



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
ALASKA REGION
3601 C Street, Ste. 1100
Anchorage, Alaska 99503-5947
1-800-645-8465

IN REPLY REFER TO:
Executive Direction
MC-101

AUG 08 2014

MEMORANDUM

TO: Susan Joyce, Land Law Examiner, Bureau of Land Management

FROM: Charles F. Bunch, Deputy Regional Director, Bureau of Indian Affairs

SUBJECT: BLM Notice dated January 24, 2013 concerning Native Allotment No. AA-6457, Parcel A (pending Aguilar case) and Parcel B, Heirs of Joe Eskilida.

*SA North
Acting for*

This memorandum is in response to the Bureau of Land Management (BLM) Notice dated January 24, 2013 (Exhibit "A") describing the Federal-Aid Secondary Highway, Class "B" Route No. 850 as being associated with the subject parcel. Research conducted by Bureau of Indian Affairs (BIA) personnel indicates that a road did not exist through the subject parcel until after statehood, circa 1963, and therefore not transferable by the Omnibus deed by virtue of Public Land Order (PLO) 601. Therefore, BIA does not believe that the following statement is accurate: "...lands unavailable for disposition were conveyed by quitclaim deed on June 30, 1959 by the Secretary of Commerce to the State of Alaska, Department of Highways".

According to "Highway Rights of Way in Alaska" (Exhibit "B") by John F. Bennett, PLS, there are "three elements to consider in order to evaluate the effect of a PLO": (1) Land Status-Dates of Entry; (2) Effective Date of Public Land Order; and (3) Date of Road Construction (or Posting). It is important to note that the allottee's entry date of 1910 pre-dates the constructed pioneer road of the subject area circa 1963 (see Exhibit "K"), and highway expansion circa 1971 (Exhibit "L").

The following information, ordered by date and by exhibit number, is based on the Alaska Department of Transportation and Public Facilities (ADOT&PF) records, other historical records, and historical maps that illustrate why Native Allotment No. AA-6457-A&B is not subject to a public easement known as FAS Route No. 850 by virtue of PLO 601:

1910: According to Joe Eskilida's BLM Land Report (Exhibit "C") filed at the BLM, Mr. Eskilida claims occupancy in 1910. His occupancy pre-dates the Territory of Alaska in 1912, the formation of the State of Alaska in 1959, and the creation of Route No. 850 through this allotment circa 1963.

1925: Plat 1925-1, Juneau Recording District. A Chugach National Forest map, circa 1925, illustrating the Chugach National Forest boundaries that includes the "Northwest Railroad in the subject area (Exhibit "D"). This map indicates that no road existed in this area in 1925.

1929 Annual Report for the Alaska Road Commission - the map labelled, "Valdez-Chitina Districts" shows that the "C.R. & N.W" or Copper River and Northwestern Railroad existed between Kennicott and Cordova (Exhibit "E").

The Copper River Railroad was built before the formation of the Territory of Alaska by a private entity called the Copper River Railroad Co. which was run by the Guggenheim Brothers and J. Pierpont Morgan (Exhibit "F"). If this was an abandoned railroad easement created by a private party, how is this private railroad easement transferrable as a public road right-of-way? Is there a permit issued by BLM, easement subject to an Executive Order, or a Public Land Order other than PLO 601? For example, the Glenn Highway at Sutton, Alaska runs in and out of old railroad right-of-way. The railroad tracks were built to the Buffalo Mine. This railroad right-of-way was not transferred to ADOT&PF by Public Land Order, Executive Order, BLM permit, easement, or deed. The old railroad right-of-way simply exists as an historical easement not associated with road right-of-way known as the Glenn Highway.

Alaska Road Commission District Map of Copper River District, dated May 1957, does not identify the subject area as a constructed road (Exhibit "G").

The Omnibus Deed, transferring of Federal properties to State of Alaska when Alaska became a state indicates that FAS Route No. 850 was only one (1) mile of constructed road, "from junction with FAS 851 Chitina easterly to McCarthy" (Exhibit "H").

The Bureau of Public Roads (BPR) map dated June 1959 and labelled, "Chitina", shows that Route No. 850 appeared to be approximately only one (1) mile long and had not reached the Eskilida homestead (Exhibit "I").

The BPR map labelled, "Strelena" dated June 1959 shows that Route No. 850 had not been built through this Native Allotment (Exhibit "J").

Note: the BPR maps compliment the Omnibus Deed. These maps can be found at the National Archives or copies can be obtained from the ADOT&PF / Right-of-Way.

The following Annual Reports (Exhibit "K") describe the creation of the road through the subject parcel: (1.)1963 Annual Report of Department of Highways, on Page 22, lists *Pioneer Access Route#X-5107*, Chitina-McCarthy Road, 30 miles, \$40,000 contract price; (2.)1970 Annual Report of Department of Highways, on Page 3, indicates that the "Copper River bridge at Chitina, which is the first step in providing highway access to McCarthy". On Page 43, Department of Highways states, "The reconnaissance report

for Chitina to McCarthy was written and approved and the public hearing was held” (Exhibit “K”).

1971 Annual Report of the Department of Highways, on page 32, the Right-of-Way Unit indicates that “Due to the land freeze there was no BLM land granted to this district during 1971” (Exhibit “L”).

Right-of-Way acquisition mapping (Exhibit “M”) circa 1970 for Project S-0850(6) and Project S-0850(7) indicate that there were no acquisitions for the subject parcel. There were right-of-way acquisitions for Parcel 3: John D. Coats and Parcel 4: University of Alaska. *Note: The pioneer access for Route No. 850 was created circa 1963 and the highway built through the area in 1971 and therefore not created by virtue of PLO 601 (not an Omnibus road through the subject). Historical records were diligently searched to find that there are no easements or acquisition documents approved by the BIA Regional Director that would have authorized the access to this restricted Native Allotment. These acquisition right-of-way maps do not indicate that BLM issued a permit or that an acquisition approved by the BIA Regional Director was made for the subject parcel.*

Joe Eskilida’s Evidence of Occupancy form (Exhibit “N”) dated August 17, 1971 states that Mr. Eskilida’s home was still standing at this time. According to his statement, there are/were six (6) existing graves all of whom were his relatives.

In conclusion, the Bureau of Indian Affairs is rebutting the claim that Native Allotment No. AA-6457, Parcels A & B is subject to road right-of-way created by Route No. 850 by virtue of PLO 601. Evidence provided from the ADOT&PF historical Annual Reports indicate that the portion of Route No. 850 through the subject parcel was not built until 1963 or eventually a highway built through the area in 1971. Furthermore, according to ADOT&PF records, the 1971 Annual Report states, “BLM was not granting lands through this district” when the highway was expanded/built in 1971. Using the standards set by “Highway Rights of Way in Alaska” (Exhibit “B”), the early entry date of 1910, pioneer road creation of 1963, and highway development in 1971 clearly indicates that the easement through the subject was not created by virtue of PLO 601 and therefore not subject to Joseph Eskilida’s Native Allotment Certificate(s) for AA-6457-A&B. If there a deed approved by the BIA Regional Director, permit, easement subject to an Executive Order, or easement subject to a Public Land Order other than PLO 601 please provide a copy to BIA and we will update our records. Otherwise, current data indicates that Native Allotment No. AA-6457, Parcels A and B is not subject to road right-of-way associated to FAS Route No. 850. For further discussion, please contact Charles F. Bunch, Deputy Regional Director at (907)271-4097.

Attachments – Exhibits “A” to “N”

Copy furnished to:

Marilyn Eskilida-Joe
P.O. Box 267
Copper Center, Alaska 99573

Roy Eskilida, Sr.
10897 S. Tuttle Road
Wasilla, Alaska 99645-4922

Beverly A. Harris
General Delivery
Chitina, Alaska 99566

Sandra L. Samuelson
2860 Oxford Drive
Wasilla, Alaska 99654

Trina M. Alexander
P.O. Box 12
Chitina, Alaska 99566

Anita C Eskilida
P.O. Box 12
Chitina, Alaska 99566

Alaska Legal Services
Statewide Office
1016 West Fifth Avenue, Suite 200
Anchorage, Alaska 99501

National Park Service
Alaska Regional Office
Regional Director
240 West Fifth Avenue, Room 114
Anchorage, Alaska 99501-2327

Superintendent
Wrangell-St. Elias National Park and Preserve
P.O. Box 439
Copper Center, Alaska 99573

University of Alaska
Land Management
1815 Bragaw Street, Suite 101
Anchorage, Alaska 99508

Copy furnished to:

State of Alaska
Department of Transportation and Public Facilities
Northern Region,
Attn: John F. Bennett, Right-of-Way Chief
2301 Peger Road, MS 2553
Fairbanks, Alaska 99709-5316

State of Alaska
Department of Transportation and Public Facilities
Northern Region
Attn: Martin Shurr, Land Survey Manager I
2301 Peger Road, MS 2550
Fairbanks, Alaska 99709

Alaska Railroad Corporation
Real Estate Services
327 W. Ship Creek Avenue
PO Box 107500
Anchorage AK 99510-7500

Chitina Native Corporation
P.O. Box 3
Chitina, Alaska 99566-0003

Ahtna, Incorporated
P.O. Box 649
Glennallen, Alaska 99588-0649

Copper Valley Electric
P.O. Box 45
Glennallen, Alaska 99588-0045

Copper Valley Telephone
P.O. Box 44
Glennallen, Alaska 99588-0044

Bureau of Indian Affairs, Alaska Region
Land Title Records Office
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947



United States Department of the Interior

Mary



BUREAU OF LAND MANAGEMENT
Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7504
<http://www.blm.gov>

COPY

In Reply Refer To:
AA-6457 (2561)
Parcel A
(9441) sjj

JAN 24 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE

Heirs of Joe Eskilida : AA-6457
SEE APPENDIX : Parcel A
: Native Allotment Application

Notice of June 13, 1991, Vacated in Part
Conformance to Plat of Survey

On June 13, 1991, a notice of conformance to survey for Parcels A and B of Native allotment AA-6457 was issued, and a copy is enclosed. The June 13, 1991, notice of conformance to survey for Parcel A of Native allotment AA-6457 was issued in error, since the survey of the lands encompasses a portion of lands not available for disposition.

The lands unavailable for disposition were conveyed by quitclaim deed on June 30, 1959 by the Secretary of Commerce to the State of Alaska, Department of Highways. The Federal-Aid Secondary Highway System, Class "B" Route No. 850, listed "From the junction with FAS Route 851 at Chitina easterly to McCarthy" for a distance of 59.0 miles. Since the lands as surveyed did not exclude the certain lands in the June 13, 1991 notice, the conformance to survey notice of June 13, 1991 is hereby vacated in part, as it pertains to Parcel A of Native allotment application AA-6457.

