

## Galena Campion Road Beaver Creek Culvert Replacement

Surveying for Right of Way: The RFP scope only requests design and stream surveys at MP 5.3 of the Galena Campion road in support of a culvert replacement project at Beaver Creek. The surveys will necessarily include control and ROW surveys to ensure that sufficient data is acquired to meet all project requirements. Due to the constraints of the existing ROW and proximity of adjoining Native Allotments, an accurate location of the allotment boundaries, existing ROW and establishment of survey control for construction will be critical to prevent trespass. The Record of Survey titled "Control Drawing of Campion Road GPS Survey STP-0002(146)/61653" (Plat 2012-2 Nulato RC) indicates that horizontal control and several critical monuments required to located adjoining boundaries have been previously mapped by DOT&PF staff. We acknowledge that a Revocable Use Permit is required from the BIA realty contractor (Tanana Chiefs Conference) prior to entry onto the allotments for any purpose including survey or any design investigations and that the lack of a permit may result in penalties for trespass. We also note that the SOS indicates that DOT&PF will be responsible for securing the RUP and that R&M staff will not enter the allotments without a copy of the RUP in hand.

Beaver Creek crosses the Galena-Campion road through Lots 1 & 3 of U.S. Survey No. 7401 on the upstream side and through Lot 9 of the same survey on the downstream side just before draining into the Yukon River at the southerly corner of Lot 9. The apparent existing ROW for the road as indicated on U.S. Survey No. 7401 and adjoining U.S. Survey No. 13822 is 100-feet. A Google Earth measurement indicates that the existing culvert is nearly 100-feet in length or possibly longer. This suggests that one end of the existing culvert is currently in trespass and replacement would require a widening of the existing ROW or at a minimum, that a temporary easement would be necessary for construction work space for installation of even a shorter structure. The reality appears to be quite different. The Galena-Campion road aka "Tiger Freeway" connected the Galena Air Force Base with Campion Air Force Station 6.4 miles to the southeast of Galena. At the time when Campion was an operating federal facility, the road ROW was based on a "44 LD 513" federal administrative authority. There is nothing in the readily available record to suggest that this ROW was preserved. In its place an ANCSA 17(b) easement, "EIN 13 L", was reserved in the Gana A' Yoo IC No. 2336. The 17(b) easement is 60' in width and is limited to specific uses outlined for 60-foot wide 17(b) easements. The result is stated in a January 30, 2002 memo by G. Larry King, PLS, DOT&PF, regarding "Campion Road in Galena" as follows: *"In the vicinity of Beaver Creek the area between Lot 9 and Lot 2 of U.S. Survey 7401 is approximately 100 feet in width, the easement as stated is 60 feet in width, therefore it should be noted that between 30 feet from centerline to 50 feet from centerline on either side of Campion Road there exists lands which are held by the native corporation and beyond 50 feet from centerline the lands are within the lots. As you stated the ends of the large culverts do lie outside of the road, within the Lots. Any construction beyond 30 feet from centerline will require action of acquisition of a right of way or permit for construction."*

This assessment is confirmed in that the 100-foot wide corridor between the previously mentioned allotments labeled as the “Galena-Campion” Highway on the BLM Master Title Plat is also labeled as Lot 6 of U.S. Survey No. 7401. The surface estate for Lot 6 has been conveyed to Gana-A ‘Yoo, Limited in Corrected Interim Conveyance No. 2336 subject to the 17(b) easement. The sub-surface estate was conveyed to Doyon, Ltd. in Corrected IC No. 2337.

The existing ROW in the vicinity of Beaver Creek appears to be solely by virtue of a 60-foot wide ANCSA 17(b) easement. This easement is of insufficient width for both the existing culverts and the proposed project and is of limited utility. The scope of a 17(b) easement would not be sufficiently broad to include placement of utilities. In addition, the management authority for ANCSA 17(b) easements generally resides with the Bureau of Land Management unless a formal transfer of administration has taken place.

Although additional facts may be disclosed with further research, a preliminary review indicates that ROW transactions will be required with 1) BLM for the 17(b) management; 2) Gana A’ Yoo, Ltd. For a surface easement between 30 and 50-feet each side of centerline; 3) Doyon, Ltd. for a sub-surface easement between 30 and 50-feet each side of centerline; and BIA easements for any additional ROW required from the adjoining allotments.

Should DOT&PF acknowledge the need to secure and widen the existing ROW for the Galena-Campion road, R&M staff would coordinate and verify the current survey requirements for BIA easement with Marty William, PLS, BLM Indian Land Surveyor and the staff at Tanana Chiefs Conference. An initial conversation indicates that the survey requirements for a BIA easement will be substantially less stringent than the previous subdivision standards they have imposed for fee acquisition. In addition, ties to any improvements in the areas of acquisition that may be necessary to value the part acquired or damages to the remainder will be made according to DOT&PF standards.