

April 28, 1999

Re: Nome-Council Road
Right of Way Status

Bureau of Land Management
Alaska State Office
222 W 7th Ave. No. 13
Anchorage, AK 99513-7599
Attn: Ann Johnson, Chief
Branch of ANCSA Adjudication

Dear Ms. Johnson;

Recently a member of your staff called to discuss the status of the Nome-Council road in the vicinity of Safety Sound. The State of Alaska was granted a right of way for Federal Aid Secondary Class "A" Route No. 130 (Nome-Council Road) by virtue of the June 30, 1959 "Omnibus Act" Quitclaim Deed. Although the road was constructed back in the early mining days, the right of way was created by Public Land Order No. 601 dated, August 10, 1949 which reserved 200 feet for the "Nome-Solomon" road. From what I can gather, the interest doesn't seem to be in question.

Through Sections 13 & 14 of Township 12 South, Range 31 West, K.R.M., there appears to be two alignments of the Nome-Council road shown on both the USGS quadrangle maps and the BLM master title plats. The new, currently used route is to the south, while the old original road is to the north. The question appears to be – Which alignment is protected by the QCD right of way?

This issue first came to my attention in 1990 when we looked into it at the request of Sitnasuak Native Corporation. Although I haven't found much documentary evidence, I have heard that the new road was constructed after severe storms destroyed much of the old road. We have noted that both routes were shown on the 1950 edition of the USGS quad map "Solomon B-6". As the new road was in existence and operated by the Alaska Road Commission/Bureau of Public Roads prior to statehood, that is the route that I believe is protected by the "Omnibus Act" QCD. Due to its long history of use, the old road may still have a right of way by virtue of RS-2477. However, at this time I don't believe you are making references to RS-2477 in your conveyance documents.

Should you have any further questions regarding this right of way, please feel free to contact me at 451-5426.

Sincerely,

John F. Bennett, PLS, SR/WA
Right of Way Engineer
Northern Region