The conformance to survey notice of June 13, 1991, as it pertains to the lands in Parcel B of Native allotment application AA-6457, shall stand as written.

EXHIBIT "A"

Conformance to Plat of Survey

The remaining lands in A Native allotment application AA-6457 have been surveyed and are now described as:

Copper River Meridian

Sec. 22, T. 4 S., R. 7 E., Lots 5, 7, and 8.

Aggregating 54.84 acres.

When an Alaska Native has a preference right to land based on the Native Allotment Act, and such land is conveyed out of federal ownership, the Bureau of Land Management (BLM) utilizes the Aguilar¹ procedures. This portion of Parcel A already has a Certificate of Allotment issued, the lands described requires processing the remaining lands pursuant to Aguilar.

If this survey does not contain all the improvements originally intended to be on this parcel, please advise us in writing within 30 days from receipt of this notice. Any claim that the surveyed location is different than the intended location must be clearly supported by evidence of the error.

If we do not hear from you within that time, the allotment application will be considered correctly described by this survey.

Any party, other than the applicant, who has concerns regarding this survey, must submit those concerns within 30 days.

The statement appearing in the next paragraph is now being included in conformance notices. This was requested by the State of Alaska, and is intended to remind you that if your claim includes navigable water, the State owns the lands beneath that water. This is true even if the plat of survey for your claim does not show the water.

Conveyance of the above described property does not purport to include or transfer any interest in submerged lands within the surveyed boundaries, to which the State of Alaska may be entitled under the Equal Footing Doctrine and section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines on the relevant survey plat to depict such water bodies.

¹ The Stipulated Procedures for Implementation of Order dated February 9, 1983, Aguilar v. United States, 474 F. Supp. 840 (D. Alaska 1979).

Any questions the applicant's heirs may have should be directed to the following address:

Bureau of Indian Affairs, Alaska Region
Attn: Regional Realty Officer
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

Telephone number is: 1-800-645-8465 or (907) 271-4104.

/s/ Susan Joyce

Susan Joyce
Land Law Examiner
Records and Reports Section

Enclosures:

Copy of Notice dated June 13, 1991
Survey Plats
MTP (dated 8/24/12)

Copy furnished to:

Alaska Legal Services Corporation (CM-RRR)
Statewide Office
Attn: Native Allotments
1016 West Sixth Avenue, Suite 200
Anchorage, Alaska 99501-1963

Bureau of Indian Affairs, Alaska Region (CM-RRR)
Attn: Regional Realty Officer
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

National Park Service (CM-RRR)
Alaska Regional Office
Regional Director
240 West Fifth Avenue, Room 114
Anchorage, Alaska 99501-2327

State of Alaska (CM-RRR)
Department of Natural Resources
Division of Mining, Land and Water
Realty Services Section
550 West Seventh Avenue, Suite 1050A
Anchorage, Alaska 99501-3579

State of Alaska (CM-RRR)
Department of Transportation and Public Facilities
Attn: John F. Bennett, Chief Right-of-Way Branch
Northern Region
2301 Peger Road, MS 2553
Fairbanks, Alaska 99709-5316

Chitina Native Corporation
P.O. Box 3
Chitina, Alaska 99566-0003

Ahtna, Incorporated
P.O. Box 649
Glennallen, Alaska 99588-0649

Bureau of Indian Affairs
Alaska Title Services Center
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

Superintendent
Wrangell-St. Elias National Park and Preserve
P.O. Box 439
Copper Center, Alaska 99573

State of Alaska
Department of Fish and Game
Division of Sport Fish
ATTN: Ellen Simpson
333 Raspberry Road
Anchorage, Alaska 99518-1599

University of Alaska
Land Management
1815 Bragaw Street, Suite 101
Anchorage, Alaska 99508

AK-9441, Records

5

A-046459 (2627)

EXHIBIT "A"

APPENDIX:

Heirs of Joe Eskilida:

Marilyn Joe Eskilida
P.O. Box 267
Copper Center, Alaska 99573

Roy Eskilida, Sr.
10897 S. Tuttle Road
Wasilla, Alaska 99645-4922

Harris Beverly Eskilida
P.O. Box 231312
Anchorage, Alaska 99523-1312

Sandra L. Eskilida
2860 Oxford Drive
Wasilla, Alaska 99654

Estate of Margaret Billum Eskilida
Estate of Linda J. Eskilida
c/o Bureau of Indian Affairs, Alaska Region
Attn: Regional Realty Officer
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

will be very difficult work for private sector professionals and virtually impossible for the layman.

I have found form letters in the Northern Region Right of Way office dating to 1980 that one of the major title companies intended to submit to DOT&PF for each title report that they were to prepare. The letters each stated the following:

"We are presently engaged in a title search of the following described real property. Since alleged highway rights-of-way created by Public Land Orders 601, 757, 1613, or Department Order 2665 are not recorded by property description, please advise us if the State of Alaska is claiming a right-of-way for a local, feeder, or through road on the following property and specify the width of the right-of-way you are claiming:"

DOT's response to the form letters at the time was essentially the same as it is today. That is, our files are open to whomever needs to research the necessary information, but unfortunately we do not have the personnel to review and respond to these requests for every title report generated in the State.

Therefore, if you have a need to know the status of a highway PLO with respect to a particular piece of property, then you also have the need to know how to perform the proper research.

In order to evaluate the effect of a PLO, you must review three items:

1. Land Status - Dates of Entry
2. Effective Date of Public Land Order
3. Date of Road Construction (or Posting)

Land Status: A common element of each PLO that served to establish a highway right of way was that they were "subject to valid existing rights". Our interpretation of that stipulation is that if the land was withdrawn or reserved prior to the effective date of a PLO, then the PLO could not act to create a right of way. These reservations or withdrawals could include homestead entries, mineral entries, military withdrawals, and such.

The primary source of information on land status with respect to the validity of a PLO are the Bureau of Land Management status records. Generally the process is to -

1. Review the Master Title Plat in order to locate the property in question.
2. Review the Historical Index for actions involving the property in question and the dates that they occurred.

Caveats: Not all land actions would serve to preclude the application of a highway PLO. For example, in one particular situation involving a federal grazing lease the lease document stated that "Nothing herein shall restrict the acquisition, granting, or use of permits or rights-of-way under applicable law."

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

AA 006457

LAND REPORT TITLE PAGE

State Alaska	District Anchorage
County None	Resource area Glennallen
Type of Action 2561 Native Allotment	Serial Number AA-6457
Applicant's name Joe Eskilida (deceased) Wife Margaret Eskilia	Address (include zip code) Box 232 Glennallen, AK 99588

Date(s) of examination 7/28/83

LANDS INVOLVED

TOWNSHIP	RANGE	MERIDIAN	SECTION	SUBDIVISION	ACRES
4 S.	R. 7 E.	Copper River	22	Lots 4, & 5, $S\frac{1}{2}SE\frac{1}{4}$	135

50-92-0005

Purpose of report

To document compliance with the requirements of the 1906 Allotment and to develop a proper legal description for the allotment.

Prepared by Steven C. Durkee	Title Realty Specialist	Date of report 11/25/83
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NATIVE ALLOTMENT FIELD REPORT CHECKLIST

Date of Claimed Occupancy 1910

(obtained from applicant)

A. TRACT LOCATION

1. a. USGS 1" = 1 mile location map (quad): Valdez C-1

b. Tract located as described in application: Yes No

If no explain: _____

2. Does tract length to width ratio exceed 4 to 1 or exceed 160-rod shore space limitation: Yes No If yes, explain: _____

3. Land posted: Yes No If yes, describe: _____

4. Access to tract by applicant: Chitna/McCarthy Road

(Also indicate any existing "public" access routes which cross the allotment.) None other than said road

5. Examiner accompanied by applicant to tract or authorized representative: Yes X No If not, why: The applicant is deceased.

6. Others present during field exam: Margaret Eskilida (wife) Roy Eskilida (son)

B. LAND USE AND OCCUPANCY

1. History of land use by the applicant (dates, type of use, circumstances, etc.): The applicant was born on the site in 1910, began independent use of the site as head of his own household in approximately 1918, and continued to live on the site until the Kennicott railroad was closed in 1937. After that time, use of the site has continued on a seasonal basis except for the past few years when old age prevented use.

2. Are there any conflicts to applicant's exclusive use of land?

(Explain): The Alaska Department of Transportation has taken gravel material off of the site for use on the Chitna/McCarthy road without contacting the applicant. Someone, parties unknown, has also bladed a road from DOT's gravel pit south through the allotment, also without contacting the applicant. Dot, in gaining access to the pit has destroyed the remains of the original buildings on the allotment.

3. Evidence of use on parcel claimed by applicant.

a. Man-made (cabin, cache, tent frame, fish wheel, boat dock, fish racks, etc.): The remains of a frame house or cabin and various outbuildings remain on the allotment. These buildings have been totally destroyed in recent years by DOT who pushed them over with a bulldozer. Family graves on the site are still largely intact.

b. Signs of use (boxes, firepits, trails, firewood cutting, cabin logs, etc.): Garbage sites are still evident on the allotment near the remains of the buildings.

c. Are natural resources there to support claimed use? (berry picking areas, wildroots, greens, hunting, fishing, etc.):
Resources for the continuing use of the site for seasonal hunting and berry picking are present.

4. Applicant's personal knowledge of the parcel: _____
The applicants wife, Margaret Eskilida, was intimately familiar with the site.

C. OTHER FIELD DATA

1. Antiquities, archeological, cultural values in area: ____ Yes
X No The graves on the site were all of family members.

2. Other improvements on or near the parcel (powerlines, pipelines, telephone lines, etc.): _____

The allotment is crossed by the Chitna/McCarthy road which belongs to the State of Alaska.

D. CONCLUSIONS

Based on a long history of use, it appears that the applicant has met the requirements of the 1906 Act.

E. SURVEY INSTRUCTIONS

The allotment is properly described as

T. 4 S., R. 7 E., CRM, Sec. 22, Lots 4, & 5, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Steven D. Dumble

11/25/83

I concur with the findings and recommendations contained herein.

