

MEMORANDUM

State of Alaska

TO: DEPARTMENT OF NATURAL RESOURCES
John Wiles *Wiles*
Chief of Planning

DATE: DIVISION OF PARKS
May 24, 1982

FILE NO: 2420-14

TELEPHONE NO:

FROM: Terry O'Sullivan
Trail Coordinator

SUBJECT: Public Use of Iditarod
Trail--Vicinity of Knik

SITUATION SUMMARY

On May 13, 1982, John Merrick, Area Manager, Peninsula Resource Area, BLM, and I investigated the Iditarod Trail/Knikatnu Village conflict at Knik. Merrick and I verified the fact that the trail known as the "Iditarod Trail", does cross Knikatnu Village Corporation lands, as well as other private lands in the vicinity. The investigation was prompted by Knikatnu Village Corporation physically blocking the trail, posting "no trespassing" signs and warning the Iditarod Trail Committee that they would not be allowed to use the trail where it crossed Knikatnu Village lands.

Though no other protests or barriers have been raised by other private land owners in the area, the trail also passes through other privately owned land in the Knik area.

The issue that is being raised by the public, primarily Joseph Redington, Sr., "Does Knikatnu Village Corporation or any other private land owner have the right to deny the public the right-of-way on the Seward to Nome (Iditarod) Trail?" Since the issue seems to be very complex legally, the U.S. Department of Interior Solicitor's Office and the State of Alaska's Attorney General's Office should be involved as soon as possible.

CHRONOLOGY--IDITAROD TRAIL--KNIK VICINITY

- 1898 George Palmer operated the Alaska Commercial Company supplying active mining in area (Iditarod Trail Annual, 1979, pg. 45).
- 1904 A Post Office was established at Knik (Orth, 1097, pg. 533).
- 1909 Roadhouse at Knik opens to accommodate travelers passing through Knik to the interior. (Alaska Historic Resource Survey). Route known as "Iditarod Trail."
- 1911 The Alaska Road Commission constructed and maintained the Seward to Nome Trail ("Iditarod Trail").
- 1914 The Government Land Office status plat for Township 16N. Range 3W. shows the Iditarod Trail passing through Knik.
- 1918 The Knik Townsite and Cemetery was established at Knik under the provisions of the Act of Congress approved June 28, 1918.
- 1919 Roadhouse and Post Office close at Knik.

- 1926 The Knik Townsite and Cemetary was surveyed by U.S. Cadastral Engineer (U.S. Survey No. 1726) (Approved by Public Survey Office, March 4, 1932).
- 1948 Joseph Redington, Sr., began using this portion of the trail and has used it continually since Redington reports he was shown "The Iditarod Trail" from Leon Excelson, Knik homesteader, mail carrier between Knik and Rainy Pass and operator of roadhouses along Iditarod Trail at Happy River, Little Susitna (Halfway Roadhouse) and Knik.
- 1949 Homestead Entry 251101 patented (Number 1126619) with provision of "right-of-way reserved for roads, roadways, highways, tramways, trails. . . .
- 1967 First sled dog race held over this portion of the trail.
- 1971 Alaska Native Claims Settlement Act.
- 1973 Alaska Department of Transportation identifies this trail on "Alaska Existing Trail System."
- 1976 In BLM State Directors Memo, Easement Identification Number 8, D.-9, D-1, L is identified as Iditarod Trail in Section 24.
- 1978 National Trails Act amended (Public Law 95-625) designating Iditarod Trail as a National Historic Trail.
- 1979 On June 28, the surface estate of lots 1, 3, 6 to 11, inclusive were patented to Knikatnu, Inc., pursuant to Sec. 14(a) of ANLSA of December 18, 1971. (Patent Number 50-79-0104). No specific right-of-way or easement for the Iditarod Trail is identified in the patent document.
- 1982 In March, Knikatnu, Inc., barricades the trail through Lots 5, 6, 7 and warns Iditarod Trail Committee not to trespass.

LAND STATUS-IDITAROD TRAIL-KNIK VICINITY

The "Iditarod Trail" transects a one-acre lot owned by the Natanuska Susitna Borough. The lot (D7) is managed as a historic site and is the location of Knik Hall, a highly significant historic site on the Iditarod Trail. (See Sketch Map #1.)

At the exterior boundary property line (connecting corners 8 and 9) of Knik Townsite and cemetary, the trail enters Lot 5. A "no trespassing" sign and barrier is located at this line. Lot 5 has not yet been patented to Knikatnu.

The "Original Trail" (according to Redington) passes from Lot 5 to Lot 6. (Lot lines between 5 and 6 not located by Merrick and O'Sullivan on 5/13/82.) The original trail crosses a swamp area, while an alternative route goes around the swamp on dry ground and meets the original trail in the vicinity of the lot line between Lots 6 and 7. Lot 6 has been patented to Knikatnu, Inc.

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The trail in Lot 7 passes to within 25 yards of the cemetery. An obviously depressed trail tread exists and the route is also obvious through the wooded area. The trail leaves Lot 7 and the Knik Townsite and Cemetery line on the property between corner 10 and corner 11, 34.5 feet from corner 10. Lot 7 has been patented to Knikatnu, Inc.

The "Original route" crosses the Knik Townsite and Cemetery for approximately 900 feet.

From the patented Knikatnu land, the trail crosses additional private land. Lot C-10, a portion of original Homestead Entry 251101, is traversed by approximately 1200 feet of the Iditarod Trail. A portion of the trail corresponds to the road used by the land owner. According to Redington, the land has recently been purchased for subdivision purposes.

Lot C-8, also a portion of original Homestead Entry 251101, is traversed by approximately 1500 feet of the Iditarod Trail. Current ownership information has not been researched. (See Sketch Map 2.)

