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UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS
4015 Wilson Boulevard
Arlington, Virginia 22203

Appeal of)
)
AHTNA, INC., et al.)
)
IBLA No. 88-589

AFFIDAVIT OF JOHN BENNETT

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

John Bennett, being first duly sworn, deposes and says:

1. I am employed by the Alaska Department of Transportation and Public Facilities (DOT/PF) at its Northern Region offices in Fairbanks, Alaska. I am employed as an Engineering Supervisor in the right of way division of DOT/PF. I am a registered Professional Land Surveyor.

2. I have examined the records pertaining to the Mentasta Spur Road in an attempt to learn when it was established.

3. I cannot locate records which show when the road was actually constructed, but it appears that construction was by the Army in 1941 or 1942. In any case, the 1945 Alaska Road Commission Annual Report makes reference to this road being abandoned by the Army, and maintenance being assumed by the Alaska Road Commission. Attached as Exhibit A is an excerpt from "Fifty Years of Highways," a publication of the Alaska

OFFICE OF THE ATTORNEY GENERAL
STATE OF ALASKA
100 Cushman, Suite 400
Fairbanks, Alaska 99701
Phone: (907) 452-1568

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Department of Public Works, Division of Highways. References in this report to the "Slana-Tok Cutoff" include what is now known as the Mentasta Spur Road.

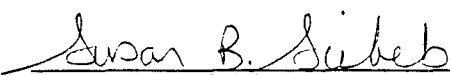
4. Also showing that the Mentasta Spur Road was in existence by 1944 are the Bench Mark notations on the USGS quadrangle map of this area. All of the monument descriptions reference the "Old Tok Cut-off Highway" and establish that the monuments were set in 1944. Attached hereto as Exhibit B is a copy of the quadrangle map with a copy of the monument descriptions. The Mentasta Spur Road is the portion of the indicated road on the map from "T32" to "L32."

5. The Mentasta Spur Road has not been abandoned by the State of Alaska. This public road is maintained by DOT/PF.



John F. Bennett

SUBSCRIBED AND SWORN TO before me this 1st day of December, 1988.



Notary Public, State of Alaska
My commission expires: _____

My Commission Expires July 16, 1990

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