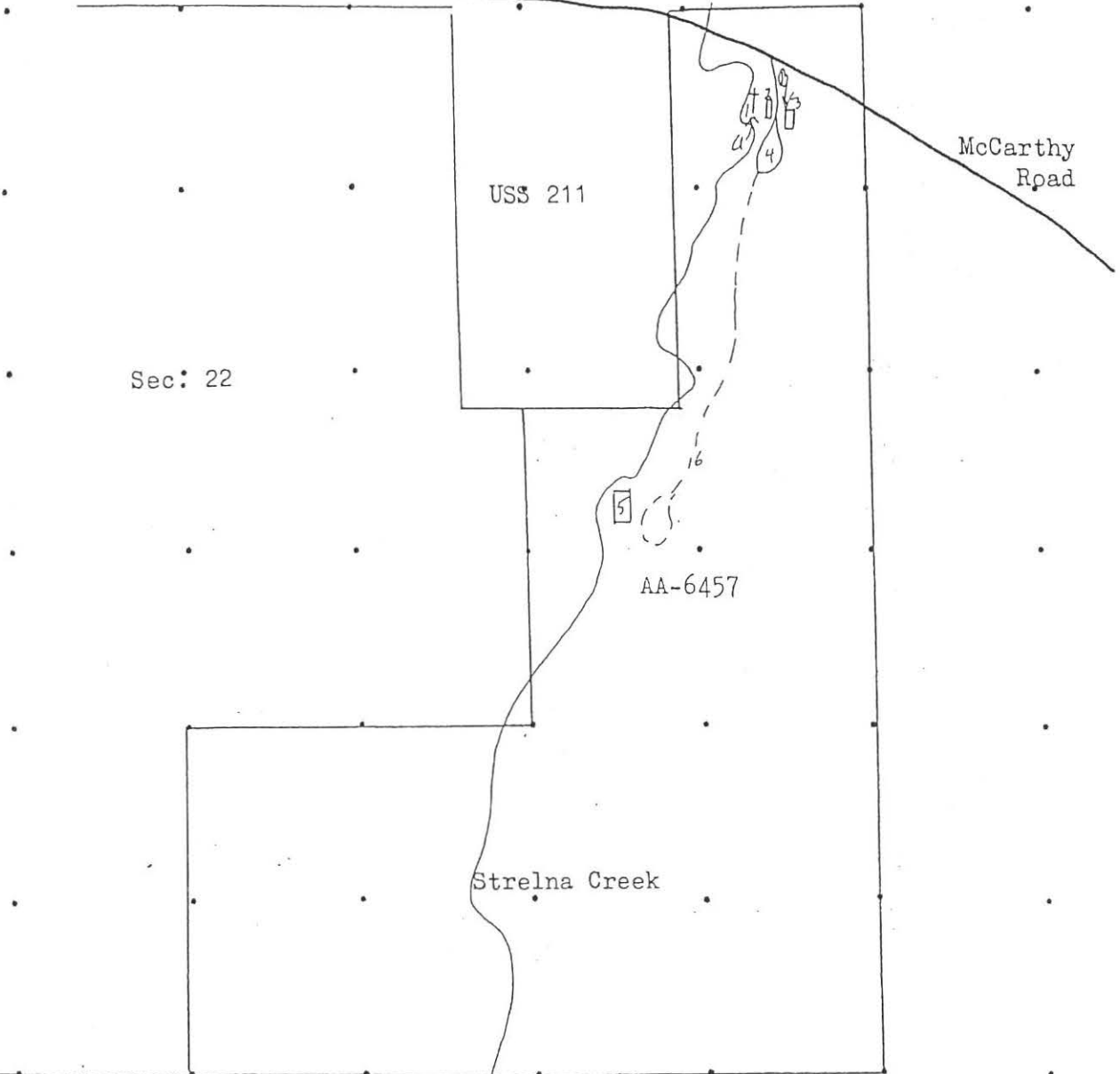
25/11/83 *Kurt G. Koller*
Date Area Manager

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial Number
AA-6457

SITE PLOT

Township 4 S., Range 7 E., Copper River Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 10 chains

LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS			Scale: 1" = 10 chains	OTHER DATA
+	Graves	↗	Photo Point	
□	Remains of original buildings			
④	materials pit			
5 □	Burned out dwelling			
16	Unauthorized road			

Legal Reference Act of May 17, 1906 (34 Stat. 197)	File Code 2561	Serial Number AA-6457
Name and Mailing Address Joe Eskilida 1144 E. 9th Ave. Anchorage, Alaska 99501		
Description of Land S $\frac{1}{2}$ E $\frac{1}{4}$ Section 22, Township 4 South, Range 7 East, Copper River Meridian, containing 80 acres.		
DATE OF ACTION	ACTION TAKEN	
8/23/71 1930	Application Received. Occupied.	

EXHIBIT #C

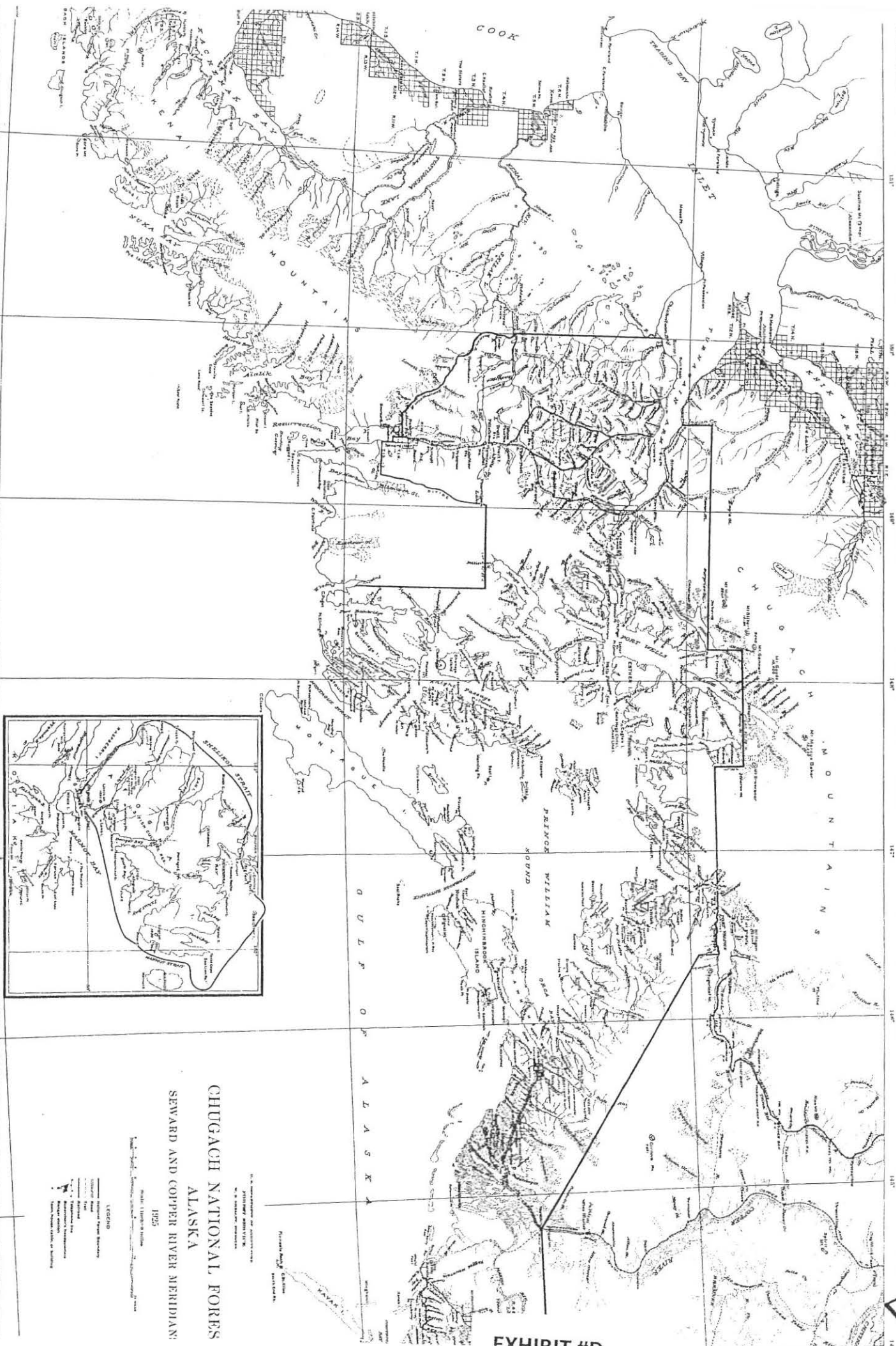


EXHIBIT #D

CHUGACH NATIONAL FORESTS
ALASKA
SEWARD AND COPPER RIVER MERIDIANS
1925

LEGEND

- National Forest Boundary
- Section Line
- Township Line
- Range Line
- Meridian Line
- Section Line
- Township Line
- Range Line
- Meridian Line

1925-1

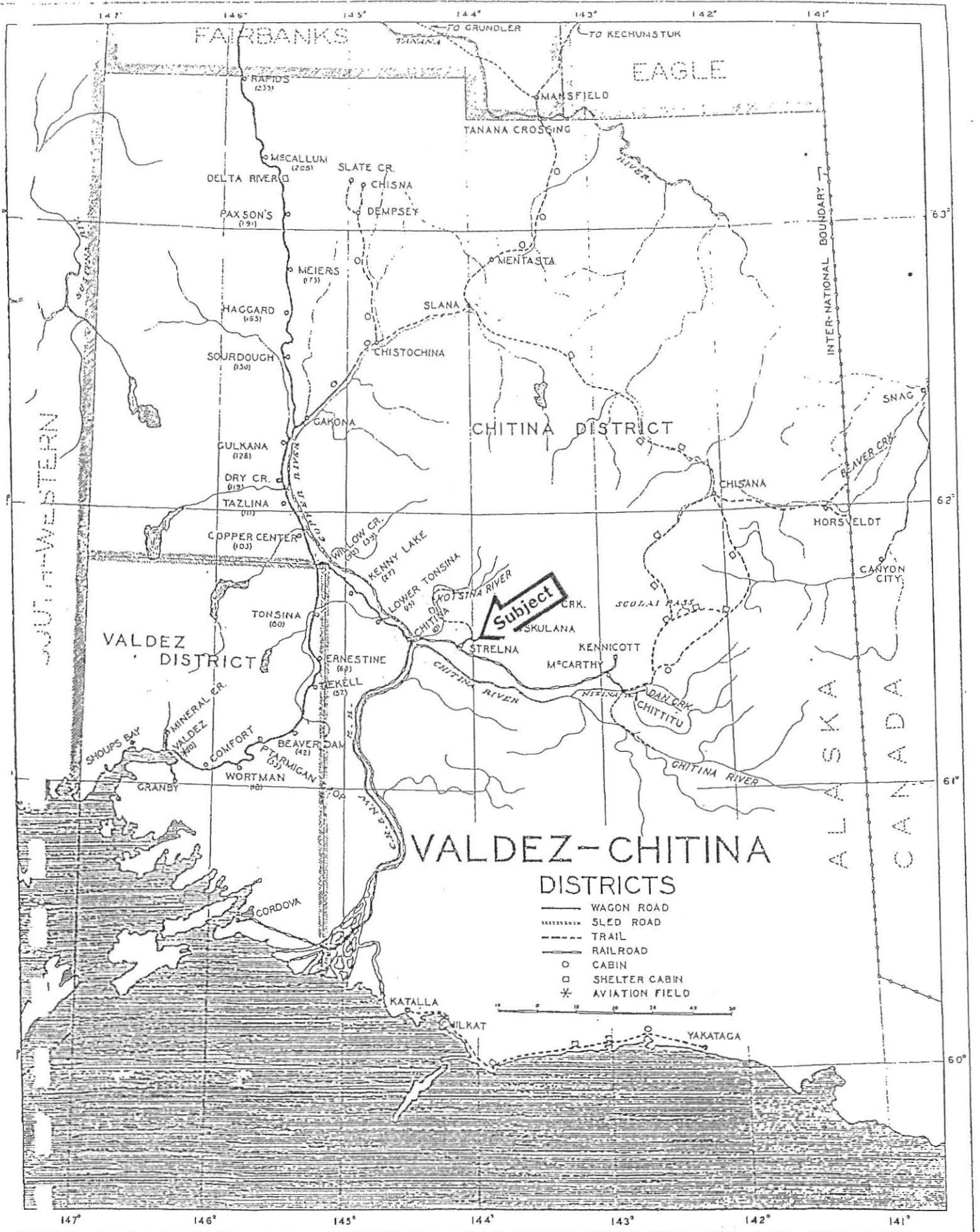


EXHIBIT #E

An Alaskan Regional Railroad - 1930's Copper River & Northwestern Railway

Click on an open link below or go to the [RAILROAD INDEX](#) to locate another Railroad

