

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF COMMUNITY PLANNING

Date:	9-17-82	Initial:	JSH
JAY S. HAMMOND, GOVERNOR			
REPLY TO:			

POUCH B  
JUNEAU, ALASKA 99811  
(907) 465-4750

225 CORDOVA STREET, BLDG. B  
ANCHORAGE, ALASKA 99501  
(907) 264-2206

(907) 264-2255

September 15, 1982  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 200 011 231

Mr. Gary Thurlow, Manager  
Matanuska-Susitna Borough  
631 South Valley Way  
Palmer, AK 99645

Dear Mr. Thurlow:

Enclosed is a proposal that has been made by Knikatnu Inc. regarding its obligations under Section 14(c)(3) of the Alaska Native Claims Settlement Act.

Pursuant to Departmental regulation, 19 AAC 90.015(2) (copy enclosed), we must begin consultation and evaluation procedures to determine whether the tender should be accepted. This process must be completed and a decision must be made no later than December 28, 1982.

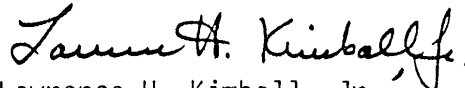
Before making a determination as to whether to accept the tender, we must consult with a meeting of the village residents to determine their views on the tender. In determining whether to accept the tender, we will take into account those views expressed by the village residents. The village meeting will be held in accordance with Departmental regulation 19 AAC 90.220-.240. We will inform you when this meeting is scheduled.

Additionally, since the village of Knik is within the boundaries of the Matanuska-Susitna Borough, we must also consult with the Borough before making a determination (19 AAC 90.020). Therefore, we are requesting that the Borough submit its comments on the proposal to this office by October 31, 1982.

Mr. Gary Thurlow  
September 15, 1982  
Page 2

If you have any questions or would like to arrange a meeting on this matter please let me know.

Sincerely,



Lawrence H. Kimball, Jr.  
Municipal Land Trust Officer

cc: N. R. Goodman, Manager  
Knikatnu, Inc.

Mr. Rod Schulling, Planning Department  
Matanuska-Susitna Borough

Mr. Bailey Theodore, President  
Knik Village Council

# KNIKATNU INC.

P.O. Box 2130  
Wasilla, Alaska 99687  
Phone: 376-2845

RECEIVED

AUG 01 1982

DEPT. OF COMMUNITY  
AND REGIONAL AFFAIRS

RECEIVED

AUG 01 1982

DEPT. OF COMM. & REG. AFFAIRS  
DIV. OF COMMUNITY PLANNING

Re: 14C (3) reconveyance  
written Tender

Lee McAnerney  
Commissioner  
Dept. of Community & Regional Affairs  
Pouch B  
Juneau, Alaska 99811

Dear Ms. McAnerney

As you are well aware Section 14(C)3 of PL 92-746 requires that some portion of village land entitlement be set aside for municipal purposes.

The Alaska National Interest Lands Conservation Act however has modified the amount of land which might be transferred to some vague amount to be agreed between the Village Corporation and Municipal Corporation or the State in trust.

As there is no Municipal Corporation we have, in accordance with 19ACC 90.020, attempted to negotiate with The Mat-su Borro and representatives of the Community & Regional Affairs a potential agreement to satisfy the Municipal Lands Trustee requirements.

These meetings have been going on since December of 1980. No progress is being made and we therefore are, in accordance with 19ACC 90.015 (2), making the following written tender for settlement of KNIKATNU Inc's 14(C)3 responsibilities.

1. The lands of KNIKATNU Inc. are non-contiguous, widely scattered and are not of a pattern of selection which restricts municipal development.
2. The majority of lands near the old village of Knik are already in private, Borough or State ownership; therefore providing adequate development opportunities for non-native and municipal development.

Therefore KNIKATNU Inc. makes tender that no lands be transferred to the state for municipal purposes under 14(C)3 of PL 92-746 as modified and that such tender be considered full & complete satisfaction of KNIKATNU responsibilities under 14(C)3 as modified.

Thank you for your consideration.

