

## Bennett, John F (DOT)

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**From:** Bennett, John F (DOT)  
**Sent:** Tuesday, August 12, 2008 2:20 PM  
**To:** Jarvis, Philana C (DNR)  
**Subject:** RE: Ester Dome Road RST 250  
**Attachments:** 02044.pdf; 02045.pdf; 02046.pdf; 02047.pdf; 02048.pdf; 02049.pdf; 02050.pdf; Ester Dm.pdf; Ester Dome Docs 1.pdf; Ester Dome Docs 2.pdf; ester\_dome\_fields.doc; ester\_dome\_rd.pdf; St. Patrick 1926.pdf

Philana, I've scanned a lot of documents from our files, but I'm not sure how useful they will be. They should fill in some of the blanks regarding the difficulty we had within USS 4004. The attachments listed by number represent our ROW plan sheets for FAS 6491 – Henderson and Ester Dome Road. Sheet 02045 shows the alignment of the road as it goes through USS 4004. Basically they argued that there never was a public road going through that survey. We argued through the AG's that it was either RS2477 or a prescriptive easement. It got kind of ugly and this was back when we had a state Ombudsman. The Alaska Ski Corp who owned the property filed a complaint with the Ombudsman and the Attorney General over our assertion and the Asst. AG who was assigned to the case. I copied all of that stuff in the Ester Dome Docs 1 & 2 pdf files so you can see what the historical references were to. The one MS Word Doc relates to a draft memo I sent to the Tort AG's regarding a truck accident on Ester Dome road. I made reference to multiple references in the old Alaska Road Commission reports to the road. Although I didn't have copies in the file, if needed we could dredge those up again. Unfortunately, we don't have much in the way of old maps, although I attached one interesting 1926 map of St Patricks road just for fun. The remaining docs Ester Dm.pdf and Ester Dome Rd.pdf relate to some of the activities long after this Alaska Ski Corp Case. As a part of a settlement they quitclaimed a ROW for an alternative alignment for access through the property. They had the obligation to construct the new road to our specs which they have never done. So the public still continues to use the original road. The ASC representative comes back every couple of years to argue that they should be released from this settlement as they were misled by both their own attorneys and ours. Nothing has changed so far. Anyway, I will let you digest this info and see if there is anything worth adding to your file. Let me know if there is anything else I can help you with. Thanks, JohnB

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**From:** Jarvis, Philana C (DNR)  
**Sent:** Friday, August 01, 2008 3:19 PM  
**To:** Bennett, John F (DOT)  
**Cc:** Howard, Shari K (DOT)  
**Subject:** RE: Ester Dome Road RST 250

Hi there.

We will be asserting the Equinox Marathon Trail in its entirety.

I have attached the overlay map that Steve Taylor in Fairbanks gave to Erik Johnson before he left the PAAD Unit.

Also, I have attached the maps pertaining to the Ester Dome – Nugget Creek Trail – RST 1602.

The Equinox Trail actually merges with it temporarily. I had concerns about the Equinox Marathon Trail section that runs through an area that is mapped as “federal action” – but from the dates on the plats as attached, the road was well established prior to FLPMA.

There is also another issue – with a trail named Ester Dome Road – RST 250 – that has “hold” written on it, and never developed into a full file.

There is a large gap in the documents. A note from 1989 says it is in Litigation – and then a brief note from 1995 that says it is a “QCD”.

I don't believe we will need all of the documentation you have – however, in order to fully assert the Equinox Marathon Trail to the state, I may need access to DOT map documents and plats – to prove that the trail/access road was there and in use. There are also several surrounding trails as well.

Thanks for any and all help you can provide.

Philana

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**From:** Bennett, John F (DOT)  
**Sent:** Friday, August 01, 2008 2:12 PM  
**To:** Jarvis, Philana C (DNR)  
**Cc:** Howard, Shari K (DOT)  
**Subject:** RE: Ester Dome Road

Philana, I think in this situation you did contact the right person. We had an extensive legal battle in the '80's regarding the portion of Ester Dome over a US Survey at the near the peak. I'm pretty familiar with the file, and that it is an extremely large file. First I would like to see the extent of your research project for the Ester Dome road. Can you email up a map that shows the limits of your research. That would let me focus on a specific area. JohnB

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**John F. Bennett, PLS, SR/WA**

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**From:** Jarvis, Philana C (DNR)  
**Sent:** Thursday, July 31, 2008 1:09 PM  
**To:** Bennett, John F (DOT)  
**Cc:** Howard, Shari K (DOT)  
**Subject:** Ester Dome Road

Hello Mr. Bennett.

I am truly sorry for the error in my phone call this afternoon.

Do you have an assistant I could contact regarding other DOT matters in order to obtain information about the Ester Dome Road in Fairbanks? I am working on an RS 2477 Assertion Project for the Equinox Marathon Trail.

Again, I am truly sorry.

Philana Jarvis

*Philana Jarvis*

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