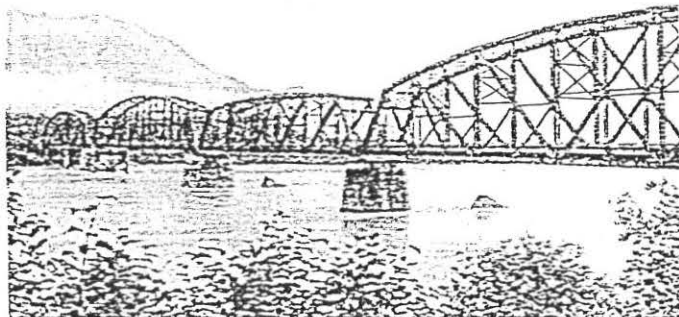
- [Rail Home](#) [Alaska Canada](#) [Chicago](#) [Chicago Connect.](#) [Eastern](#) [Midwest](#) [Southeast](#) [Southern](#) [Southwest](#) [Western](#)

The Copper River & Northwestern Railway (CR&NW) was a 196 mile long railroad completed in 1911 to transport bags of copper ore from the Kennecott Copper Mine in the eastern Interior of Alaska, to loading ships in Cordova. The CR&NW's western port terminus Cordova, and this region of Alaska, is not linked to the rest of the Alaska highway system. Access to Cordova is by airplane or by loading ferry and traveling the Alaska Marine Highway System. Construction of this line was very difficult due to extreme weather conditions and the need to build a large four span bridge across the Copper River. The line offered magnificent views of the glaciers in the region and its passenger operations included many tourists enjoying its fine panoramas. The line was quite successful due to the expanding need for copper. The mines ran out of profitable copper in the late 30's and on November 11, 1938 the mine and railroad were abandoned, except for a short segment at Cordova that serviced an air force installation until 1946. The 48 mile section of right of way from Cordova to the "Million Dollar Bridge" is paved and lead to many sightseeing paths and trails. A very fine historical museum exists in Cordova.

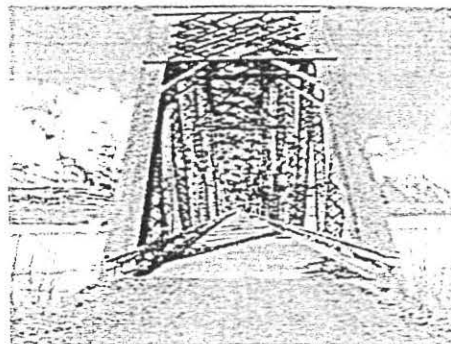
No. 1	M. Is.	December, 1930.	No. 2
	0	LEAVE ARRIVE	
8:00 A M	1.3	Cordova (Wharf) Second St. Station	8:00 P M
8:25 "	7.7	Eyak	7:55 "
8:40 "	14.5	Hanscom	7:20 "
9:03 "	22.2	Alaganik	7:00 "
9:15 "	26.2	Flag Point	6:50 "
9:52 "	38.5	Katalia Junction	6:15 "
9:57 "	40.9	Goat Mountain	6:10 "
10:20 "	48.0	Miles Glacier	5:50 "
10:45 "	54.6	Abercrombie	5:25 "
11:15 "	63.2	Moraine	4:55 "
11:30 A M	66.9	Baird	4:40 "
12:30 P M	75.5	Bremner	4:05 "
1:20 "	84.1	Cleave	2:30 "
1:55 "	92.7	Tiekel	1:55 "
2:40 "	111.3	Tranatina	1:10 "
3:20 "	124.7	Wood Canyon	12:30 P M
3:45 "	130.7	Chitina	12:00 Noon
4:15 "	137.0	Kutsina	11:10 A M
5:00 "	145.0	Sereima	10:40 "
5:55 "	157.0	Chukosna	10:05 "
6:00 "	167.0	Moose Lake	9:40 "
6:35 "	177.0	Long Lake	9:10 "
7:00 "	184.0	Port Henry	8:45 "
7:25 "	197.0	McCarthy	8:20 "
7:28 "	198.5	Blackburn	8:17 "
7:45 P M	198.5	arr. Kennecott live.	8:00 A M

Alaska time, which is a hour earlier than Pacific time.

Copper River & Northwestern - December 1930



CR&NW Copper River Bridge



Bridge with Glacier background

Short History of the Copper River & Northwestern Railway

- c 1885 - Copper was discovered at the Bonanza mine near McCarthy, above the Kennecott Glacier.
- 1900 - The Bonanza mine was finally claimed and surveyed.
- 1906 - Separate railroad projects were planned to get the copper to ports for shipment to smelters. The Copper River Railroad Co. began a line from the newly created town site of Cordova to head up the Copper River. The Alaska Syndicate, run by the Guggenheim Brothers and J. Pierpont Morgan, was building up from Valdez through Keystone Canyon.
- 1906 - The Alaska Syndicate purchased the assets of the Copper River Railway and renamed their venture the Copper River and Northwestern (CR&NW) Railway. The construction was stopped on the line from Valdez with plans to build from the town of Katalia on the Gulf of Alaska and nearby coal fields.
- 1907 - Bad storms hit Katalia, the then designated port for the CR&NW. Attempts to build breakwater fails..
- 1907 - In Cordova, railroad engineer Michael J. Heney was brought out of retirement in late 1907 by the Guggenheims to build the CR&NW from Cordova.
- 1907-08 - In the winter of 07-08 crews began building from Cordova toward the Copper River near Miles glacier at mile 51.
- mid 1908 - Trackage to mile 47 completed; short of river crossing point between Miles and Childs glaciers.

