

Subject: Re: GCI Trespass/Non-compliance with utility permit
Date: Wednesday, January 19, 2011 7:55:56 PM AKT
From: Mark Moderow
To: Jim Foster
BCC: [REDACTED]
Priority: High

Sorry, here are the attachments.
Mark

From: Mark Moderow <mmoderow@gci.com>
Date: Wed, 19 Jan 2011 19:52:29 -0900
To: Jim Foster <drwaters2@hotmail.com>
Subject: Re: GCI Trespass/Non-compliance with utility permit

Jim:

I've had a chance to review our previous correspondence, and unfortunately, don't have much to add. Once again, all options for resolution of your complaint must be measured against the current law regarding the ownership of the 1961 Material Site as explained in the Bryant and Norton cases which were cited and discussed in my November 15, 2010 letter (copy attached). You did not discuss or distinguish these cases in your most recent correspondence. Instead, your latest discussion of GCI's Permit assumes the State recognizes the validity of your claims as to the Material Site and it is clear that the State does not do so. As it is upon the current law that the State's rights and our derivative permit rights are based, it remains our position that we have not trespassed on your land.

You also did not discuss any attempts you may have made to resolve the underlying ownership issues with the State as I suggested in our previous letter, either directly or with the help of the BLM, the BIA or a third party. I have attached some redacted documents which illustrate another settlement of an allotment and State ROW issue where the State vacated highway ROW land it wasn't using in exchange for additional and different ROW land on the allotment. The settlement, approved by the BIA and accepted by the DOT, resulted in clear title for both parties of their respective portions of the allotment land. A similar settlement in your case would remove the cloud over the current state of your title to the balance of the Material Site without any further risk to you. Our offer to discuss this type of resolution remains open if you, the BIA/BLM, the Tanana Chiefs realty department, or some other representative wishes to pursue it. Also, if you can propose a legal means to ensure the *status quo* is maintained and which can lead to a resolution we will consider it expeditiously.

As we have consistently stated, GCI stands ready to address any issues promptly and will pay any proper compensation that a final resolution should call for.

Mark Moderow

From: Mark Moderow <mmoderow@gci.com>
Date: Tue, 18 Jan 2011 21:35:19 -0900
To: Jim Foster <drwaters2@hotmail.com>
Subject: Re: GCI Trespass/Non-compliance with utility permit

Jim:

In response to your phone inquiry, I have received your e-mail of January 5, 2011. Upon a quick read, I do not find any new request or any new proposal to resolve the land issues between yourself, the State of Alaska, the Federal government or GCI. I will however be in the office tomorrow. will review my previous correspondence and will send a more complete response with any new or different thoughts I can come up with

on potential-resolution.

Mark Moderow

From: Jim Foster <drwaters2@hotmail.com>

Date: Wed, 5 Jan 2011 11:50:45 -0900

To: Mark Moderow <mmoderow@gci.com>

Subject: GCI Trespass/Non-compliance with utility permit

See attached.

Thank you,