

objected, arguing that Ahtna has no authority to regulate or limit the public's use of its land if the public's use is located on the right-of-way. Essentially, King Fisher Perch argues that it may use Ahtna's private land for whatever purpose it wishes so long as it stays on the right-of-way.

King Fisher Perch has moved for summary judgment as a matter of law that it may use Ahtna's land to access the Klutina River. The right-of-way and federal transportation easement which King Fisher Perch relies upon, however, are limited in scope. In fact, as a matter of law, King Fisher Perch's use of the right-of-way exceeds the scope of those easements. Therefore, Plaintiff cross-moves for summary judgment as a matter of law that using the Klutina Lake Road to stop, unload boats, and launch boats into the Klutina River exceeds the scope of the public right-of-way and federal transportation easement.

II. FACTUAL BACKGROUND

The Klutina Lake Road begins at Copper Center and terminates at Klutina Lake. It is a portion of the historic Valdez to Copper Center trail that continues beyond the Klutina Lake and crosses the Valdez Glacier. Ex. 1.² The trail was a historical access route from Copper Center to the Alaskan Interior. Ex. 1. The Klutina Lake Road follows the river from Copper Center to Klutina Lake. Ex. 2.

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² Exhibit 1 is the Department of Natural Resources case file summary of the historical support behind its determination that an RS 2477 right-of-way exists on Ahtna's land. The Klutina Lake Road is located on this RS 2477 right-of-way.

Ahtna selected the land surrounding the Klutina Lake Road under the Alaska Native Claims Settlement Act (ANCSA) and was granted a land patent on July 18, 1980.³ Ex. 3. Therefore, the Klutina Lake Road runs across Ahtna's private land. While Ahtna's land patent did reserve public rights-of-way and easements, it also placed specific restrictions on their use. Ex. 3. For example, the patent limited the use of the Klutina Lake Road as follows:

60 Foot Road The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

Ex. 3, p. 3.⁴

In 1998, Ahtna began a program to regulate and limit the use of the Klutina Lake Road and Ahtna's land for fishing and other recreational and commercial activities. Ex. 4. Ahtna requires individuals who wished to use Ahtna's land to tie up or stop on the banks of the Klutina River to purchase Limited Use Access Permits. Ex. 4. Ahtna also requires permits for camping at designated sites along the Klutina Lake Trail or for accessing the Klutina River from the trail. Ex. 4.

King Fisher Perch is a commercial operation that provides guided fish charters on the Klutina and Gulkana Rivers. King Fisher Perch uses the Klutina Lake

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³ The land was actually selected by Ahtna's predecessor, the Kluti-Kaah Corporation.

⁴ The land patent reserves a 60-foot transportation easement that encompasses the Klutina Lake Road.

Road to access the Klutina River at various points along the trail. King Fisher Perch stops on the right-of-way, unloads its boats, walks its boats across Ahtna's land to the Klutina River, and launches its boats onto the Klutina River from Ahtna's land.

Any such use of the trail exceeds the scope of the right-of-way granted to the public over Ahtna's private land.

III. ARGUMENT

King Fisher Perch argues that they are entitled to unfettered use of the right-of-way across Ahtna's land. King Fisher Perch bases this argument on a federal grant of a public right-of-way. The statute that King Fisher Perch relies upon, however, does not grant unlimited use of another's land. Its scope is limited by both the terms of its grant and by the traditional use of the right-of-way and there is no genuine issue of material fact that using the Klutina Lake Road to unload boats and launch them into the Klutina River exceeds the scope of both the terms of the grant and the traditional use of the right-of-way. Therefore, Ahtna is entitled to summary judgment as a matter of law that using the right-of-way to unload boats, carry boats to the Klutina River and launch boats into the Klutina River, exceeds the scope of the right-of-way.

King Fisher Perch also argues that there is a federal transportation easement along the Klutina Lake Road and that it has unfettered use of that easement as well. The federal regulations granting that easement, however, expressly limit the accepted uses of the easement. Use of the transportation easement to stop, unload boats, and launch them into the Klutina River is not an allowed use of the easement. Therefore,

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Ahtna is also entitled to summary judgment as a matter of law that such use of the Klutina Lake Road violates the restrictions on the federal transportation easement.

Despite King Fisher Perch's protestations, Ahtna is not attempting to prevent King Fisher Perch or anyone else from walking on or using the Klutina Lake Road to cross Ahtna's land. Rather, Ahtna simply wishes to protect its right as a landowner and insure that the use of the Klutina Lake Road is within the scope of the right-of-way. King Fisher Perch may use the Klutina Lake Road to travel across Ahtna's land without exceeding the scope of the right-of-way. King Fisher Perch may not, however, use the Klutina Lake Road to stop on Ahtna's land, unload its boats on Ahtna's land, and launch its boats from Ahtna's land onto the Klutina River. Such use is outside the scope of Klutina Lake Road's right-of-way.

A. Summary Judgment Standard

Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Lincoln v. Interior Regional Housing Authority, 30 P.3d 582, 585 (Alaska 2001). A genuine issue of material fact exists only when reasonable jurors could disagree on the resolution of a material, factual issue. McGee Steel Company v. State, 723 P.2d 611, 614 (Alaska 1986). The moving party has the initial burden of showing that there is no genuine issue of material fact and they are entitled to judgment as a matter of law. Brock v. Rogers & Babler Co., 536 P.2d 778, 772 (Alaska 1975). Once the moving party has met its burden, the party opposing summary judgment must set forth specific facts demonstrating that a

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genuine issue of material fact exists. Howarth v. First National Bank of Anchorage, 504 P.2d 486, 489-90 (Alaska 1976). The non-moving party may not rely on mere assertions of fact in unverified pleadings and memoranda in opposition to the summary judgment motion. Bennett v. Weimar, 975 P.2d 691, 695 (Alaska 1999).

King Fisher Perch states in its motion that it will contest Ahtna's assertions that it is unloading its boats on the Klutina Lake Road, walking those boats to the Klutina River and launching those boats from Ahtna's land. This factual dispute, however, does not need to be resolved for the purposes of this motion. The only issue presented here is whether, as a matter of law, such uses would be permitted on the right-of-way and federal transportation easement. Once the court establishes that such use is not allowed, the parties can turn to the dispute of whether King Fisher Perch actually used the right-of-way in such a manner.

B. Defendants' Use Of The Klutina Lake Road Exceeds The Scope Of The RS 2477 Right-Of-Way

1. 43 U.S.C. § 932

In 1868, the United States Congress passed Revised Statute 2477 (RS 2477), which stated:

The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

43 U.S.C. § 932 *repealed by* Pub. L. 94-579, Title VII § 706(a) (1976).

RS 2477 was a self-executing grant of rights-of-way to the public. Standard Ventures, Inc. v. Arizona, 499 F.2d 248, 250 (9th Cir. 1974). The right-of-way came into existence "automatically when a public highway was established across public lands in

accordance with the law of the state.” Id. In Alaska, the grant of an RS 2477 right-of-way was accepted either through an affirmative act of the state, e.g. statutory acceptance of the grant,⁵ or by public use “for such a period of time and under such conditions as to prove that the grant has been accepted.” Hammerly v. Denton, 359 P.2d 121, 123 (Alaska 1961). RS 2477 was repealed in 1976 and replaced by the Federal Land Management and Policy Act. Pub. L. 94-579, Title VII § 706(a) (1976). Although RS 2477 was repealed, any right-of-way created prior to its repeal is still valid. Dillingham Commercial Co. v. City of Dillingham, 705 P.2d 410, 413 (Alaska 1985).

Congress enacted RS 2477 with the Act of July 25, 1866, c. 262, 14 Stat. 251-253. Central Pacific Ry. v. Alameda County, 284 U.S. 463, 468 (1932). There were nine sections to the act, most of which were concerned with mining. Id. Sections 1 through 7 opened up mineral lands, surveyed or not, to exploration and occupation, “subject to regulations prescribed by law, and to the local customs and rules of miners in the several districts.” Id. Section 8 contained the grant of public rights-of-way. Id. at 469. Section 9 provided that rights to the use of water for mineral, agricultural and other uses already in existence were protected and also granted rights-of-way for the construction of ditches and canals. Id.

