

ak_penguin@hotmail.com

From: Jim Cantor<Jim_Cantor@law.state.ak.us>
Sent: Monday, June 18, 2007 1:08 PM
To: Maggard, Roger K (DOT)
Cc: James E Cantor; Bennett, John F (DOT); Torgerson, John C (DOT)
Subject: Re: FW: [Fwd: Kantishna Airport]

I see no downside to your response, although I will not hold my breath waiting for a favorable outcome. Thanks. Jim

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

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>>> "Maggard, Roger K (DOT)" <roger.maggard@alaska.gov> 6/18/2007 1:53 PM >>>

Jim,

I received the below message regarding our property interest in Kantishna Airport from Jim Lomen at FAA. I requested John Bennett's position on FAA's message. John Bennet provided his response in the second message below. I discussed this issue with John Torgerson, who wants the record to clearly reflect the state's position that we claim an ownership interest in Kantishna Airport.

I am proposing to respond to FAA as follows:

It is the state's position that the State of Alaska has a valid existing right to the airport which transferred to the state per terms of the Alaska Statehood Act. As such, we object to this airport being removed from NPIAS. We do not have a long term lease for this airport with the Federal government.

I expect FAA will remove the airport from NPIAS regardless of our objection. Since you were involved in this issue previously, I wanted to get your thoughts on our response before I send it to FAA.

Below June 13 message is from Jim Lomen at FAA:

Roger / Patty,

The question has been raised Nationally about the ownership/sponsorship of the Kantishna Airport. Kantishna shows up as being owned by the Federal Government, which means it is not eligible for AIP funds unless it has a long-term lease (20 years at a minimum with 40-50 years encouraged) with an eligible public agency as the sponsor in control of the landing area. Does the State of Alaska have any kind of long term lease, and if so can we get a copy for our files. If there is no lease we will have to look at removing the airport from the NPIAS. Please let me know the status by June 25 so that I can provide a report to our Headquarters prior to the end of the month.

Thanks,

Jim

-----Original Message-----

From: John F. Bennett [<mailto:johnf.bennett@alaska.gov>]
Sent: Thursday, June 14, 2007 9:25 AM
To: 'Roger Maggard'
Cc: ethan_birkholz@dot.state.ak.us; 'Jerry Rafson'; 'Patty Miller'
Subject: RE: [Fwd: Kantishna Airport]

Roger, in late 05 there was a move to pursue title at Kantishna, May Creek and Chisana airports. Attached is a confidential email from Jim Cantor regarding the strength of the State claim and the likelihood of success.

Based on the potential legal costs and low probability of success it was decided not to pursue a quiet title action to assert title in favor of the State. JohnB

-----Original Message-----

From: Roger Maggard [mailto:roger_maggard@dot.state.ak.us]
Sent: Wednesday, June 13, 2007 10:57 AM
To: John F. Bennett
Cc: ethan_birkholz@dot.state.ak.us; Jerry Rafson; Patty Miller
Subject: [Fwd: Kantishna Airport]

John,

What is your position regarding our property interest in Kantishna Airport? Our files contain a June 3, 1994 memo from Jonathan Widdis to

the Commissioner summarizing our title interest claim to this airport that I can send to you, if you do not have it.