Lot A-9, in Section 23, patented to the State of Alaska in 1967 (Patent No. 50-670197) contains approximately 1300 feet of the Iditarod Trail and 1200 feet of a connecting trail. A 300 foot wide right-of-way application (200644) (Patent No. 50-79-0056) (See Sketch Map 2).

At the boundary of the Lot A-9 and the State of Alaska land, the "original" trail is protected by a 300' right-of-way specifically for the Iditarod Trail.

SUMMARY

In summary, nearly the first mile of the Iditarod Trail out of Knik passes though patented land with no officially designated right-of-way or easement. Additional portions of the trail beyond this segment also are in a similar status.

On May 7, 1982, the Iditarod National Historic Trail Advisory Council made a motion to request legal opinions from the D.O.I. Solicitor's Office and, the State of Alaska's Attorney General's Office regarding the public right to use the Iditarod Trail across patented lands in general and these lands specifically.

This memorandum should initiate that request by the Council.

Attachments:
Sketch Map 1
Sketch Map 2

Terry O'Sullivan

KNIK LAKE

C-10

C-9

COR 9

COR 10

CEMETARY

PRIVATE DRIVE

D7

OLD KNIK-WASILLA ROAD

KNIK HALL

GOOSE BAY ROAD

Core

9

KNIK TOWNSITE & CEMETARY

U.S. SURVEY
NO. 1726

SKETCH MAP 1

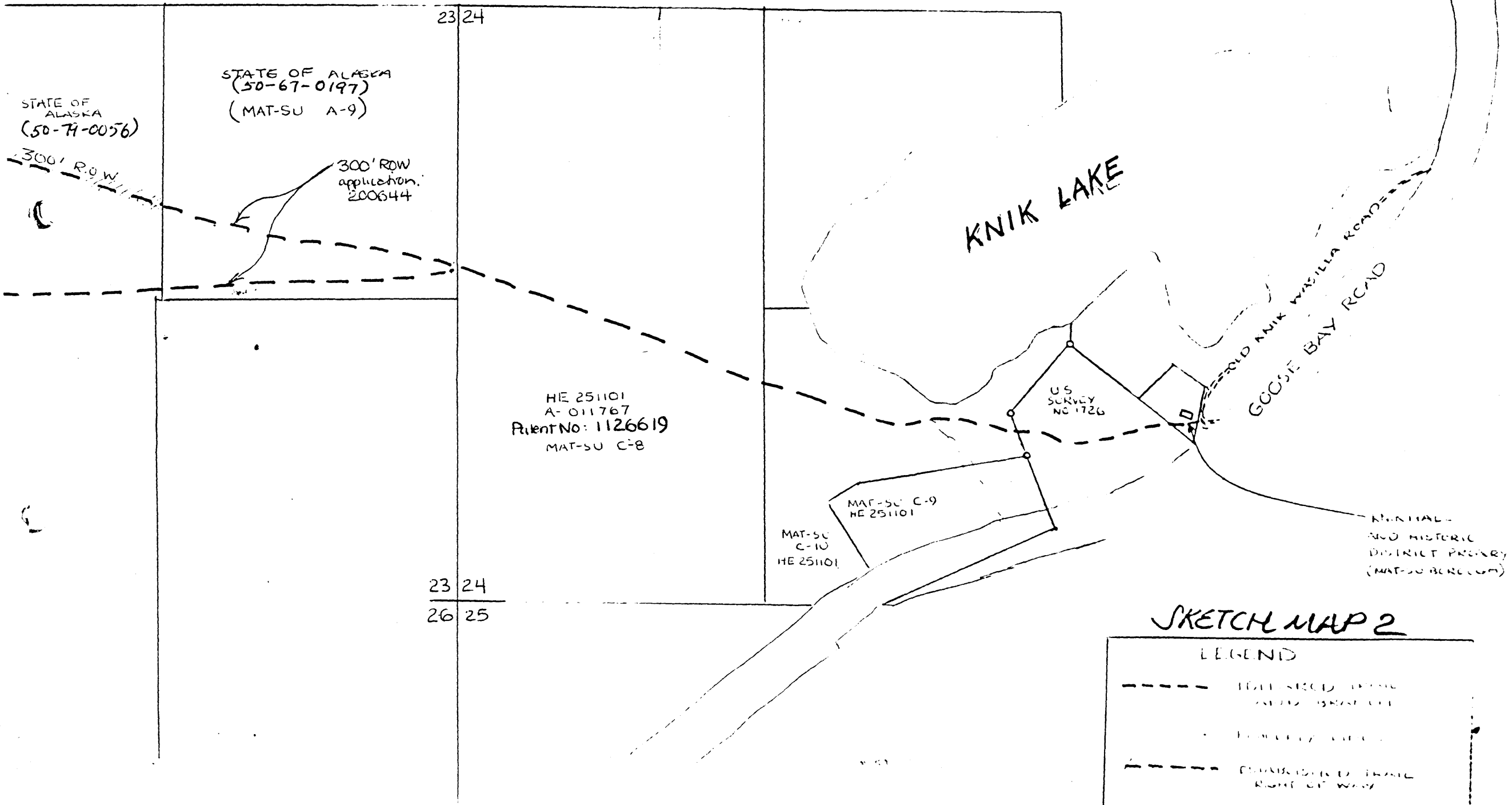
T. O. Sullivan

T16N R3W, Sec 24.

Seward Meridian

11/1/1911

TOWNSHIP 16 NORTH, RANGE 3 WEST, SEWARD MERIDIAN



SKETCH MAP 2

LEGEND	
---	EXISTING TRAIL
---	PROPOSED TRAIL
---	PROPOSED TRAIL RIGHT OF WAY

Scale Approx 1" = 500' TOSullivan