Unfortunately, there is no legislative history for RS 2477 that sheds lights on the purpose and extent of RS 2477. Sierra Club v. Hodel, 848 F.2d 1068, 1080 (10th Cir. 1988) *overruled on other grounds*, 956 F.2d 970 (1992). Several courts, however, have

⁵ AS 19.30.400 is an example of a statutory acceptance of an RS 2477 right-of-way.

discussed RS 2477's purpose. The United States Supreme Court stated that "the section of the Act of 1866 granting rights of way for the construction of highways, no less than that which grants the right of way for ditches and canals, was, so far as then existing roads are concerned, a voluntary recognition and confirmation of preexisting rights, brought into being with the acquiescence and encouragement of the general government." Central Pac. Ry., 284 U.S. at 473. The Court recognized that RS 2477 rights-of-way "facilitated communication between settlements already made, and encouraged the making of new ones; increased the demand for additional lands, and enhanced their value." Id. Heath v. Parker, 30 P.3d 746 (Colo. App. Ct. 2000), held that the purpose of RS 2477 was to provide access rights to the land claims of miners, settlers, and local governments. Id. at 750. See also Olson, The R.S. 2477 Right of Way Dispute: Constructing a Solution, 27 Envtl. L. 289, 292-93 (1997).

2. **There Is No Genuine Issue Of Material Fact That Use Of The Klutina Lake Road To Provide Access To The Klutina River For Commercial Fishing Operations Exceeds The Scope Of The Right-Of-Way**

Ahtna does not dispute that the Klutina Lake Road is a valid RS 2477 right-of-way. The fact that the Klutina Lake Road is an RS 2477 right-of-way does not mean, however, that King Fisher Perch has unfettered use of the right-of-way and of Ahtna's land.

It is important to note the true nature of the Klutina Lake Road and RS 2477 rights-of-way. An RS 2477 right-of-way is an easement across private land.

Dillingham Commercial Co., 705 P.2d at 415. It is not a public highway like the New

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Seward Highway. The state does not own the land upon which RS 2477 rights-of-way, such as the Klutina Lake Road, are located. United States v. Garfield County, 122 F.Supp.2d 1201, 1242 (D.Utah 2001); Fairhurst Family Ass'n v. United States Forest Service, 172 F.Supp.2d 1328, 1332 n.4 (D.Colo. 2001). While the public is given the non-possessory right to use the right-of-way, its use of the servient estate is not unlimited. Fairhurst Family Ass'n, 172 F.Supp.2d at 1332. The public's use must be within the scope of the right-of-way. Sierra Club, 848 F.2d at 1083.

Because an RS 2477 right-of-way is an easement over public or private land, its scope is controlled by the terms of its grant. Andersen v. Edwards, 625 P.2d 282, 286 (Alaska 1981) (scope of easements are controlled by terms of grant). Therefore, King Fisher Perch's use of the right-of-way across Ahtna's private land is limited to the terms of the grant.

Additionally, because it was a continuing offer that could be accepted by anyone, the scope of RS 2477 rights-of-way are also determined by those uses which were in place at the time when either RS 2477 was repealed or the land surrounding the right-of-way was reserved for public use.⁶ Sierra Club, 848 F.2d at 1083. In this case, the land surrounding the Klutina Lake Road was reserved for public use in 1968, by order of the Secretary of the Interior. Public Land Order 4582. See 34 Fed. Reg. 1025 (1969).

Therefore, the scope of the Klutina Lake Road right-of-way is also limited to those uses

⁶ RS 2477 rights-of-way could no longer be created once the land was reserved for public use or sold to a private party. Dillingham Commercial Co., 705 P.2d at 414.

in existence prior to 1968. Sierra Club, 848 F.2d at 1083. If the Klutina Lake Road was not used to provide commercial fishing access to the Klutina River prior to 1968, then King Fisher Perch may not use the right-of-way for that purpose now.

There is no genuine issue of material fact that stopping to unload boats, walk them to the river, and launch them into the Klutina Lake Road exceeds the scope of both the grant of the RS 2477 right-of-way and is not a traditional use of the RS 2477 right-of-way. The express terms of the grant limit its use to providing access *across* Ahtna's private land. The right-of-way may not be used to provide access *to* Ahtna's private land. King Fisher Perch, however, does not want to use the right-of-way for its intended purpose, *i.e.* travel from point A to point B across private land. King Fisher Perch wants to use the right-of-way to exploit Ahtna's land for King Fisher Perch's own commercial benefit by stopping on Ahtna's land, unloading its boats on Ahtna's land, crossing Ahtna's land, and launching its boats into the Klutina River from Ahtna's land. Such use is outside the scope of the easement.

As using the Klutina Lake Road RS 2477 right-of-way to stop, unload boats, and launch the boats into the Klutina River is outside the scope of the statutory grant of the right-of-way, in order for such use to be valid, it must be a use that was present prior to 1968. King Fisher Perch, however, has not presented any evidence that the Klutina Lake Road was historically used to provide access for commercial fishing on the Klutina River prior to 1968. Therefore, such use also exceeds the traditional scope of the right-of-way.

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Ahtna is entitled to summary judgment as a matter of law that using the Klutina Lake Road RS 2477 right-of-way to stop, unload boats, carry boats to the river and launch boats into the river exceeds the scope of the right-of-way.

3. Using The Klutina Lake Road To Provide Access To The Klutina River For Commercial Fishing Operations Exceeds The Scope Of RS 2477's Grant Of A Right-Of-Way

The scope of an RS 2477 right-of-way is determined by the express terms of the grant of the right-of-way. In construing the scope of an RS 2477 right-of-way, the Alaska Supreme Court has stated

The rule is, that the use of an easement in lands cannot be extended or made greater than the terms of the reservation authorizes, but it may be less.

Fisher v. Golden Valley Electric Ass'n, 658 P.2d 127, 130 (Alaska 1983) (quoting Stegman v. City of Fort Thomas, 116 S.2d 649, 651 (Ky. 1938)).

The express terms of RS 2477 only authorizes rights-of-way "for the construction of highways over public lands..." 43 U.S.C. 932 *repealed by* Pub. L. 94-579, Title VII § 706(a) (1976). Courts have held that the purpose of RS 2477 was to insure routes existed across public lands to the land claims of miners, settlers, and local governments. Heath, 30 P.2d at 750. RS 2477 clearly did not grant the public a general right of access. Fairhurst Family Ass'n, 172 F.Supp.2d at 1332. Rather, RS 2477 only "authorizes the use of the land within its scope as [a] highway, which...means public road." Fairhurst Family Ass'n, 172 F.Supp.2d at 1332. See also Dillingham Commercial Co., 705 P.2d at 415 (use of RS 2477 right-of-way is limited).

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King Fisher Perch uses the Klutina Lake Road right-of-way as access to a recreational area, the Klutina River. The purpose of RS 2477, however, was not to provide access to recreational areas within reserved public or private land. The purpose of RS 2477 was to provide a route across public or private that would allow individuals to reach their own land or mining claims. In Humboldt County v. United States, 684 F.2d 1276 (9th Cir. 1982), the Ninth Circuit held that an RS 2477 right-of-way may not be claimed if the purpose of the right-of-way is to provide access to recreational areas. Id. at 1282. Humboldt County had argued that an RS 2477 right-of-way existed through a federal wilderness area. Id. at 1279. The County wanted to insure access to a lake within the wilderness area for recreational purposes. Id. The Ninth Circuit first noted that “although section 932 refers to rights of way without limitation as to purpose, the statute of which it was a part addressed solely mining and homesteading claims.” Id. at 1281. The court then concluded that

The extension of section 932 that would be required to uphold the County’s claim in this case, on the other hand, goes far beyond Congress’ intent. Access to Blue Lake would be purely for recreation and would have no effect on economic development. Although the County claims generally that the right of way in this case would provide access to mines and that there is, in fact, a mining claim near Blue Lake, its general claim falls far short of a showing that the Onion Valley Reservoir road would open up the Blue Lake area for mining. Its claimed right of way is therefore outside of section 932.

Id. at 1282. King Fisher Perch does not have a mining claim that it is seeking to access. It is also not seeking to cross Ahtna’s land to access its own private

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property. Rather, King Fisher Perch is seeking to use the RS 2477 right-of-way as a means to provide access to a recreational area located within private property. Under Humboldt County, such use exceeds the scope of the RS 2477 right-of-way.