1920
Anchorage River & Matanuska Railroad

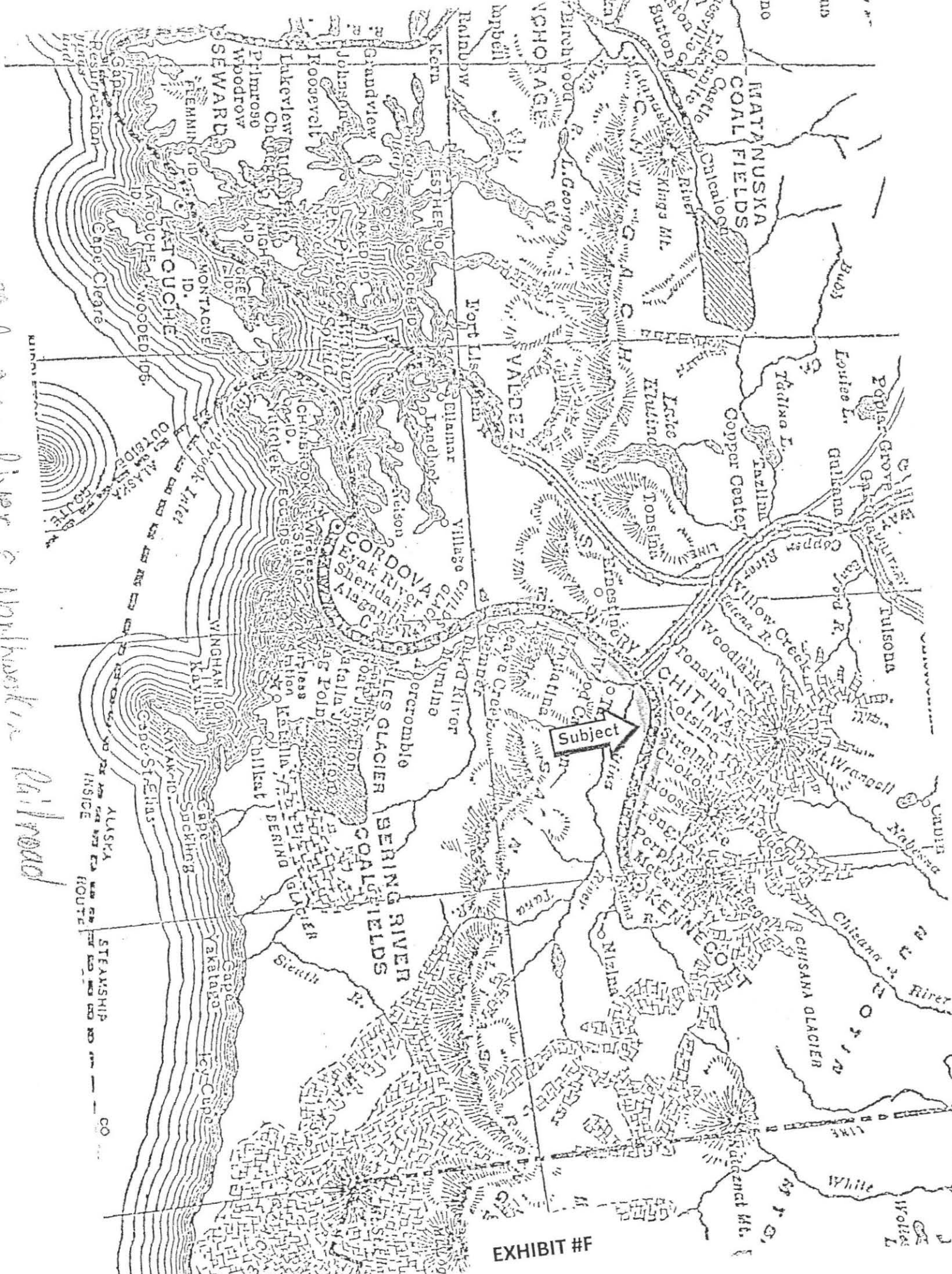
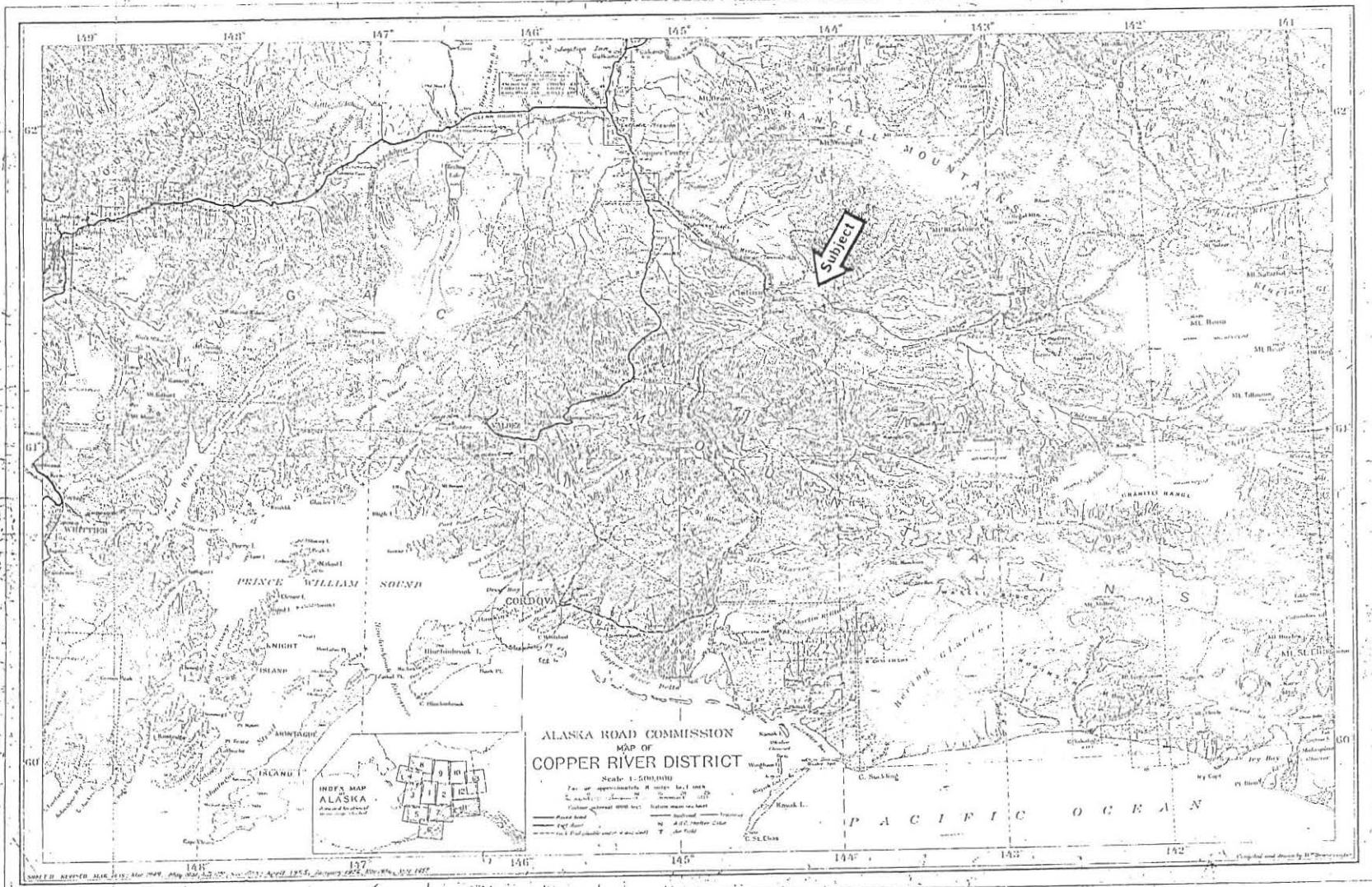


EXHIBIT #F

EXHIBIT #G

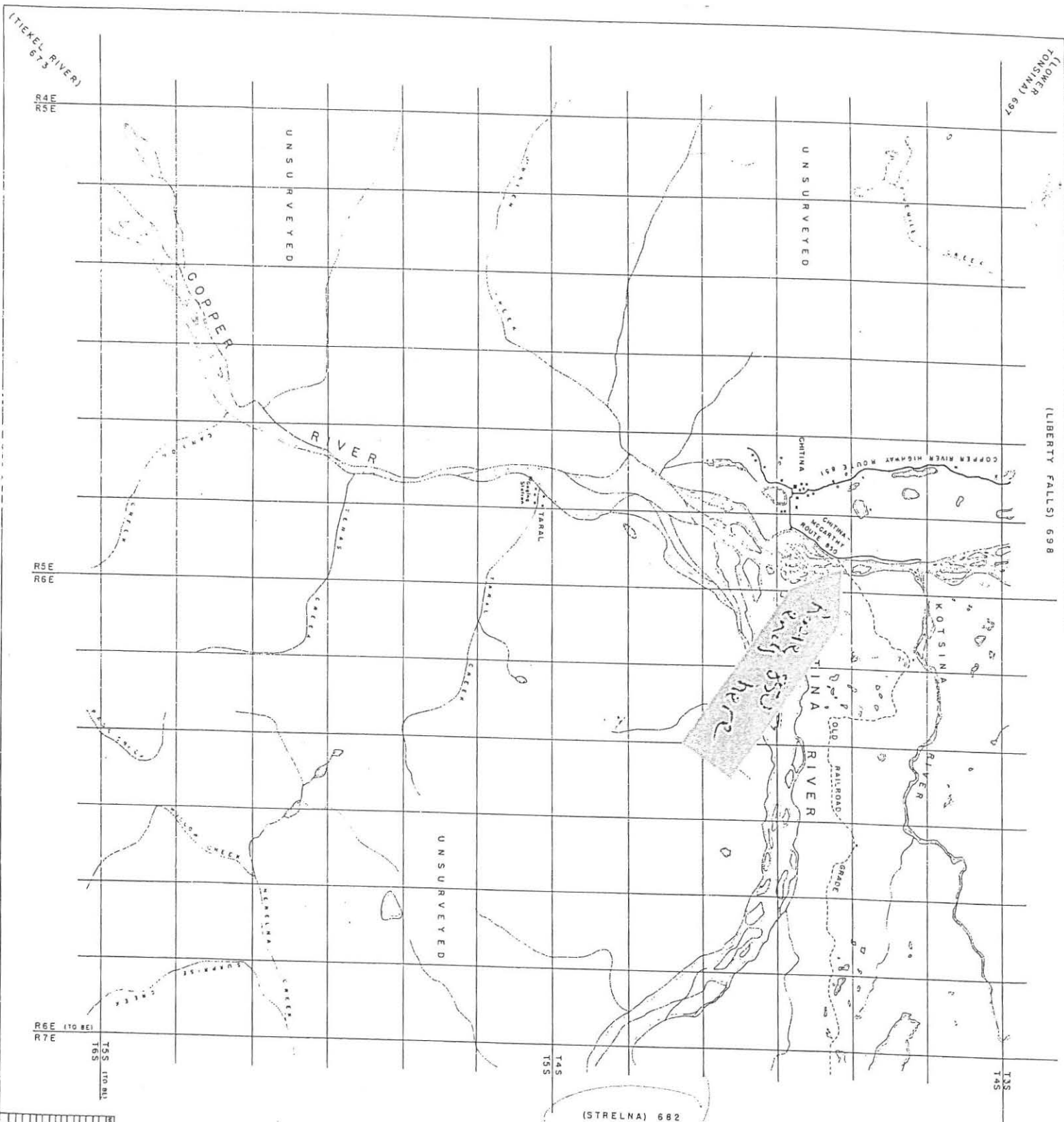


MA 1957

M

FAS Route No.	Description	Highway District No.	Constructed Mileage	System Mileage
785	From FAF Route 62 at Tetlin Junction approximately 80 miles west of Alaska-Canada Border; thence northeasterly to the Yukon River at Eagle	20	161.0	161.0
786	From a point on FAS Route 785 approximately 30 miles north of FAF Route 62 intersection; thence southeasterly to the Alaska-Canada Boundary	20	13.9	13.9
809	From a point on FAF Route 42 approximately 30 miles west of Glenallen northerly to Lake Louise	11	20.0	20.0
810	From a point on FAS Route 851 at north Chugach Forest boundary approximately 39 miles east of Cordova; thence easterly to the Bering River	11	0	40.0
837	From junction with FAS Route 839 and 851 at Cordova southwesterly to Point Whittsed	11	5.4	12.9
839	From junction with FAS Route 837 and 851 at Cordova north-easterly along the shore of Eyak Lake	11	7.1	7.1
850	From junction with FAS Route 851 at Chitina easterly to McCarthy	11	1.0	59.0
851	From the Ocean Dock at the Port of Cordova through the Town of Cordova northerly paralleling the Copper River to a junction with FAS Route 850 at Chitina; thence north-westerly to a junction with FAF Route 71	11	88.0	179.0





(TIEKEL RIVER)
673

(LOWER
KOTSIKINA) 691

(LIBERTY FALLS) 698

R5E

R5E

R5E

R6E

R6E (TO R5E)

