

From: Scordino, Steven
To: [Andy Behrend](#)
Subject: Re: [EXTERNAL] Fw: Our Conversation Earlier
Date: Wednesday, April 4, 2018 1:40:28 PM
Attachments: [image003.png](#)
[image001.png](#)
[image004.png](#)

I'm sorry, I dropped the ball there.

There wasn't a claim process with ARTA. BLM was adjudicating the entries along the Alaska Railroad right of way which would have been on the books since prior to the passage of FLPMA in 1976, most likely. The vast majority of what was being adjudicated was Native allotment and Native village and corporation selections which date back to ANCSA (which ended the Native allotment program and gave selection rights to the villages and corporations).

When BLM then moved to convey the interests, it made the affected people aware. Case in point, the Slaiby's knew we were conveying the right of way because they were given notice.

I'm thinking that this isn't helpful.

Give me a call if you need me to clarify anything.

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On Wed, Apr 4, 2018 at 7:49 AM, Andy Behrend <BehrendA@akrr.com> wrote:

Hi, Steve:

I'm wondering whether you had a chance to think about my question below regarding whether you had seen anything regarding public notice. We are heading for Juneau Friday for a hearing and I am trying to track down any loose ends.

Thanks,
Andy

From: Andy Behrend
Sent: Tuesday, March 20, 2018 11:20:06 AM
To: 'Scordino, Steven'
Subject: RE: Our Conversation Earlier

Hi, Steve:

Again, thanks for looking into this information. One last (hopefully) question: In looking at the issue of the claims

process, did you ever come across anything that indicated (one way or the other) whether USDOJ in general or BLM in particular ever issued any public notice regarding ARTA and its claim process?

Rep. Kopp is pushing the idea that there was no public notice regarding the planned conveyance of railroad lands or that there was a claims adjudication process. I've never seen anything on this, but wonder whether you have.

Regards,

Andy

Andy Behrend

Chief Counsel

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From: Scordino, Steven [mailto:steven.scordino@sol.doi.gov]
Sent: Thursday, March 15, 2018 4:06 PM
To: Andy Behrend
Subject: Re: Our Conversation Earlier

My understanding from BLM, which matches my reading of ARTA, is that BLM was solely considering entries on the land within the right of way corridor. BLM was not aware of any records of adjudicating the nature of the right of way interest, ie whether it was less than an exclusive use easement, over any portion of the railway properties.

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On Thu, Mar 15, 2018 at 4:00 PM, Andy Behrend <BehrendA@akrr.com> wrote:

Okay, thanks, Steve. I take it from your response that nothing about your review of the claims situation suggests that any railroad interest in the ROW less than an exclusive use easement was contemplated? (Frankly, that would be contrary to ARTA, so it's not surprising.)

Andy Behrend

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From: Scordino, Steven [mailto:steven.scordino@sol.doi.gov]

Sent: Thursday, March 15, 2018 3:39 PM

To: Andy Behrend

Subject: Re: Our Conversation Earlier

Andy,

There was no record of adjudications specific to the railroad corridor. BLM and I take the provision of ARTA to mean that BLM needed to adjudicate all of the land entries, probably mainly Native allotments, along the railroad corridor so that by the end of the 3 years BLM would know for the whole stretch whether it would be granting fee simple or just an exclusive use easement. BLM was not aware of any adjudications of the extent of RR ownership, if that was the specific question.

Steve

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On Thu, Mar 8, 2018 at 12:34 PM, Andy Behrend <BehrendA@akrr.com> wrote:

No problem. I appreciate your help.

Andy Behrend

Chief Counsel

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From: Scordino, Steven [mailto:steven.scordino@sol.doi.gov]
Sent: Thursday, March 08, 2018 12:34 PM
To: Andy Behrend
Subject: Re: Our Conversation Earlier

Andy,

A lot of BLM employees are in training today so it is taking longer than expected for me to even learn the right person to address questions about railroad issues. I'm sorry it is being a slow process today.

Steve

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On Thu, Mar 8, 2018 at 12:20 PM, Andy Behrend <BehrendA@akrr.com> wrote:

Steve:

FYI, our External Affairs Director, Tim Sullivan, mentioned to me today that yesterday he reached out to Steve Wackowski, USDOJ's Senior Advisor for Alaska regarding the information request by Rep. Kopp that you and I discussed. Mr. Wackowski told Tim that he would be forwarding the request to the Solicitor's office. So you may see this coming at you from that route, too. Just to be clear, both inquiries relate to the same information request from Rep. Kopp. Sorry for any duplication or confusion.

Thanks,

Andy

Andy Behrend

Chief Counsel

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