Additionally, the Alaska cases that have addressed RS 2477 have done so in the context of determining whether an individual could cross another's land to reach their own land or mining claims. Hammerly v. Denton involved a road that crossed William Hammerly's property and provided access to Daniel Denton's homestead. Hammerly, 359 P.2d at 122. Brice v. State, Div. of Forest, Land and Water Management, 669 P.2d 1311 (Alaska 1983), involved an access road leading from a state road to a subdivision that crossed private property. Id. at 1313. Fitzgerald v. Puddicombe, involved a dispute over the use of a trail to access a mining claim. Fitzgerald, 918 P.2d at 1018. Finally, Dillingham Commercial Co., Inc. v. City of Dillingham, involved the public use of alleys leading across private land. Dillingham Commercial Co., 705 P.2d at 412. Unloading boats, carrying them to the Klutina River and launching into the Klutina River is not using the RS 2477 right-of-way as access across private property from point A to point B. Rather, such use is simply exploitation of Ahtna's private property for commercial benefit and is outside the scope of the RS 2477 right-of-way.

In its motion, King Fisher Perch relies on several statutes defining highways, as well as two attorney general opinions. The statutory definition of a highway,

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however, is not dispositive.⁷ As the Alaska Supreme Court stated in Fisher, “the use of an easement in lands cannot be extended or made greater than the terms of the reservation authorizes....” Fisher, 658 P.2d at 130. Therefore, regardless of what the state defines a highway as being, the use of an RS 2477 right-of-way cannot exceed the scope of the grant. Andersen, 625 P.2d at 286.

King Fisher Perch also cites to two attorney general opinions for the proposition that “limitations placed on an R.S. 2477 right-of-way are prohibited.” (emphasis in original) This conclusion is squarely in conflict with numerous court decision holding that various agencies may regulate the use of RS 2477 rights-of-way. See Clouser v. Espy, 42 F.3d 1522, 1538 (9th Cir. 1994) (Forest Service may regulate the use of RS 2477 rights-of-way in national parks); United States v. Vogler, 859 F.2d 638, 642 (9th Cir. 1988) (government has power to regulate RS 2477 grants in national parks); Wilkinson v. Dept. of Interior, 634 F.Supp. 1265, 1280 (D.Colo. 1986) (Interior Department may regulate RS 2477 rights-of-way); Fitzgerald v. United States, 932 F.Supp.

⁷ Additionally, the statutes cited by King Fisher Perch are simply not relevant to this dispute. For example, AS 38.04.200(b)(3) is lifted from a section dealing with the use and classification of state lands. This statute only prevents the Commissioner of Natural Resources from restricting access to state lands solely to protect aesthetic values. State land is not at issue and use of the right-of-way is not being restricted by the Commissioner in order to protect aesthetic values. Rather, use of the right-of-way is being restricted because it exceeds the scope of the right-of-way. King Fisher Perch’s other statutory cite, AS 38.04.055, authorizes the natural resources commissioner to reserve easements across land that is made available for private use. This is plainly not applicable. The land involved is already privately owned, it was never state owned, and the right-of-way was granted by the federal government. This statute has no relevance whatsoever to this dispute.

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1195, 1201 (D.Ariz. 1996) (easement under RS 2477 is still subject to reasonable Forest Service regulations). King Fisher Perch's conclusion even conflicts with one of the attorney general opinions King Fisher Perch cites. In Management of R.S. 2477 Rights-of-Way, the attorney general did state that a public highway is open to the public without distinction, discrimination or restriction. The attorney general also stated, however, that

So long as the [RS 2477] right-of-way has been validly established by public use and is thereby acknowledged to exist, it remains free for public use, though the means of conveyance of the public over the right-of-way is subject to reasonable regulation to achieve other public purposes, such as minimization of terrain damage, avoidance of wildlife harassment, and other reasonable restrictions to achieve such goals. Notwithstanding the fact that a person may have, in the past, have [sic] a certain means of conveyance on an R.S. 2477 right-of-way, subsequent state enactments...are valid against that person, so long as the right-of-way continues to be available for public use by whatever means are authorized by law or regulation.

Op. Att'y Gen. File No. A66-404-81 (September 14, 1981). Even the attorney general opinion King Fisher Perch cites recognizes that the public's use of an RS 2477 right-of-way is not unfettered and may be limited. See also Applicability of AS 16.05.870 permit requirement to R.S. 2477 rights-of-way, Op. Att'y Gen. File No. 566-072-85 (September 17, 1984) (Department of Fish and Game may regulate use of RS 2477 rights-of-way).

There is no genuine issue of fact concerning the reason King Fisher Perch seeks to use the Klutina Lake Road to provide access to the Klutina River. King Fisher Perch is not using the right-of-way to access a mining claim. King Fisher Perch is not using the right-of-way as access across Ahtna's land, *i.e.* from Point A to Point B.

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Instead, King Fisher Perch wishes to use the right-of-way to stop on the Klutina Lake Road, on Ahtna's private land, and unload its boats, organize its fishing trips, walk to the river, and launch its boats into the Klutina River.⁸ Use of the right-of-way for those purposes is plainly not within the scope of the RS 2477's grant of a right-of-way. See Humboldt County, 684 F.2d at 1282 (use of RS 2477 right-of-way to provide access to recreational area outside scope of RS 2477's grant).

Ahtna does not argue that King Fisher Perch may not use the Klutina Lake Road. King Fisher Perch may use the road to cross Ahtna's land. King Fisher Perch does not, however, have the unfettered right to use those portions of Ahtna's land that are covered by the RS 2477 right-of-way for any purpose it wishes. King Fisher Perch's use of Ahtna's land must be within the scope of the right-of-way. Stopping on the right-of-way, unloading fishing boats, walking to the river with those boats, and launching those boats are not uses within the scope of RS 2477's grant of the right-of-way.

4. King Fisher Perch's Use Of The Right-Of-Way Exceeds The Traditional Scope Of The Right-Of-Way

The use of an RS 2477 right-of-way is limited in two ways. First, as discussed above, the use must be within the terms and purposes of the grant of the right-of-way. Second, the use must be a use that was present when the offer of a public right-of-way could be still be accepted under RS 2477. There is no evidence that the Klutina

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⁸ King Fisher Perch even asserts that it has the right to do this not at a specific point on the Klutina Lake Road, but rather at any point along the Klutina Lake Road where the river is nearby.

Lake Road was used prior to 1968 to provide access to the Klutina River for commercial fishing activities. Therefore, such use exceeds the scope of the right-of-way.

RS 2477 was a continuing offer to the public to create rights-of-way across public land. Brice, 669 P.2d at 1315. Consequently, every new use of the right-of-way prior to the statute's repeal or reservation of the surrounding land for public use constituted an acceptance of that offer. Sierra Club, 848 F.2d at 1083. By the same reasoning, any use not in existence prior to the statute's repeal or reservation of the surrounding land for public use does not fall within the scope of the RS 2477 right-of-way. Id. See also Garfield County, 122 F.Supp.2d at 1217 (scope of RS 2477 right-of-way limited to those uses in existence prior to statute's repeal).

The land surrounding the Klutina Lake Road was reserved for public use in 1968. Public Land Order 4582. See 34 Fed. Reg. 1025 (1969). Therefore, in order for the scope of the Klutina Lake Road to include providing commercial access to the Klutina River, such use must have existed prior to 1968. Sierra Club, 848 P.2d at 1083; Garfield County, 122 F.Supp.2d at 1217. There is no evidence that the Klutina Lake Road was used to provide such access prior to 1968.

There is no genuine issue of material fact that the Klutina Lake Road was not used to provide access to the Klutina River for commercial guiding operations prior to 1968. King Fisher Perch has not presented any evidence that the right-of-way was used to provide access for commercial fishing operations prior to 1968. There is also no

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evidence in the DNR's case file on the Klutina Lake Road that suggests the right-of-way was used to provide access for commercial fishing on the Klutina River prior to 1968.

First, construction of the Klutina Lake Road only began sometime before 1963. Ex. 5. The road was completed in late 1964. Ex. 6. There is no evidence that the Klutina Lake Road was being used to provide access to the Klutina River for commercial fishing operations by 1968.⁹

Second, the Alaska Department of Natural Resources (DNR) bases its selection of the trail as an RS 2477 right-of-way only on the trail's historical use as access to the Alaskan Interior. In its listing of the Klutina Lake Road as an RS 2477 right-of-way, DNR states:

The Valdez-Copper Center trail was used by prospectors and explorers at the turn of the century and early 1900's to access the interior of Alaska from Valdez.

Ex. 1. DNR does not state that the Klutina Lake Road was historically used to provide access to the Klutina River for commercial fishing operations.