R7E

T55

T55

T56

T54

T55

T53

T54

(STRELNA) 682

CHITINA

DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC WORKS

ALASKA
ANCHORAGE, ALASKA

VICINITY MAP NO. 683

JUNE 1939

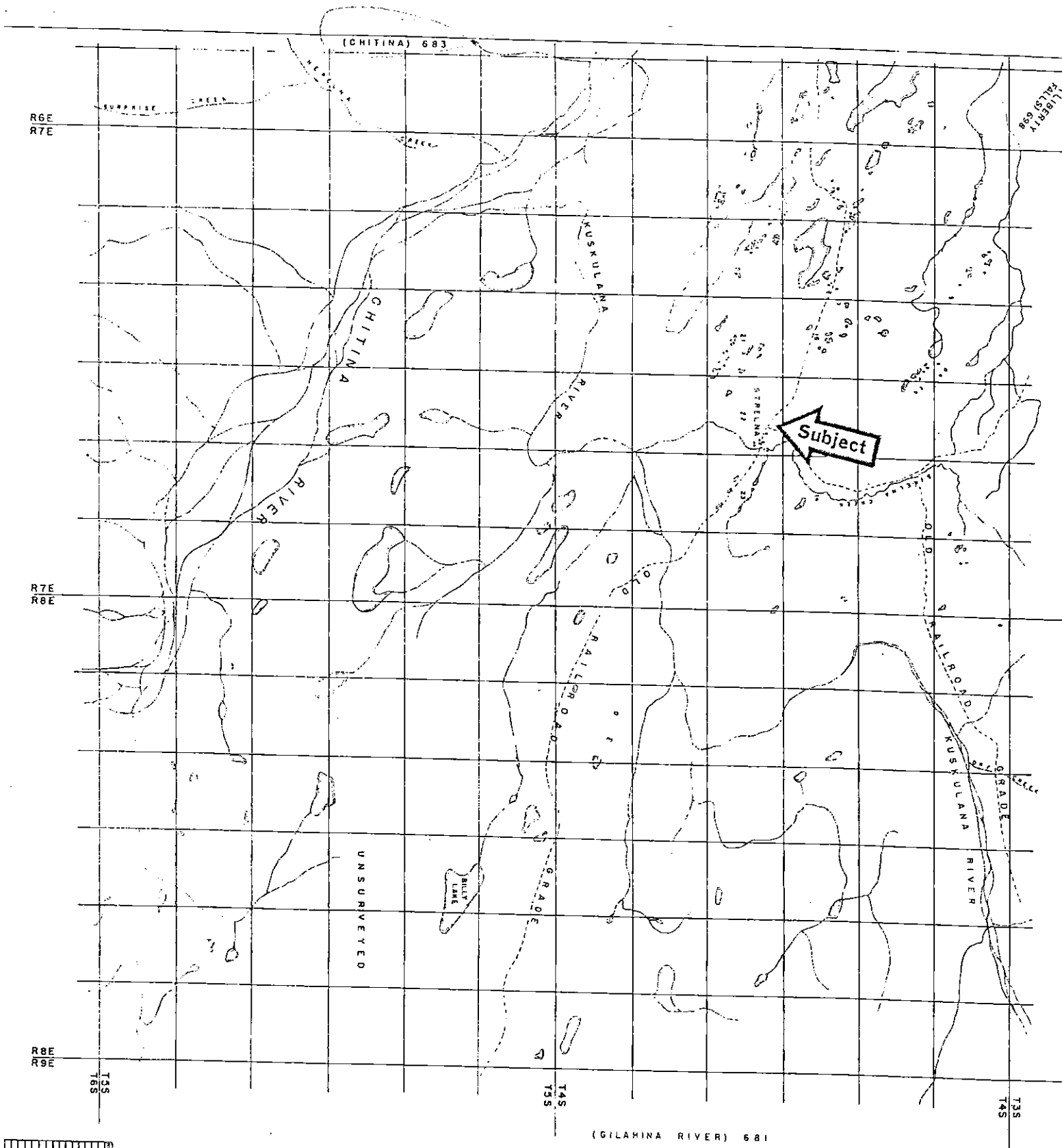
SCALE 2 1/2" = 1 MILE

REVISION	DATE	BY



EXHIBIT #1

0-7-39



(CHITINA) 683

1:100,000
698

R6E
R7E

R7E
R8E

R8E
R9E

T3S
T4S

T4S
T5S

T3S
T4S

(GILAHINA RIVER) 681

STRELINA

DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC WORKS
ALBANY, N.Y.
ANNEKEDD, ALASKA

VIENNA MAP NO. 682
MAY 1928
SCALE: 1" = 1 MILE

1	2	3	4	5	6	7	8	9	10
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1	2	3	4	5	6	7	8	9	10
1	2	3	4	5	6	7	8	9	10
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1	2	3	4	5	6	7	8	9	10

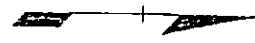


EXHIBIT #J

1963 Annual Report

Construction Projects Completed 1963 (continued)

<u>PIONEER ACCESS ROAD PROJECTS</u>		<u>LENGTH MILES</u>	<u>CONTRACT PRICE</u>
X-2104	Barrow Road	3.9	150,000.00
S-2107	Eureka-Rampart Road	4.2	46,000.00
X-3108	Chilkat Lake Road	0.5	6,500.00
SP-4009	Teller-Lost River Road	15	98,000.00
X-5107	Chitina-McCarthy Road	30	40,000.00
Total Pioneer Access Roads		63.1	437,500.00

STOCKPILED MATERIALS PROJECTS

X-2106	Stockpiled Materials, Fairbanks District	126,800.00
X-3107	Stockpiled Materials, Juneau District	27,150.00
SP-5011	Stockpiled Materials, Valdez District	82,400.00
Total Stockpiled Materials		236,350.00

CONSTRUCTION PROJECTS IN PROGRESS 1963

<u>PRIMARY ROAD PROJECTS</u>		<u>LENGTH MILES</u>	<u>CONTRACT PRICE</u>
F-021-1(10)	Homer to Anchor Point	15.321	1,620,516.00
F-021-1(11)	Happy Creek to Anchor Point	13.913	1,241,506.00
F-021-1(15)	Soldotna to Kasilof	12.791	993,709.00
F-031-1(8)	Snow River Bridges	1.547	1,037,896.00
F-031-2(11)	Bertha Creek & Kern Creek Slide Repair	1.814	576,557.00
F-035-1(12)	Big Lake Junction to Willow Creek	19.697	1,470,858.35
F-035-2(1) (5) F-035-3(1) (2) (3)	Susitna River to Division Creek	63.672	478,895.00
F-035-2(9)	Sunshine to Susitna River	5.505	781,437.00
F-035-4(3)	Cantwell to Summit	6.570	1,029,760.50

Exhibit "1C"

DESIGN

Based on contract awards, 1970 was a banner year for the Design Division. In excess of \$60 million worth of highway improvements were placed under contract. Perhaps most significant among these, the closing gaps on the Anchorage-Fairbanks Highway were finally awarded and it is expected that this highway will be open to traffic sometime in the fall of 1971. Other significant projects on which construction was started are the bridge between Sitka and Japonski Island; the Copper River bridge at Chitina, which is the first step in providing highway access to McCarthy; and the first three bridges on the Copper River Delta which constitute the first step of regaining the ground lost in the March 1964 earthquake. This last project, which represents an obligation of \$7 million of State and Federal funds, is the largest ever awarded by the Department of Highways.

The trend of Japanese interest in Alaska bridge construction, which started in 1969, gained considerable momentum during 1970. Of 22 bridges which were advertised and awarded, the fabrication of 13 is being performed in Japan. In April, the Chief Bridge Design Engineer made a trip to Japan and South Korea where he inspected Japanese fabricating facilities and conferred with leading officials of the Japanese steel industry. Although mixed emotions have been expressed regarding Japanese fabrication, the Department has learned at first hand that the Japanese shops and workmen are among the finest in the world.

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS

DESIGN DIVISION
UNIT ORGANIZATION CHART

C

DIVISION OFFICE

CHIEF DESIGN ENGINEER
DIRECTOR

LINE SECTIONS

ROAD DESIGN SECTION

ROAD DESIGN ENGINEER

UTILITIES SECTION

UTILITY ENGINEER

BRIDGE DESIGN SECTION

BRIDGE DESIGN ENGINEER

SOUTH CENTRAL

Administration

District reorganization has been finalized resulting in the formation of three line sections; namely, Operations, Preconstruction and Administration.

The Assistant District Engineer for Operations is in responsible charge of construction, resident engineer, and maintenance. The Assistant District Engineer for Preconstruction is in responsible charge of road design, location, materials, right-of-way, and utilities. The District Administrative Officer is in responsible charge of accounting, personnel, supply and services, and all district working capital fund operations.

Construction

Construction projects completed in the South Central District during 1970 have been: Nabesna Road, 1 mile; Chitina North, 8.3 miles; Cordova to Orca Access Road, 2.3 miles; for a total of 11.6 miles of new construction. Projects under construction during the 1970 year and continuing into 1971 are: Copper River Bridge near Chitina, a 1,378 foot plate girder bridge and three miles of roadway—70% complete with all structural steel in place; Copper River Bridges at Cordova—2,800 feet of bridge and 1.8 miles of roadway; Mile 18.7 to 24.4 on the Tok Cutoff; Glenn Highway Mile 118 to 126—widening, with the major portion of the work to be completed next season; Pippin Lake to Lower Tonsina—19 miles, equipment has been moved in and actual construction will take place next season. These projects represent over \$12.5 million in contracts, and 45 miles in construction.

Preconstruction

Preconstruction activities in the South Central District included location surveys of the following roads: Richard Highway—Tiekel south five miles (Mile 46 to 51); Keystone Canyon, one mile in length at Mile 14; Dayville Road "as built" survey, six miles in length; Copper River Highway—Thompson Pass to Tasnuna-Woodworth, 17 miles; Glenn Highway—Melchina Service Station Bypass, two miles, and Mile 172 to 189 was surveyed prior to paving; Edgerton Cutoff, the Lower Tonsina Bridge area was surveyed covering two miles of realignment; Tok Cutoff—the Slana to Bartell project was surveyed, totaling 8.3 miles in length. Projects surveyed by the Location Division of the South Central District total 50 miles for 1970. Also completed during the summer of 1970 were sixteen bridge site surveys. The Location Department has employed various means of transportation during the year, including helicopters, all-terrain vehicles and airboats, in addition to conventional means, to gather data for various projects. A two-week survey school was conducted early in the year to coordinate efforts and to inform crews of advancements in surveying technique. The geodimeter and electrotapes were used extensively and proved to be time-saving instruments. The reconnaissance report for Chitina to McCarthy was written and approved and the public hearing was held.

CONSTRUCTION SECTION

Construction projects completed in the South Central District during 1971 have been: Copper River Bridge near Chitina, a 1,378 foot plate girder bridge and three miles of roadway; Glenn Highway Mile 118 to 126 shoulder widening, for a total of 11 miles of completed construction.

Projects under construction are: Copper River Bridges near Cordova, 2,800 feet of bridges with 1.8 miles of roadway; Mile 18.7 to 24.4 on the Tok Cutoff; Copper Center 10 miles S.E.; Glennallen West 16 miles; Denali Highway Mile 0 to 21; Pippin Lake to Lower Tonsina, 19 miles; Lake Louise Road, 19 miles. These projects represent over \$15 million and 93 miles in construction.

PRECONSTRUCTION SECTION

Location Unit

During 1971 the location unit surveyed the Copper River Highway between Mile 33 and 42; the McCarthy Road from the Lakina River 17 miles east to McCarthy; the Richardson Highway from Sheep Creek 6 miles north and 2,000 feet vertically to Thompson Pass; the Dayville Road between 2 and 6 mile; the Valdez Glacier Stream Dike; North Harbor Drive in Valdez; O'Brien Creek Access Road near Chitina; the McCarthy Road between the Kuskulana River 13 miles east to the Lakina River. In addition to these major surveys, two pipeline crossings on the Richardson Highway at Mile 20 and Mile 35 were surveyed and a mile long change at Gulch Creek on the Tasnuna route was staked. A total of 54 miles of new surveys was completed in 1971.

