

Tanana Chiefs Conference

Chief Peter John Tribal Building

122 First Avenue, Suite 600

Fairbanks, Alaska 99701-4897

(907) 452-8251 Fax: (907) 459-3850

October 11, 2007

SUBREGIONS

UPPER

KUSKOKWIM

McGrath
Medfra
Nikolai
Takatna
Telida

LOWER YUKON

Anvik
Grayling
Holy Cross
Shageluk

UPPER TANANA

Dof Lake
Eagle
Healy Lake
Northway
Tanacross
Tetlin
Tok

YUKON FLATS

Arctic Village
Beaver
Birch Creek
Canyon Village
Chalkyitsik
Circle
Fort Yukon
Venetie

YUKON

KOYUKUK

Galena
Huslia
Kaitag
Koyukuk
Nulato
Ruby

YUKON TANANA

Alatna
Allakaket
Evansville
Fairbanks
Hughes
Lake
Minchumina
Manley Hot
Springs
Minto
Nenana
Rampart
Stevens Village
Tanana

NR DOT & PF -ROW

OCT 12 2007

RECEIVED

Alaska DOT & PF
Northern Region
Attn: John Bennett, ROW Chief
2301 Peger Road
Fairbanks, Alaska 99709

Dear Mr. Bennett:

Enclosed you will find documents relating to the ROW for the Alaska Highway that cross over Stephan Northway's Native Allotment.

Our office has found some discrepancies with this ROW and would like you to comment on how to go about resolving the issue. We have determined that a legal ROW for the Alaska Highway crossing Stephan Northway's allotment does not exist.

First of all, the right of way description depicted in metes and bounds does not close. This ROW was recorded in the Fairbanks Recording District, Book 439, page number 168.

According to the Report of Investigation submitted to the Bureau of Indian Affairs for this particular ROW with the State, I have found that the ROW for the realignment is pursuant to PLO 1613 and the Alaska Omnibus Act Pub. L. 86-70, 73 Stat., 141. I disagree.

My research finds that the Alaska Highway was approved by President Roosevelt on February 11, 1942 and construction began on March 8, 1942. If you refer to the Relation Back Doctrine, Mr. Northway's use and occupancy began before the approval and construction of the Alaska Highway. Mr. Northway's use and occupancy began August 10, 1930 according to his Native Allotment application. This is 12 years before approval and construction of the Alaska Highway began; and it was also before PLO 1613 and the Alaska Omnibus Act.

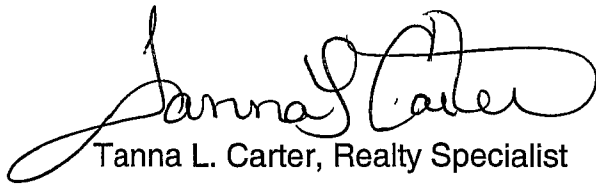
If you have any documentation proving that our office is wrong in this determination, please contact us. We would like to get this ROW issue settled.

Please contact me at at (907) 452-8251 ext. 3241.

Thank you.

Sincerely,

Tanana Chiefs Conference

A handwritten signature in black ink, appearing to read "Tanna L. Carter". The signature is fluid and cursive, with a large initial "T" and "C".

Tanna L. Carter, Realty Specialist

Tanana Chiefs Conference, Real Estate Services

45A
63)

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
TITLE SEARCH REPORT

OWNER OF RECORD USA/BLM/Stephen Northway, entryman

ADDRESS Northway, Alaska 99764

TYPE OF TITLE Federal Domain

ENTRY DATA

ENTRY DATE 5/19/70 SERIAL NO. F 12950 ENTRYMAN Stephen Northway
ADDRESS _____

PRESENT STATUS OF ENTRY Unpatented lands

PATENT DATE _____ PATENT NO. _____ PATENTEE _____
ADDRESS _____

SPECIAL RESERVATIONS OR EASEMENTS IN PATENT _____

SUBJECT TO '47 ACT? _____

DESCRIPTION:

U. S. Survey 5349 Native Allotment application

Sections 29 and 30
Township 15 North, Range 19 East
Copper River Meridian

copy of survey and BLM serial page attached

ENCUMBRANCES (List by tabulation No.) TYPE; NAMES; ADDRESSES; REMARKS:

F 010143	Haines-Fairbanks pipeline
F 13508	Alascom Communications line
F 24538	Alcan Pipeline Company
PLO 1613	Alaska Highway Right of Way 150' c/1
PL 96-487	Tetlin National Wildlife Refuge
F 14912B	Village Selection as a top-filing

DATE OF SEARCH August 9, 1983 BY Evolyn Melville

PROJECT NO. I-OA1-1(4)
PARCEL NO. 22
Sheet 1 of 1