There is also no mention of commercial fishing operations in the historical material used to determine the existence of the Copper Center-Valdez RS 2477 right-of-way. The historical documentation only contains references to prospectors using the trail to access the Alaskan Interior from Valdez. Ex. 1. The DNR's historical file on the

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⁹ The road was completed in 1965. The land was removed from the public domain and thus not subject to the creation of new RS 2477 uses in 1968. Therefore, the existing right-of-way would have had to have been used to provide commercial fishing access between 1965 and 1968 for such use to be an accepted use today.

Klutina Lake Road right-of-way does not show that the right-of-way was used to provide access to the Klutina River for commercial fishing operations.

Finally, in its motion for summary judgment, King Fisher Perch makes broad assertions that the public has used the Klutina Lake Road for commercial fishing operations on the Klutina River "long before Ahtna was granted its patent to the neighboring land." King Fisher Perch, however, fails to cite to any evidence in support of that contention. The one factual exhibit they submit, a letter from the Alaska Department of Fish and Game, does not say anything about the public having used the Klutina Lake Road to provide commercial fishing access to the Klutina River. Rather, the only historical information contained in the letter is that:

The road is a historical access route used by prospectors and explorers since the turn of the century. Known as the Valdez-Copper Center Trail, it was the only access from the coast of the interior of Alaska and has been in consistent public use since the 1800s.

Ex. 7. Noticeably absent is any statement that the Klutina Lake Road was used to provide commercial fishing access to the Klutina River.

King Fisher Perch as presented no evidence that the Klutina Lake Road was used to provide access to the Klutina River for commercial fishing operations prior to 1968. There is also no historical evidence in DNR's case file on the Klutina Lake Road RS 2477 right-of-way showing that the right-of-way was used to provide commercial fishing access prior to 1968. In fact, the Klutina Lake Road was not even begun until 1964. Therefore, Ahtna is entitled to summary judgment as a matter of law that using the

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Klutina Lake Road to stop, unload boats and launch those boats into the Klutina River is outside the scope of the RS 2477 easement.

C. Defendants' Use Of The Klutina Lake Road Exceeds The Scope Of The Federal Easement

King Fisher Perch also claims that a federal transportation easement grants it unlimited use of Ahtna's land.¹⁰ The federal transportation easement was reserved under Section 17(b) of ANCSA, 43 U.S.C. 1616(b). King Fisher Perch cites to federal regulations governing these easements and argues that because the regulations do not specifically prohibit using the transportation easement to launch a boat from Ahtna's land into the Klutina River, such use is allowed.

King Fisher Perch, however, omits the most relevant portion of the federal regulation. King Fisher Perch excludes from its quotation 42 C.F.R. § 2650.4-7(b)(iii), which states:

If public easements are to be reserved, they shall:

...

(iii) Be subject only to specific uses and sizes which shall be placed in the appropriate interim conveyance and patent documents.

(emphasis added). Therefore, contrary to King Fisher Perch's protestations, the easement and regulations state exactly what Ahtna wishes it to say: the federal transportation easement may be used only for those uses specifically listed in the land patent.

¹⁰ The Klutina Lake Road is located on both the RS 2477 right-of-way and a federal transportation easement reserved in the land patent issued to Ahtna. Ex. 3.

The land patent limits the use of the Klutina Lake Road to the following:

60 Foot Road The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.¹¹

Ex. 3. Any use of the federal transportation easement is limited to those delineated in the grant. Andersen, 625 P.2d at 286. Consequently, under the regulations and land patent, the only use allowed on federal transportation easement is traveling across Ahtna's land by various means. Stopping on the easement, unloading a fishing boat, walking that boat from the road to the river, and fishing from the shore are not uses listed in the land patent and therefore are not allowed uses.

Additionally, easements granted under Section 17(b) of ANCSA were not intended to provide access to recreational areas such as the Klutina River. In the case King Fisher Perch relies upon, Alaska Public Easement Defense Fund v. Andrus, 435 F.Supp. 664, (D.Alaska 1977), the court stated:

As previously mentioned the Act [referring to ANSCA] grants to the Alaska Natives 40 million acres of land in Alaska. The specific land which comprised the grant to eligible entities was not delineated. Rather the Village and Regional Corporations where to choose their land from the areas designated in conformity with the Act. In such circumstances Congress was justifiably concerned that certain portions of the State which were to remain in the public domain would become inaccessible, or landlocked by Native lands. It appears, therefore, that the public easements were to be reserved to provide access to the lands not selected, and they were not intended to provide the

¹¹ The Klutina Lake Road is listed as a 60 Foot easement in the land patent. Ex .3.

public with a right to use the Native lands for recreational activities. This construction of the Act is not supported by its language and legislative history.

Id. at 674. (Emphasis added). The federal transportation easement that King Fisher Perch relies upon was not intended to provide the public or King Fisher Perch with the right to use Native lands for recreational activities. In using the federal transportation easement for commercial fishing operations, however, King Fisher Perch is utilizing the federal transportation easement for exactly that purpose. Therefore, King Fisher Perch's use of the federal transportation easement is outside the scope of its grant.

Under the federal regulations and the land patent, the use of the federal transportation easement is limited to traveling from one end of the road to the other. It may not be used to provide access to Ahtna's land for recreational activities. Any use of the transportation easement for purposes other than listed in the land patent is prohibited.

IV. CONCLUSION

The Klutina Lake Road is an RS 2477 right-of-way that runs across Ahtna's private land. While King Fisher Perch may use that easement to travel across Ahtna's land, King Fisher Perch does not have the right to use the right-of-way for any and all purposes. There is no genuine issue of material fact that use of the Klutina Lake Road to provide commercial access to the Klutina River exceeds both the scope created by the terms of the grant and by the traditional use of the trail. Therefore, Ahtna is entitled to summary judgment as a matter of law that King Fisher Perch may not use the Klutina

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Lake Road RS 2477 right-of-way to stop, unload boats, carry those boats to the Klutina River and launch those boats from Ahtna's land.

The federal transportation easement reserved when the land containing the Klutina Lake Road was transferred to Ahtna also does not allow King Fisher Perch to use the trail to provide access to the Klutina River for its commercial fishing operation. The regulations governing the transportation easement specifically state that only those uses listed in the land patent are allowed. The easement was also not intended to allow the public to access Native lands for recreational purposes. Use of the federal transportation easement to stop, unload boats, carry boats to the Klutina River and launch those boats from Ahtna's land are not uses listed in the land patent. They are also uses of the transportation easement to provide access to Native lands for recreational activities. Therefore, as a matter of law, such use may be prohibited.

There is no genuine issue of material fact that the use of the Klutina Lake Road to unload boats, walk those boats to the river and launch the boats exceeds the scope of both the RS 2477 right-of-way and the federal transportation easement. Therefore, Ahtna is entitled to judgment as a matter of law that such use is not allowed by the terms of the RS 2477 right-of-way or federal transportation easement.

DATED 4th November 2002.

ATKINSON, CONWAY & GAGNON
Attorneys for Plaintiff

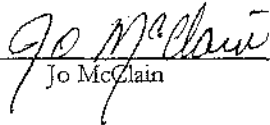
By 
Christopher J. Slottee
ABA No. 0211055

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& GAGNON, INC.
420 L STREET
SUITE 800
ANCHORAGE, ALASKA
99501-1989
TELEPHONE 276-1700
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I certify that on 4 November 2002 a copy of the foregoing document was sent to the following attorneys or parties of record by:

- Mail
- Facsimile
- Hand Delivery

Gregory A. Miller, Esq.
Birch, Horton, Bittner and Cherot
1127 West 7th Avenue
Anchorage, AK 99501-3399


Jo McClain

LAW OFFICES
ATKINSON, CONWAY
& GAGNON, INC.
420 L STREET
SUITE 500
ANCHORAGE, ALASKA
99501-1989
TELEPHONE 276-1700
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Opposition and Cross-Motion to Defendants' Partial Motion for Summary Judgment
Ahtna, Inc. v. Josh Hughes, et. al., 3AN-02-05375 CI
Page 24 of 24
60256/7209.13

Casefile Summary
RST 633
Valdez-Copper Center Trail

Trail Location

The Valdez-Copper Center trail is located in southcentral part of Alaska, originating in the Copper River Valley. From the end of Federal Aid Secondary (FAS) Class B route 8152, Valdez Glacier Road, the route heads northwestward, climbing the Valdez Glacier and crossing Second Bench and Third Bench, and continuing northward and crossing the eastern edge of the Klutina Glacier. The route continues northeastward, skirting the northwestern side of Klutina Lake, and continuing northeastward to Copper Center. The location of the trail, based on historical evidence, has been mapped by DNR, Division of Land personnel, on USGS 1:63,360 Valdez A-7, A-6, B-6, C-6, C-5, D-5, and D-4 quadrangles. Total trail length is approximately 103 miles.