Materials Unit

The materials unit completed centerline materials investigations on 31 miles of new location. They investigated 15 borrow sites, 8 rock quarries, and completed 6 materials reports. The District Materials Lab took 831 samples and completed 1,741 tests. The materials inspection unit has been responsible for record sampling and materials inspection on 9 active construction projects, and also sampling and testing for outside agencies.

Design Unit

Projects completed in design last year include the following: Thompson Pass to Woodworth Glacier; Little Nelchina River East and West; Chitina East; Copper River to Kuskulana Bridge; Tazlina South; Big Timber South; Tonsina River North and South 7 miles; Valdez Glacier Stream Dike; North Harbor Drive in Valdez; and Mile 2.6 to 18 on the Tok Cutoff. This represents 63 miles of roadway and 11 major bridges which will soon be ready for construction.

75197 The following projects are currently in the design state: Tiekel South 5 miles; Slana River to Bartell Creek; ER-39 and 40 on the Copper River Highway; Keystone Canyon; Mendeltna Creek West; Lower Tonsina to Chitina; Lakina River to McCarthy; and O'Brien Creek access near Chitina. This represents 67 miles of proposed new road and 24 major bridges in the design stage.

Right-of-Way Unit

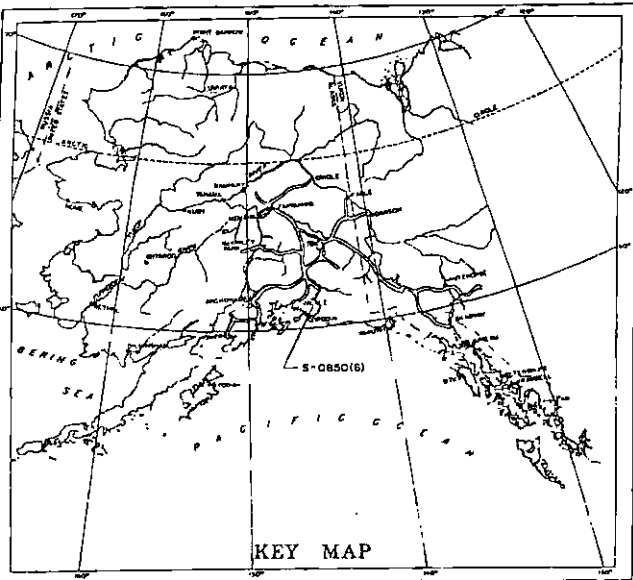
During 1971 the right-of-way unit applied for the right-of-way on 6 projects totaling 38 miles. Due to the land freeze there was no BLM land granted to this district during 1971. They have not been able to advertise any project since early spring of 1971 due to the lack of right-of-way caused by the BLM land freeze.

Utilities Unit

Utility plans were completed on Little Nelchina River East and West, Big Timber South, Tok Highway Mile 2.6 to 18, Tazlina South, and Tonsina River North and South.

In an attempt to cut down preliminary engineering costs permanent full-time employees have been reduced to the following: Design 6, Location 5, Materials 8, Utilities 2, and Right-of-Way 3, for a total of 24 full-time preconstruction employees. Summer seasonal employees working under the direction of the permanent staff are depended upon to accomplish the extensive field work during the summer.

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS
PROJECT NO. S-0850(6)



STATE OF ALASKA DEPARTMENT OF HIGHWAYS

RIGHT OF WAY MAP ALASKA PROJECT

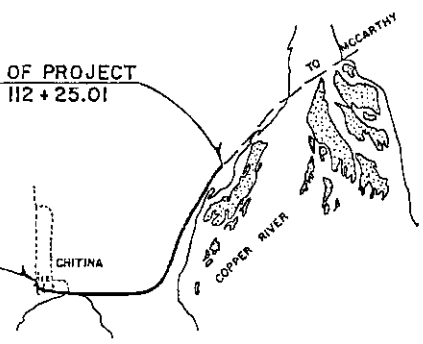
S-0850(6) CHITINA EAST

EXHIBIT #M

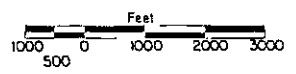
76-6
76-643
Chitina
July 17 '76
No. 26
State of Alaska
Department of Highways
Engineering
1976

END OF PROJECT
STA. 112 + 25.01

End of Project S-0851(26)
P.O.T. 2069+19.00 Bk.=
P.O.T. 63+43.25 Ah.
BEGINNING OF PROJECT



PROJECT LENGTH 0.925 Miles

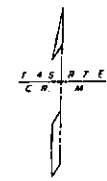
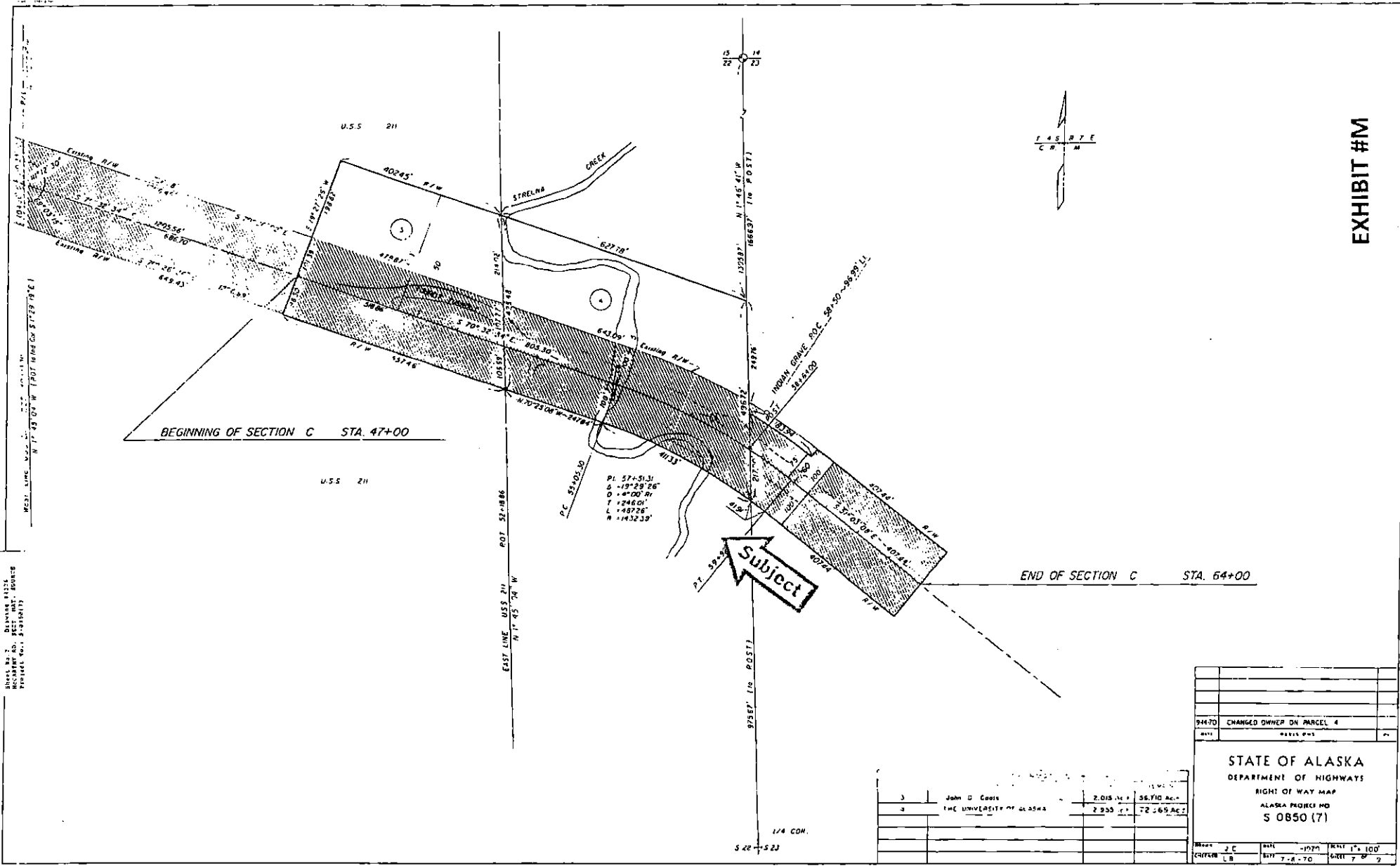


DEPARTMENT OF HIGHWAYS
APPROVED 5/27/76, 19
Date

[Signature]
COMMISSIONER

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
APPROVED _____, 19
Date

DIVISION ENGINEER



BEGINNING OF SECTION C STA. 47+00

END OF SECTION C STA. 64+00

Subject

Sheet No. 2, Division 11212, Bering River, Borough of Bethel, Alaska

3	John D. Cook	2.018 AC	56.710 AC
2	THE UNIVERSITY OF ALASKA	2.355 AC	72.669 AC

STATE OF ALASKA			
DEPARTMENT OF HIGHWAYS			
RIGHT OF WAY MAP			
ALASKA PROJECT NO. 5 0850 (7)			
Scale	2 C	Date	7-8-70
Sheet	1 B	Scale	1" = 100'

