, 1 Alas. 108 (1900), the Court, in resolving conflicting claims to the same townsite lot, recited that the prior and superior claim to a townsite lot is established by settlement and improvement, or the initiation of such settlement. It held that residence need not be established, but that the clear and unmistakable intention to possess and improve must be evidenced on the ground. The Court found that the plaintiff's staking and depositing building materials on the lot at the time of determination established his right to the lot.

The Andrews' application asserts that they staked the property in June 1973 and started construction in May 1974. At the time of their December 1974 application the property contained a 12' by 16' log-foundation, wood-frame cabin. The Breeds' application does not detail construction and completion dates, but they assert that they staked the land soon after April 1973 and then commenced clearing the lot. At the time of their December 1974 application, the lot contained a 24' by 48' house, a 16' by 12' building, a septic tank, and aircraft mooring facilities including a road, airplane ramp and hangar foundation. Appellant does not challenge these assertions or the trustee's findings that the improvements existed as alleged on the date of lot awards, but

argues that the assertions do not legally support a finding of occupancy. We hold that the assertions on both applications meet the test of Sawyer v. Van Hook, supra, and demonstrate, if not actual residence and finished improvements, the clear intent to possess and improve the parcels involved which constitutes occupancy under the townsite law.

Third, appellant argues that the lots awarded to the Andrews, the Seltzers, and James W. Paul "were occupied, if at all, by persons other than the named adverse part[ies]." 43 CFR 2565.3(c) provides in pertinent part that lot awards are to be made only to "those who were occupants of lots or entitled to such occupancy at the time of final subdivisional survey * * *." (Emphasis added.) Appellant has not submitted anything to support a conclusion that the respondents did not fit within the alternative regulatory provision, or that these unspecified other persons claim adversely to respondents. See Mike Agbaba, A-28372 (August 5, 1960).

By motion filed August 6, 1975, appellant requested oral argument in this case. Appellant argues that the "novel and far-reaching" issues in this case would be better resolved after oral argument. Respondents, noting the impossibility of their attendance elsewhere, requested that such oral argument take place in Klawock, or not at all. Respondents appeared to envision the oral argument as a hearing allowing the Board to "hear as well from the Natives who support non-Natives remaining on our land." In the exercise of the discretion granted this Board, 43 CFR 4.25, we deny the motion: first and foremost because we do not feel our understanding would be so advanced by oral argument after the able briefs of the parties; and second because argument outside of Alaska would be manifestly unfair to the individual respondents.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed.

Frederick Fishman
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

APPENDIX

<u>Respondents</u>	<u>Block</u>	<u>Lot (IBLA 75-301)</u>
P.H. and Victoria Lee Andrew	64	8 Paul H. and Betty W. Breed
67 Prince of Wales Lodge, Inc.		67 3 Amelia J. Dilworth, Donald L.
Safford 67	2 Martin J., III, and Verne L. Fabry	67 5 James W.
Paul 65	7 Bryan H. and Faith L. Robbins	67 4
Louis M. and Josephine G. Seltzer	64	11 (IBLA 76-52)
State of Alaska, Department of Highways	65	6