Historic Documentation

The Valdez-Copper Center trail was used by prospectors and explorers at the turn of the century and early 1900's to access the interior of Alaska from Valdez. The Copper Center-Valdez trail is included in the 1973 Department of Transportation and Public Facilities (DOT&PF) Trails Inventory on map #68 (Valdez 1:250,000 quadrangle) as trail numbers 20, 78, 12, and 40.

A synopsis of historic documentation (copies of sources in file) regarding construction or use of the route follows:

USGS:

- 1899: USGS Report No. XXV, "Reports of Explorations in the Territory of Alaska," E.F. Glenn and W.R. Abercrombie, 1899, contains "Report of Lieutenant Guy H. Preston, Ninth Cavalry, U.S.A., who states: "Under the orders of Capt. W.R. Abercrombie, on April 25, 1898, I organized an expedition to sled by hand across Valdez Glacier, the object being to place a cache as far up Copper River as possible. I took with me thirteen men and seven sleds, with two men to a sled. Each man was allowed 40 pounds of bedding and changes of foot-gear. Each sled was loaded with a total weight of 300 pounds." Lieutenant Preston goes on to describe the trip in detail as the party followed "the trail" across the glacier. A portion of the party descended to the reverse side of the glacier at timberline. There they joined the flow of prospectors who had also traveled over the route to reach the interior. They stayed at a camp of "about one hundred and twenty-five tents on both sides of the stream, in good timber. A great many parties were whipsawing lumber preparatory to building boats, and a great many boats were in all stages of completion. This was a busy camp...We took several long walks down the river to other camps, and climbed the slope of the mountain on the other side of the stream opposite to our camp, where a fine view was had of the large lake which lay down the valley from us about 16 miles";
- 1900: USGS 20th Annual Report, "A Reconnaissance of a part of Prince William Sound and the Copper River District, Alaska in 1898," F.C. Shrader, 1900, Bulletin, states: "The only route for getting into the Copper River country from Valdes (sic) during

the season of 1898 was the Valdes Glacier route, (see table of distances p. 366) Starting from Valdes the trail leads 4 miles northeast, with a very gentle rise over the delta gravels, to the foot of Valdes Glacier, thence about north for 18 miles up the glacier to the summit, which is 4800 feet high. The glacier is broken or transversely marked by four or five successive long benches or terraces, from one to the other of which the rise of 100 feet or more is usually sharp and sometimes difficult, the topography of the ice being very rugged, with crevasses, ridges, and turrets (Pl. XXII, B)....From the summit the trail descends rapidly, but nowhere abruptly, for a distance of 6 miles through a canyon-like valley to the foot of the Klutena (sic) Glacier, which is the source of the Klutena River....From the foot of Klutena Glacier the trail continues down the north side of the river and lake to Copper Center, where the elevation is about 1050 feet." The report lists the total mileage from Valdez to Copper Center as 112 miles in length.

Maps:

- 1898: The route is shown on USGS "Topographic Map of a part of the Copper River and adjacent Territory," 1898 shows the complete Valdez-Copper Center Trail;
- 1901: The route is shown on 1901 postal map, untitled;
- 1903: The route is shown on "Map of Mount Wrangell District, Alaska," from USGS Professional Paper No. 15, 1903.

Other:

- 1914: "Alaskan Glacier Studies of the National Geographic Society in the Yakutat Bay, Prince William Sound and Lower Copper River Regions," Stockman and Martin, 1914, contains the section: "Valdez and Shoup Glaciers" which describes the Valdez Glacier between 1898 and 1911, stating "In 1898 the Valdez Glacier became a highway of travel into the interior of Alaska, and from that date to the present we have definite knowledge about the general condition of the glacier. It is not known who was the first of the prospectors who made his way across the ice-filled pass of Valdez Glacier, on his way to the Klondike gold fields by the All-American route or to the Copper River valley, nor when the first traverse was made. Doubtless this first journey was made before 1898, for during February, March and April of that year three thousand people landed at Valdez, and one or two thousand more came during the summer. Some prospectors had reached the summit of Valdez Glacier by April 15th, and before May 3rd 2000 men had crossed the pass and down to Klutena (sic), while 1500 more were on their way. Mr. Charles Simonstad of Valdez who crossed the glacier in 1898 states that 5000 men landed that year, that 4500 crossed the glacier pass, and that all but two or three hundred of them returned that fall by the same route."

Land Status

Division of Land personnel researched state status plats, Bureau of Land Management (BLM) master title plats, and BLM historical indexes to identify servient estates and historic federal withdrawals.

Servient Estates:

Servient estates as shown on Bureau of Land Management and Alaska Division of Land records, are listed as follows:

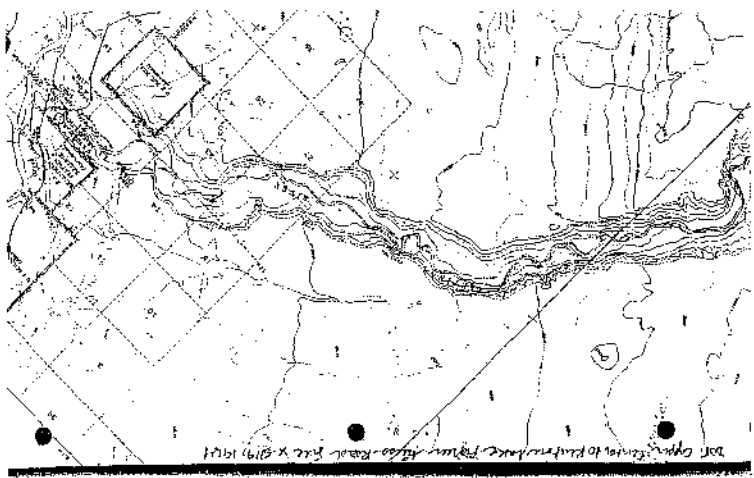
1. State of Alaska;
2. Bureau of Land Management;
3. City of Valdez;
4. Ahtna, Inc.;
5. Kluti-kaah Corporation;
6. USS 6979/50-92-0186, Native Allotment; date of occupancy: 6/8/63;
7. USS 6979/50-85-0524, Native Allotment; date of occupancy: 8/23/63;
8. USS 5112/50-77-0004, Native Allotment; date of occupancy: November, 1936;
9. USS 6785/50-85-0088, Native Allotment; date of occupancy: April, 1965;
10. 1228222, University Grant; date of application: 11/6/58;
11. 1160434, Homesite; date of application: 6/14/50;
12. 1098902, Homestead Entry; date of application: 6/1/26;
13. USS 3575/1231342, no records found;
14. 1230654, Trade and Manufacturing Site; date of application: 4/27/56;
15. ADL 61480, Sale Non-Comp; conveyed; date initiated: 5/10/73;
16. ADL 214785, Quitclaim Deed issued to University of Alaska; date of QCD: 4/2/84.
17. AA6190, Quitclaim Deed to Alascom, date of application: 1/8/71;
18. AA6188, Quitclaim Deed to Alascom, date of application: 1/8/71;
19. AA55159, Alaska Railroad Transfer, date of application: 1/4/85;
20. USS 4868/50-72-0180, Trade and Manufacturing Site; date of application: 8/28/59;
21. USS 4810/50-72-0181, Trade and Manufacturing Site; date of application: 10/21/59;
22. ADL 61526, Oddlot Lease; lease issued; date initiated: 5/10/73;
23. ADL 61278, no records found.
24. Copper River Native Association;
25. Alaska Energy Authority;