1/4 CON. S 22-5 23

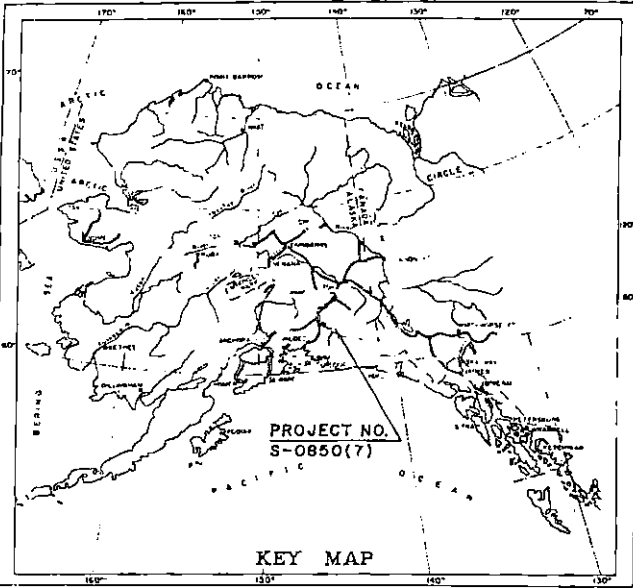
STATE	PROJECT	SPRINT NO.
ALASKA		

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS

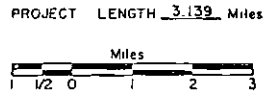
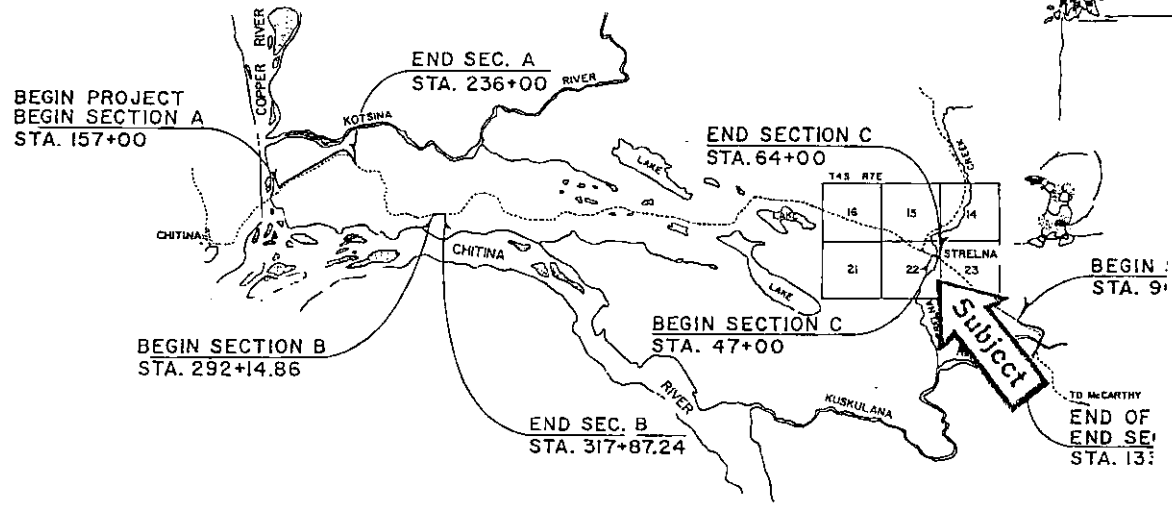
RIGHT OF WAY MAP
ALASKA PROJECT

S-0850(7)
COPPER RIVER EAST TO
KUSKULANA RIVER
(SECTIONS)

EXHIBIT #M



STATE NO. 1, DRAWING #3774
MCCARTHY NO. SECTION
PROJECT NO. S-0850(7)

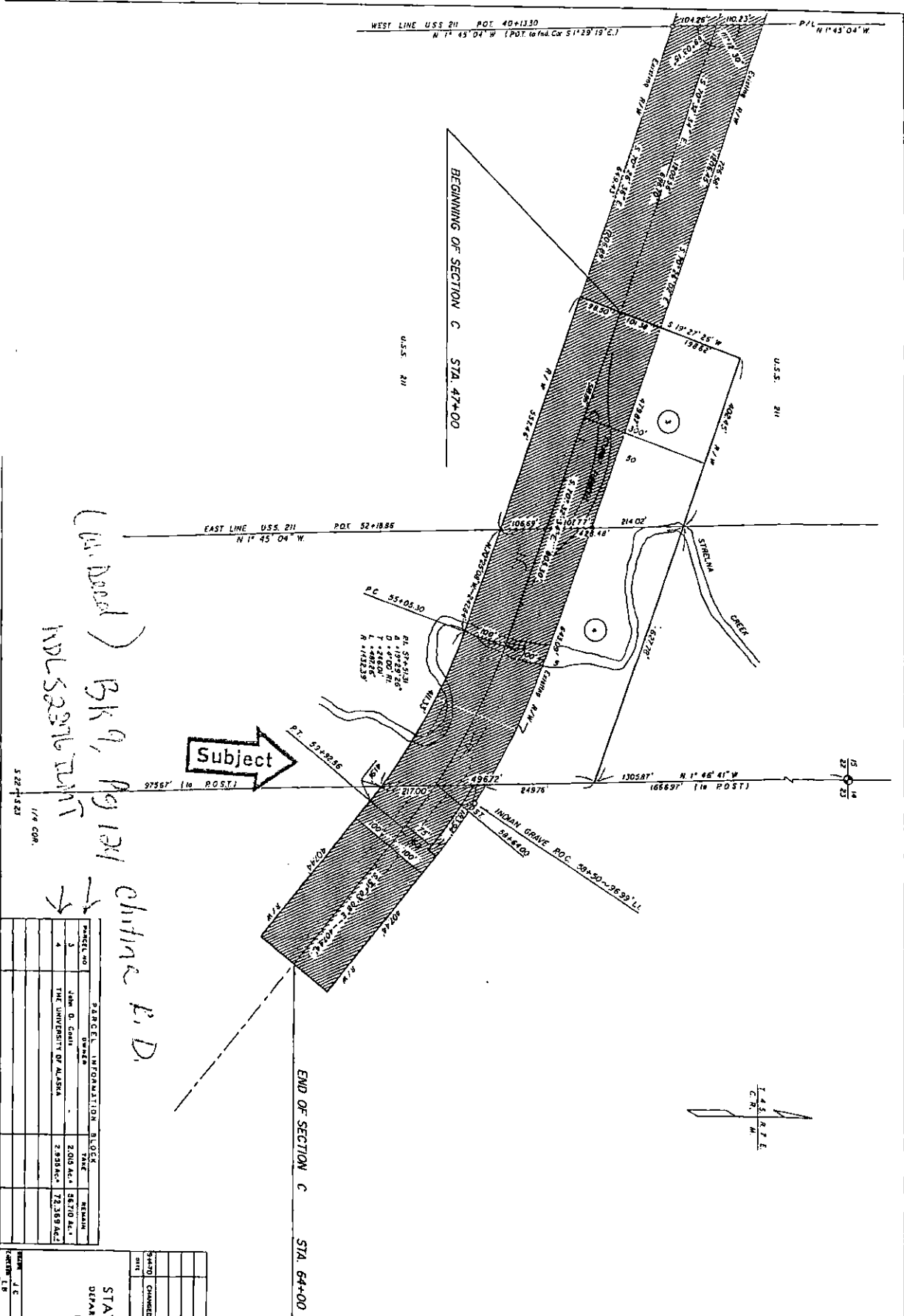


DEPARTMENT OF HIGHWAYS
APPROVED July 14, 1970
Date

J.R. Johnson
COMMISSIONER

Exhibit "M"

ATION
ATION
19
ER



(in Deed) BK 9, Pg 134
 INLS 23976 INT

chitine P.D.

Parcel No.	Owner	Area	Remarks
3	JOHN D. CORLI	2.015 AC.	SECTION 6.
4	THE UNIVERSITY OF ALASKA	2.838 AC.	72.389 AC.

DATE	BY	CHKD	APP'D
7-8-70	J.E.	J.E.	J.E.

STATE OF ALASKA
 DEPARTMENT OF HIGHWAYS
 RIGHT OF WAY MAP
 ALASKA PROJECT NO.
 S 0850 (7)

EXHIBIT #M

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
BUDGET BUREAU NO. 42-R1359.2

Land Office & Serial Number

AA-6457

File in proper Land Office

ALASKA NATIVE ALLOTMENT APPLICATION AND
EVIDENCE OF OCCUPANCY
Act of May 17, 1906 (34 Stat. 197)

1. Name of Applicant (first, middle initial, and last) **JOE ESKILIDA** Address (include zip code) **1144 E. 9th Ave., Anchorage, Ak. 99501**

2a. Are you a full mixed blood? Indian Aleut Eskimo

b. Were you born and are you now residing in the State of Alaska? Yes No

3. Sex of Applicant Male Female 4a. Are you head of a family? Yes No
b. Are you at least 21 years of age? Yes No

5. Give legal description of the lands applied for (if lands are unsurveyed, describe them in a manner sufficient to permit their ready identification on the ground)
S1/2SE1/4 Section 22, Township 4 South, Range 7 East, Copper River Meridian, containing 80 acres.

6a. Is the land applied for essentially nonmineral? Yes No (if "no," specify mineral)

b. Is the land claimed for mining purposes by any person including yourself? Yes No c. Is the land occupied or improved by any person other than yourself? Yes No

7. Have you received any other allotment under the Act of May 17, 1906, supra Yes No (if "yes," explain)

8a. From what date have you occupied the land applied for? , 19 **30** b. Are the corners marked and posted as required by the regulations? Yes No

EVIDENCE OF OCCUPANCY

1. PERIODS OF ACTUAL RESIDENCE ON THE LAND

CALENDAR YEAR	BEGAN		ENDED		IF ABSENT FROM THE LAND, GIVE REASONS
	MONTH	DAY	MONTH	DAY	
1930	CONTINUOUS				Not absent
to 1948					
1948	6		10		Return to town.
to present					

2. CULTIVATION OF THE LAND

CALENDAR YEAR	ACRES CULTIVATED	TYPE OF CROPS PLANTED	QUANTITY OF CROPS HARVESTED
		None	

3. DOMESTIC ANIMALS KEPT ON THE LAND

CALENDAR YEAR	KIND OF ANIMALS	NUMBER OF ANIMALS
1930	Dogs	7
to		
1948	None now	

4. IMPROVEMENTS

DESCRIPTION OF IMPROVEMENTS	VALUE OF IMPROVEMENTS	DATE MADE
House	Not cash now	
	\$	

5. FISHING, TRAPPING, AND OTHER USES OF THE LAND

CALENDAR YEAR	USE BEGAN		USE ENDED		TYPE OF USE	REMARKS
	MONTH	DAY	MONTH	DAY		
1910 to 1948	CONTINUOUS				Home	
1948 to present		SEASONAL			Trapping Hunting Berry picking	

Remarks (Enter here any other information showing compliance with the requirements of the law for substantially continuous use and occupancy of the land for a period of 5 years)

I resided on this land from 1910 through 1948. The house now standing is the second house my family has occupied on that land. Since the closing of the railroad, we have used the land seasonally for subsistence only. There are six existing graves, all whom are relatives, on this land.

I CERTIFY That the statements made herein are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

June 28, 1971

(Date)

Joe Eskelidala

(Signature or mark of Applicant)

(Signature of Witness)

WITNESSES MUST SIGN ONLY IF APPLICANT ENDORSES APPLICATION WITH HIS MARK OR THUMB PRINT RATHER THAN BY SIGNATURE

(Signature of Witness)

FOR USE OF BUREAU OF INDIAN AFFAIRS

I Certify Hereby That the above-named applicant is a native entitled to an allotment under the appropriate regulations in 43 CFR 2212. I further certify that the applicant has occupied, marked, and posted the lands as stated in this application and that this claim does not infringe on other Native claims or area of Native Community use.

August 17, 1971

(Date)

Ray Pennington

(Signature)

Superintendent

(Title)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

EXHIBIT #N