Very truly yours,



N.R. Goodman,  
Manager



# Matanuska-Susitna Borough

BOX B. PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF ADMINISTRATION

January 6, 1982

Judy Marquez, Director  
Division of Parks  
Department of Natural Resources  
619 Warehouse Avenue  
Anchorage, Alaska 99501

*Division of Parks*

JAN 14 1983

Dear Ms. Marquez:

Subject: RIGHT-OF-WAY ACQUISITIONS ACROSS SPECIFIC PRIVATE  
PARCELS FOR IDITAROD TRAIL

Today Ed Frandsen, Chairman, Trails Committee, Knik Chapter Iditarod Trail Blazers, Inc., reviewed with me a map that shows a number of private properties which are traversed by the Iditarod Trail between Goose Creek and Burma Road. The exact location of the Iditarod Trail as it crosses these parcels should be established through a survey that will provide enough information to prepare property descriptions for portions of the trail that cross privately owned land, parcel by parcel.

Right now, you can see portions of the trail on an aerial photograph; however, in order to have a document that could be used in a legal proceeding or for purposes of negotiation with property owners for right of way conveyances, it would be necessary to locate the trail with respect to existing property lines. This will require a survey.

I think that the highest priority should be given to surveying the centerline of the trail across private lands and that this is a more urgent task than surveying the centerline of the trail as it crosses state and borough owned lands. The reason for this is that it takes much more time to establish and acquire right of way across private lands than it does across public lands and because it is much more probable that a private property owner will attempt to block passage through privately owned land than it is likely that the state or borough would attempt to do such a thing or inadvertantly cause such a thing to happen through a conveyance that ignores the Iditarod Trail.

If there are limited monies for surveying, I would hope that surveying of right of way across private lands will have the first call on available monies. Most of these private properties are along the first ten miles of the trail between the Old Knik Village site and Burma Road.

My understanding is that the Division of Parks, working through the Division of Technical Services and the State Department of Natural Resources, has solicited proposals for surveying services and is now negotiating with a firm to do survey work for that portion of the trail between Goose Creek and Susitna Station. I hope that the contract includes survey of a center-line across privately owned lands as well as across State and Borough owned lands. It would be a mistake to just survey publicly owned lands as privately owned and publicly owned lands are interspersed and it would be more economic to do all of the survey work across all of the parcels at the same time.

Among the private properties that require early attention are:

1. The Schauer mann property which is the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 26, Township 16 North, Range 4 West. Again, the trail has been used without complaints from any of the owners of this property.

2. Schauer mann property which is in the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 27, Township 16 North, Range 4 West. No one has talked to anyone with an ownership interest in this land. It has been used as a passage for the Iditarod Trail. No complaints have been received.

3. Griffin Enterprises Seven Mile Ridge Subdivision which is a quarter of a mile east of Burma Road and which has access to Burma Road by an east-west section line road called Moore Road. The Iditarod Trail is shown as crossing Lot 1 of Block 4 of Seven Mile Ridge Subdivision. It would be necessary to discuss continued access through this southernmost portion of the subdivision with Griffin Enterprises, Inc., the owner. There has been no previous contact with Felton H. Griffin on the Iditarod Trail and there is no reference made to the Iditarod Trail in the preliminary plat filed in 1978. Charles Tulin, an Anchorage lawyer, apparently had an interest in this corporation at one time and may still have an interest.

4. Benjamin Cowart property, a 160 acre parcel. The Iditarod Trail crosses the W $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 27 and the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 28, Township 16 North, Range 4 West.

Burma Road runs in a generally north-south direction through the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 27, Township 16 North, Range 4 West. Mr. Cowart has taken a position that he does not want either dogs or skiers crossing his land.

5. The Chester Anderson property which is immediately north of Jewel Lake, and which lies within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21. There has been no contact with the owner with respect to use of a trail across the land and no complaints.

6. Shelton, Inc. which is NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 16 North, Range 4 West. No contact with owner.

7. The Mark Rauch property which is the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 16 North, Range 4 West. No contact with owner. (Note: This and foregoing property was formerly owned by Robert L. Smith.)

8. Schauer mann, W., Fugs M & H, the parcel in NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 26 immediately west of a small unnamed lake south of Seven Mile Lake. The Iditarod Trail is shown as barely crossing the northwest portion of this small parcel. No contact has been made with the owner and no complaints have been received.