Acceptance of Grant

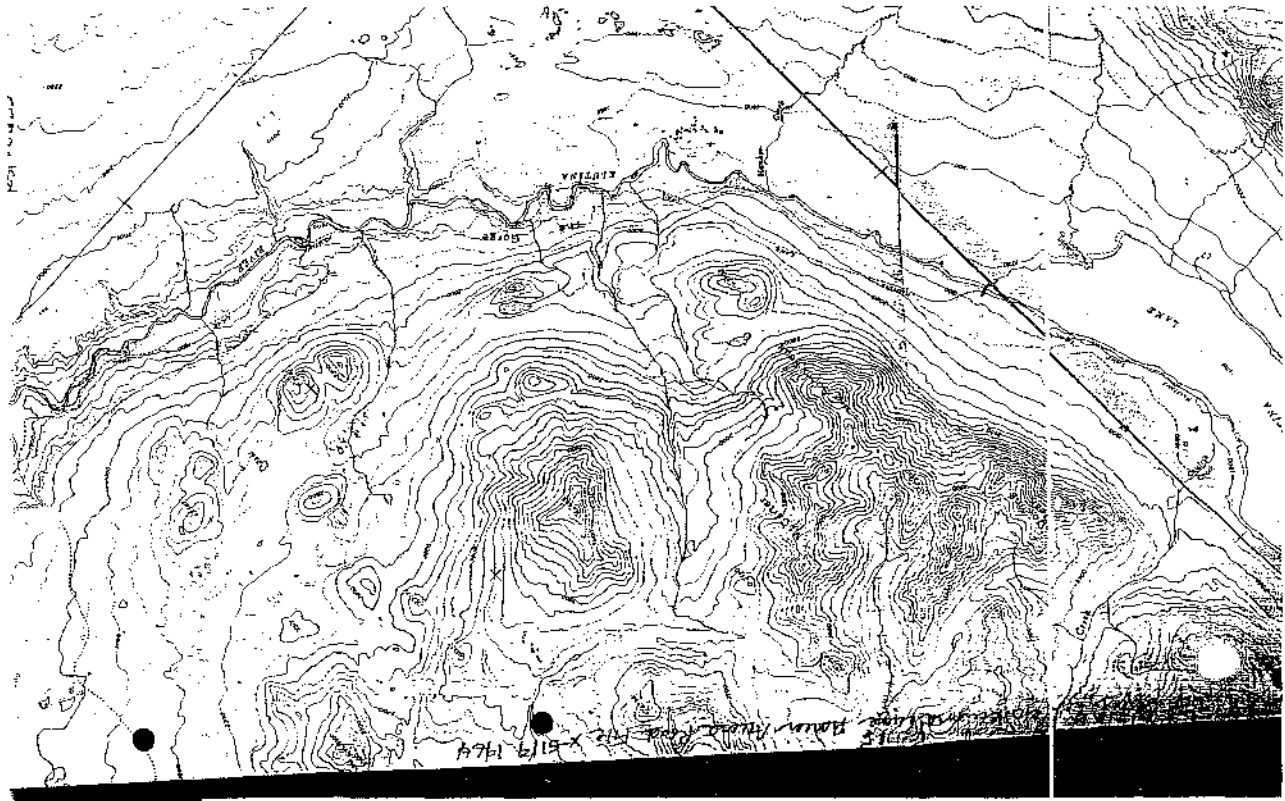
The earliest reservation along the subject route was for 1098902, Homestead Entry with an application date of 6/1/26. Documentation in the file shows construction or use of the route occurred by 1898. The grant of the RS 2477 right-of-way for the trail was accepted by construction and use, subject to valid, existing rights, when the land was not reserved for public purposes.


Judy Chapman, Natural Resource Officer


Date



not open to public use. Paper also used for X-519, 1964



not open to public use. Paper also used for X-519, 1964

The United States of America

To all to whom these presents shall come, Greeting:

COPY

WHEREAS

Kluti-Kaah Corporation

is entitled to a Land Patent pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 702; 43 U.S.C. 1601, 1613(a)), of the surface estate in the following described lands:

T13R1E Lot 6 of U.S. Survey 3579, Alaska, situated along the Edgerton Highway between mile 23 and 28 from Sec. 36 Chitina, Alaska

Containing 5.00 acres.

Copper River Meridian, Alaska

- T. 1 N., R. 1 E. (Surveyed)
- Sec. 2, lot 4, (SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$);
 - Sec. 3, lots 1 to 9, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 4, lots 1 to 6, inclusive, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 5, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 - Sec. 6, lots 1 to 5, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 - Sec. 8, NW $\frac{1}{4}$;
 - Sec. 9, all;
 - Sec. 10, lots 1 to 8, inclusive, W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 - Sec. 11, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 - Sec. 13, lots 1, 2 and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 - Sec. 14, lots 1 to 8, inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 15, lots 1 to 4, inclusive, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 17, NE $\frac{1}{4}$;
 - Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Secs. 22 and 23, all;
 - Sec. 24, lots 1 to 8, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 25, lots 1 to 4, inclusive, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 - Sec. 26, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 - Sec. 27, SW $\frac{1}{4}$;
 - Sec. 35, N $\frac{1}{2}$.

Containing 8,828.53 acres.

- T. 2 N., R. 1 E. (Partially Surveyed)
- Sec. 7, lots 1 and 2, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 - Sec. 19, lots 2, 3, 4, 6 and 7, E $\frac{1}{2}$ W $\frac{1}{2}$;
 - Sec. 30, lots 1 to 5, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$;
 - Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$.

Containing 1,197.45 acres.

- T. 2 N., R. 1 W. (Partially Surveyed)
- Sec. 1, lot 1;
 - Sec. 2, lots 1 to 8, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 - Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
 - Sec. 10, all;
 - Sec. 11, lots 1, 2 and 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
 - Sec. 12, lot 1;
 - Sec. 13, lots 6, 48 and 49;
 - Sec. 14, lots 1 to 5, inclusive, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
 - Sec. 15, all;
 - Sec. 22, lots 1 to 5, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Patent Number

50-80-0108

Copper Center Surface

Exhibit 3
Page 1 of 6 Pages

T. 2 N., R. 1 W. (Partially Surveyed) (Cont'd)

Sec. 23, lots 1 to 5, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 24, lots 1, 2, 3 and 5 to 12, inclusive;
 Sec. 25, lots 1 to 5, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 27, lots 1 to 4, inclusive, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

Containing 7,156.87 acres.

T. 1 S., R. 2 E. (Partially Surveyed)

Sec. 2, lot 1;
 Sec. 3, lots 1 to 4, inclusive;
 Sec. 4, lots 1 to 5, inclusive, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 5, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 6, lots 1, 2, 6 and 7, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 9, E $\frac{1}{2}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 10, all;
 Sec. 11, lots 1 to 5, inclusive, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 12, lot 1;
 Sec. 13, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 14, all;
 Sec. 15, NE $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 16, SW $\frac{1}{4}$;
 Sec. 17, all;
 Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 20, all;
 Sec. 23, all;
 Sec. 24, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 25, N $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 27, all;
 Sec. 35, NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 36, lots 8, 9 and 11.

Containing 10,358.88 acres.

Aggregating 27,546.73 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the land above described, TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever:

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public

Patent Number 50-80-0108

easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6658-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

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-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

- a. (EIN 2 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 24, T. 1 N., R. 1 E., Copper River Meridian, on the left bank of the Copper River at the mouth of the Nadina River. The uses allowed are those listed above for a one (1) acre site easement.
- b. (EIN 2a C5) An easement for an existing access trail twenty-five (25) feet in width from the left bank of the Copper River and site EIN 2 C5 in Sec. 24, T. 1 N., R. 1 E., Copper River Meridian northeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- c. (EIN 11 C3, C5, D1, D9, L) An easement sixty (60) feet in width for an existing road from the Copper Center area in Sec. 12, T. 2 N., R. 1 W., Copper River Meridian, southwesterly to site EIN 10a C5, on the Klutina River near Klutina Lake. The uses allowed are those listed above for a sixty (60) foot wide road easement.
- d. (EIN 12 C5, L) An easement fifty (50) feet in width for existing powerlines and telephone lines roughly paralleling the Richardson Highway from Sec. 36, T. 3 N., R. 1 W., southerly to Sec. 28, T. 1 N., R. 1 E., Copper River Meridian. The uses allowed are those associated with operation and maintenance of power and telephone line facilities.
- e. (EIN 12a C5, L) An easement fifty (50) feet in width for existing telephone lines roughly paralleling the old Edgerton Cutoff from Sec. 36,

- T. 1 N., R. 1 E., Copper River Meridian, southerly to Sec. 31, T. 1 S., R. 3 E., Copper River Meridian. The uses allowed are those activities associated with operation and maintenance of telephone line facilities.
- f. (EIN 12b C5, L) An easement fifty (50) feet in width for existing powerlines and telephone lines roughly paralleling the Edgerton Highway from Sec. 2, T. 2 S., R. 2 E., Copper River Meridian, northeasterly to Sec. 31, T. 1 S., R. 3 E., Copper River Meridian. The uses allowed are those activities associated with operation and maintenance of power and telephone line facilities.
- g. (EIN 17 C5) An easement for a proposed access trail twenty-five (25) feet in width from Copper Center southwesterly to isolated public lands in Secs. 25, 26, 27, 34, 35 and 36, T. 2 N., R. 1 W., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- h. (EIN 23 D1) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 2 C5 in Sec. 24, T. 1 N., R. 1 E., Copper River Meridian, northerly to public lands in Secs. 1, 2, 11, 12 and 13, T. 1 N., R. 1 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
2. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section;
3. An easement for highway purposes, including appurtenant protective, scenic and service areas, extending 150 feet on each side of the centerline of the Richardson Highway, as established by Public Land Order 1613 (23 F.R. 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898), and transferred to the State of Alaska pursuant to the

T. 2 N., R. 1 W. (Cont'd)Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$;Sec. 11, lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 24, lots 2 and 7;

Sec. 25, lots 1 and 5, E $\frac{1}{2}$ SE $\frac{1}{4}$.

- b. Remote control block valve No. 109, AA-8642, and Communications Site AA-8504, located in lot 2, Sec. 24, T. 2 N., R. 1 W., Copper River Meridian.
6. Those access road rights-of-way fifty (50) feet in width granted to Alyeska Pipeline Service Company pursuant to Sec. 28 of the Mineral Leasing Act, (30 U.S.C. 185) as amended November 16, 1973 (87 Stat. 576), more specifically identified as follows:
- a. AA-8844, located in lot 3, Sec. 6 T. 1 N., R. 1 E., and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T. 2 N., R. 1 E., Copper River Meridian;
- b. AA-8845, located in lots 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 2 N., R. 1 E., and E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 25, T. 2 N., R. 1 W., Copper River Meridian; and
- c. AA-8846, located in lots 1, 2 and 7 Sec. 24, T. 2 N., R. 1 W., Copper River Meridian.
7. Those rights for pipeline purposes as have been issued to the owners of the Trans-Alaska Pipeline, their successors and assigns, pursuant to Sec. 28 of the Mineral Leasing Act (30 U.S.C. 185) as amended November 16, 1973 (87 Stat. 576), for construction zone permit, AA-9149.
8. A right-of-way, AA-5663, one-hundred fifty (150) feet in width for a Federal Aid Highway and Material Site. Act of August 27, 1958, 23 U.S.C. 317, located in the following lands:

Copper River Meridian, Alaska

T. 1 N., R. 1 E.Sec. 5, SW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$;Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$;Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$.T. 2 N., R. 1 E.

Sec. 19, lots 2 and 3;

Sec. 30, lots 1, 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;Sec. 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

9. A right-of-way, A-064372, for a Federal Aid Material Site. Act of August 27, 1958, 23 U.S.C. 317, located in lot 2, Sec. 19, T. 2 N., R. 1 E., Copper River Meridian.
10. A right-of-way, AA-12692, for an electrical transmission line, including three distribution lines, two substations and areas for guy wires, granted to the Copper Valley Electric Association pursuant to the Act of October 21, 1976 (90 Stat. 2743), located in the following lands:

Copper River Meridian, Alaska

T. 1 N., R. 1 E.Sec. 6, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.Exhibit 3
Page 5 of 6 Pages

Form 1860-10
(July 1975)
AA-6658-A

T. 2 N., R. 1 E.
Sec. 31, lots 1 to 4, inclusive, SE $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 2 N., R. 1 W.
Sec. 3, lots 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, lots 3, 5 and 7;
Sec. 25, lots 1 and 5, E $\frac{1}{2}$ SE $\frac{1}{4}$.

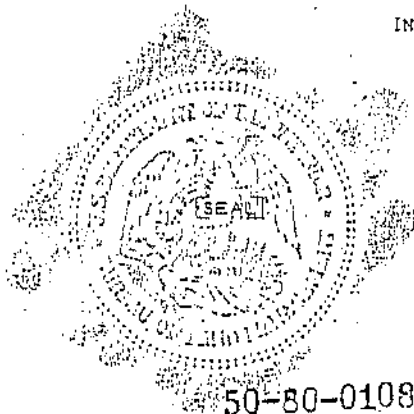
- 11. An easement and right-of-way to operate, maintain, repair and patrol an overhead open wire and underground communication line or lines, and appurtenances thereto, in, on, over and across a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of the Alaska Communication System's open wire or pole line and/or buried communication cableline, conveyed to RCA Alaska Communications, Inc. by Easement Deed dated January 10, 1971, AA-6188, pursuant to the Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771, et seq.) located in:

Copper River Meridian, Alaska

T. 1 N., R. 1 E.
Sec. 5, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 2 N., R. 1 E.
Sec. 19, W $\frac{1}{2}$;
Sec. 30, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 2 N., R. 1 W.
Sec. 1, NW $\frac{1}{4}$ west and south of the Copper River, SW $\frac{1}{4}$ NE $\frac{1}{4}$ south of the Copper River, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.



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

GIVEN under my hand, in Anchorage, Alaska
the EIGHTEENTH day of JULY in the year
of our Lord one thousand nine hundred and EIGHTY
and of the Independence of the United States the two hundred
and FIFTH.

By Robert D. Arnold Exhibit 3
Assistant to the State Director Page 6 of 6 Pages
for ANCSA

50-80-0108
Patent Number _____

AHTNA



INCORPORATED

17 May 2000

Randy Hughes
King Fishers Perch
P.O. Box 102
Gakona, Alaska 99586

Re: Use of Ahtna Lands for Commercial Purposes

Dear Mr. Hughes:

This letter is to serve as notice to your company of Ahtna, Inc.'s land status along the Klutina and Gulkana Rivers and within the boundaries of the Wrangell-St. Elias National Park and how to obtain a permit to access the rivers across Ahtna land. We have adopted policy meant to help control the use of our lands by the general public while at the same time allowing commercial guides access to the rivers at established points as they have heretofore done. The following is an outline of this policy.

1. KLUTINA RIVER

Ahtna, Inc. began a program in 1998 on the Klutina wherein it assessed a Limited Use Permit Fee for access to the river across Ahtna land. While the State of Alaska owns the riverbed and the water column below ordinary high water, Ahtna, Inc. owns the land above ordinary high water from the outlet of Klutina Lake to the Trans-Alaska Pipeline crossing. If you drop off clients on the river banks or tie off to trees, rocks etc. you will be required to obtain a permit for that use. Additionally, while the ANCSA 17(b) easement that is the Klutina Lake Trail allows for vehicular travel, it prohibits fishing, camping, launching or recovering of watercraft and parking in the easement, except at the one-acre site intended for those purposes at approximately mile 23. The limit for camping and parking at this site is 24 hours. Camping sites are available along the trail. Permits for camping can be obtained at our kiosk at mile 1.

2. GULKANA RIVER

Like the Klutina, the State of Alaska owns the riverbed and the water column above ordinary high water, while Ahtna, Inc. is the predominant landowner along the banks from Sourdough to the confluence with the Copper River. In an attempt to manage the large numbers of people utilizing Ahtna land in the Sailor's and Poplar Grove Pits, Ahtna, Inc. will institute a program similar to the one on the Klutina this year. The road easement to the pits are for DOT use only, while the ANCSA 17(b) trail easements are 25 feet and do not allow for vehicle access to the river. We will grant this access on a permit basis, but we will not allow vehicles to drive onto the grave bars, so watercraft will have to be carried to and from the waiting vehicles. Overnight camping permits will be available at Sailor's Pit, while only parking permits will be available at Poplar Grove.

3. LANDS WITHIN THE BOUNDARIES OF THE PARK

Several prime locations are utilized on Ahtna land within the Park for various guiding activities. Permits for these activities may be obtained from our Glennallen office on a case by case basis.

The Limited Use Permit Fee Schedule for Commercial Users is as follows:

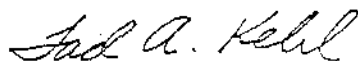
Klutina River	Membership in the Klutina River User Association Required and fees are set by the Association.
Gulkana River	\$ 300 annual fee.
Lands Within the Park	To be determined by use.