I am attaching maps showing the first seven miles of the Iditarod Trail from the old Knik Village site to Goose Creek together with computer printouts showing ownerships. The numbers on the map correspond with circled numbers on the printout. That portion of the trail should also be looked at from the standpoint of passage across individual private properties.

To my knowledge, there have been no complaints by private property owners with respect to the use of the first seven miles of trail, except from the Kniknatu Corporation, an Alaska Native Village Corporation, which blocked the trail at the beginning of the trail within a seventeen acre parcel selected by the Village Corporation on Knik Road last year requiring the Iditarod Trail Race people to use a different route. (We are negotiating with the Knik Village Corporation as to a trail across this parcel and have formally asserted rights to this trail under both Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA) and a 1866 federal public roads reservation act.)

Some of the private parcels have changed hands in recent years and new owners may take a different position with respect to the Iditarod Trail than did previous owners. About one-third or half of the lands crossed during this first ten miles are Borough owned lands and any effort to locate the centerline of the Iditarod Trail across Borough owned lands and locate the trail with respect to existing Borough property lines would almost inevitably result in the centerline description that would be useful in completing centerline descriptions for the privately owned parcels between Borough parcels.

Could you tell me if the State of Alaska Department of Natural Resources is willing to focus its effort on the Iditarod Trail as it crosses privately owned lands? I think that the answer to this question is important, because if you are going to have a trail secured for public use anytime within the foreseeable future, you have to start with private lands, including negotiations with the property owners for right of entry for surveying purposes and with respect to documents granting trail

easements. Where as many property ownerships are involved as is the case here, it is a certainty that it will be necessary to file several lawsuits to quiet title in the public to portions of the trail as it crosses privately owned lands.

I would hope that these actions would be filed at one time so that they can be handled as a group and so that the trier might obtain a larger view of the issues than he would obtain if right of way across just one parcel were being considered. We will know whether it will be necessary to file a quiet title action against the Knik Village Corporation sometime in March 1983, so you would probably want to withhold filing of any legal actions to private parcels until we know if we will have to file against the Village Corporation. If we do have to file against Knik our filing should be on the same day and in the same court as the State's filings.

Sincerely,



Gary Thurlow  
Borough Manager

er



# Matanuska-Susitna Borough

BOX B. PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF ADMINISTRATION

January 6, 1983

## MEMORANDUM

To: File - IDITAROD TRAIL

From: Gary Thurlow, Borough Manager *gt*

Subject: IDITAROD TRAIL

Today, January 6, 1983, I met with Ed Frandsen, Chairman, Trails Committee, Knik Chapter, Iditarod Trail Blazers, Inc., P. O. Box 666, Wasilla, Alaska, phone 376-5898.

Mr. Frandsen explained that the Iditarod Trail Blazers, Inc. was formed in 1973 and was incorporated in 1983. They have about 50 members, mostly skiers, hikers and dog mushers. They have six directors. They have a number of chapters, including a Seward Chapter organized in 1982, a Nome Chapter and a Knik Chapter for the Mat-Su area. Each chapter can designate a board of directors. The Iditarod Trail Blazers, Inc. has a six member Board of Directors.

They were planning a cross country ski event on February 11-13 to start at Knik and go to Skwentna. They expected about 25 to 30 participants. They will probably cancel this ski race, partly because the trail goes across one or more private parcels where the owners oppose use of the trail for ski purposes. This includes a Mr. Cowart, who owns a parcel that straddles Burma Road. Mr. Cowart entered this parcel as a homesteader in 1958-59 and obtained his patent in 1965.

Mr. Frandsen indicated a particular interest in seeing action taken to establish rights-of-way across the private properties which are traversed by the Iditarod Trail.

His particular organization has an interest in more than just the annual Iditarod Race. They look at the trail as being a "trail for all seasons and for all reasons".

One particular year-round use they have in mind is a cross country trail that could be used very similarly to the 34 mile U. S. Forest Service Resurrection Pass Trail from the Sterling Highway just east of the Russian River Campground north to Hope on Cook Inlet. The U. S. Forest Service trail has five or six cabins along this trail. The trail is heavily used summer and winter.

*Gary Thurlow*