Payment is due before you begin to utilize Ahtna land. You will be required to indemnify and hold Ahtna, Inc harmless from any and all liability created by the permit holder by virtue of the issuance of or use of the permit. You will also be required to submit a report to Ahtna, Inc. of the number of clients you guided and the number of fish harvested in the year. This information will be kept confidential. Failure to submit this report will preclude you from obtaining a permit for the next season.

We ask that you help us as we work to manage and preserve our lands. We are supportive of the sport fishing industry. We must, however, protect our interest in the land as you would with your own homes and properties. Those who cooperate with us and purchase the necessary permits will be able to reap further benefits as we develop other tourist related opportunities. One of these opportunities will be the establishment of a King Salmon Derby. Details are being finalized and you will be hearing more from us in the upcoming weeks. Those who chose not to cooperate must be aware that Ahtna, Inc. is determined to protect its lands and trespassers will be prosecuted to the extent the law allows. Anyone utilizing Ahtna land without a permit will be in tresspass.

We look forward to working with you this coming season. We would also entertain proposals to develop tourism ventures on Ahtna land. I believe the opportunities are endless and we can work together to our mutual benefit. If you have any questions, please contact me at the number listed above. Best of luck in the coming season!

Sincerely,



Tad A. Kehl
Special Project Coordinator

TAK:amg

Cc: Francis F. Cherry, State Director BLM
Tony Johannsen, Director Northern Region, ADOT&PF

Glennallen, Alaska
Dec. 9, 1963

Copy

Rep. Robert I. Ditman
P.O. Box 144
Valdez, Alaska

Friend Bob:

As you know, I am in the process of building a pioneer access road to the Klutina Lake region. To refresh your memory, Klutina Lake is located approximately 22 miles West from Copper Center. The Lake is about 20 miles in length and is 3 miles wide at the widest part. It is almost surrounded by mountains and at least 80% of the shore line has a sandy or gravel beach. At the present time this area is accessible only by air or foot.

The purpose of building this pioneer road is twofold - We have already staked a piece of ground, as have several other people, which we intend to build on next summer. I also plan to set up a sawmill in the area when the road is completed.

Since I have started this project so many people have showed interest in getting land at Klutina Lake that I was wondering if it was at all possible to get some assistance from the State on this pioneer access road which, when finished, will be of benefit to all. Following is a list of a few things that would be of great help.

Use of a heavy grader for about 1 week
Use of a large dozer for 3 weeks
Approximately 12 large culverts
Fuel & oil

All or part of the above would be a big help, also I might add that either Oscar Craig or I can operate heavy duty equipment. Here is a brief summary of what has been done to date.

- (a) built 12 1/2 miles of pioneer access road; passable with car or truck
- (b) used my D7 Dozer on this project 152 hours: the small for conditions encountered.
- (c) Charted air plane twice; to scout ahead for best possible route.
- (d) Spent an undetermined amount of hours scouting and cutting trail.

I intend to start work on this project again about July 1964 and spend a week or so in improving some of the road that was built last summer and then completing the pioneer road to Klutina Lake and extending it along the shore for about 4 miles.

Any assistance on this pioneer road project will be gratefully appreciated.

Sincerely yours,

Leonard
Leonard Bronwick

Exhibit 5
Page 1 of 1 Pages

DOT file X-5119

COMPLETION REPORT

November 18, 1964

Project - X-5119

Lake Klutina Pioneer Access Road

Jack Spake - Resident Engineer

Leonard Brenwick - Contractor

Beginning Date - September 21, 1964

Actual Completion Date - October 13, 1964

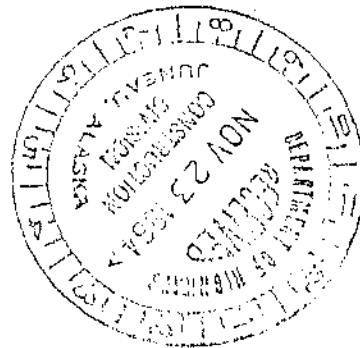
Required Completion Date - November 1, 1964

Contract Amount - \$6,440.00 - Lump Sum

Equipment used on Project:

1 - D6 Bulldozer

1 - D8 Bulldozer



DOT Copper Center to Klutina Lake Pioneer Access Road File X-5119 1964

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

TONY KNOWLES, GOVERNOR

333 Raspberry Road
Anchorage, AK 99518
PHONE: (907) 267-2248
FAX: (907) 267-2424

July 6, 1999

Mr. Budd Goodyear
P. O. Box 870274
Wasilla, AK 99687-0274

Dear Mr. Goodyear:

Governor Knowles asked that the Department of Fish and Game follow up on your June 7 faxed letter requesting assistance clarifying public uses on the Klutina Lake Road and the Gulkana River at Sailor's Pit. We appreciate your efforts bringing these access issues to our attention. Our staff is still researching the Gulkana River issue and will provide you a summary of our findings once the research is finished. The remainder of this letter addresses your three major concerns regarding access to Klutina Lake and River: (1) Ahtna is "blocking" the road at the upper end which interferes with access to the one-acre site easement (associated with the airstrip), (2) Ahtna is charging a fee to use the public road, and (3) the "feds" are cooperating with Ahtna's fee system.

We have checked with residents in the area but are unable to confirm that Ahtna is blocking the road, whether by physically barring the public from using the upper end of the road or if they are blocking use of the road by charging a fee. Please provide us with additional information such as a detailed map and a description of how and where the road is being blocked.

According to discussions with the field staff of the Department of Transportation (DOT) and of the Bureau of Land Management (BLM), ~~Ahtna is charging fees for use of Ahtna lands adjacent to the Klutina Lake Trail and not for the use of the road itself.~~ The road is a historical access route used by prospectors and explorers since the turn of the century. Known as the Valdez-Copper Center Trail, it was the only access from the coast to the interior of Alaska and has been in consistent public use since the 1800s. The Department of Natural Resources identified this route as a historic right-of-way under the procedures set forth in AS 19.30.400(b). The Klutina Lake Trail is a state-held, 100-foot wide right-of-way accepted by public use under federal law (Revised Statute 2477) before the trail and surrounding lands were in private ownership. In 1980 when BLM conveyed those lands surrounding the trail to Ahtna, an easement was reserved on the historical trail, and a site easement was established near the Klutina airstrip. The old trail was reserved as a 60-foot wide road from the bridge to mile 23. From mile 23 to and around the lake, a 25-foot wide easement was reserved.

Exhibit 7
Page 1 of 2 Pages

Exhibit B page 1 of 2

Secondly, you advised that Ahtna is assessing camping and fishing fees. If the public is accessing the river from within the 100-foot wide road right-of-way and fishing below the ordinary high water mark of the river, then an Ahtna fee would not be required. It appears from maps and conversations with people familiar with the Klutina River that there may only be a few sections of the river that would fall within the right-of-way boundary. If the public is fishing above the ordinary high water mark, then Ahtna can charge fees for use of their uplands. Moreover, Ahtna can assess camping fees if their undeveloped camping spots are outside the 100-foot road right-of-way. It is uncertain if any or all of the camping spots are within the 100-foot wide right-of-way. If the camping spots do fall within the 100-foot road right-of-way, Ahtna should not be charging camping fees. Camping may not be an allowed use within an easement depending on its type and time of reservation. The state would need to verify the exact locations of the camping spots to determine if Ahtna is beyond their jurisdiction.

Public access to state owned land and water is a constitutional right equal to all citizens of the state (AK Const. Art. 8, sec. 14) and cannot be interfered with by private landowners (AS 38.05.128). A private landowner cannot charge a fee for access on a public easement. If, however, the public crosses private land to access public lands and waters, a fee or land use permit can be required.

Lastly, BLM advises us that they are not "cooperating with" Ahtna by allowing them to charge fees for use of the road. BLM staff in Glenallen are aware that Ahtna is charging fees for use of the private uplands but believe that Ahtna is not charging for use of just the road. If you have information proving otherwise, we would be interested in reviewing those documents so we can resolve any inappropriate activity.

We hope that we have adequately addressed your concerns. We are continuing to look into these issues and will keep you posted as the research is completed. In the meantime, if you have any questions about our initial research or can provide more information, please call Kamie Simmons at (907) 267-2242.

Sincerely,

Tina Cuning
State-Federal Issues Program Manager

FR/KS/CS/np
log 5593

Exhibit 7
Page 2 of 2 Pages