

BURR, PEASE & KURTZ, INC.

825 WEST EIGHTH AVENUE

ANCHORAGE, ALASKA 99501

TELEPHONE  
AREA CODE 907  
279-2411

E. L. ARNELL 1913-1958  
D. A. BURR  
THEODORE M. PEASE, JR.  
L. S. KURTZ, JR.  
EDWARD G. BURTON  
CHARLES P. FLYNN  
RICHARD A. HELM  
A. E. PAGE  
J. W. SEDWICK  
RONALD H. BUSSEY  
RUSSELLYN S. CARRUTH  
R. E. DUERRE  
LARRY MEYER

August 13, 1976

Alaska Railroad  
Pouch 7-2111  
Anchorage, Alaska 99510

Re: Claim of Eklutna, Inc. and Cook Inlet Region, Inc.  
Our File A-2601

Dear Sir:

This letter is written to the extent that it is required pursuant to 28 U.S.C.A. § 2675. Eklutna, Inc. and Cook Inlet Region, Inc. hereby reiterate their claim stated in earlier letters to the Alaska Railroad for the trespass and wrongful withdrawal of rock and gravel from property owned by Eklutna, Inc. and Cook Inlet Region, Inc. at the present time and held in trust by the United States of America for Eklutna, Inc. and Cook Inlet Region, Inc. prior to the time that title was obtained to said property. The action of the Alaska Railroad may have constituted inverse condemnation for which the U.S. must reimburse Eklutna, Inc. and Cook Inlet Region, Inc. The property referred to was conveyed to Eklutna, Inc. pursuant to Interim Conveyance No. 002. The land is located in Township 16 North, Range 1 West, Seward Meridian. The disputed portion of the land is defined in Public Land Order 755 which constitutes a land withdrawal for the benefit of the Alaska Railroad for the purpose of a gravel withdrawal. One of the boundaries of the gravel withdrawal referred to in PL0755 is the main channel of the Eklutna River. That river shifted course enlarging the area thus defined to the benefit of the Alaska Railroad; however the change of the course of the river was occasioned by the intentional, negligent or other act of the Alaska Railroad or man. As a result of this shift of the main channel of the river and the Alaska Railroad's incorrect determination of the boundary of the gravel withdrawal, the Alaska Railroad has been taking gravel from said property since 1951 or 1952. All of that gravel rightfully belonged to Eklutna, Inc. and/or Cook Inlet Region Inc. Demand is hereby made for full compensation of all gravel

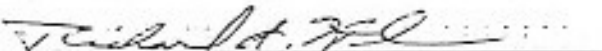
withdrawn. The total amount of gravel taken from the subject property can not be stated with exactitude because the records are in the sole possession of the Alaska Railroad.

Further Eklutna Inc. claims damages for trespass in the amount of 1,000,000.00 in addition to those damages for the wrongful taking or conservation of the rock and gravel.

In addition, Eklutna Inc. and Cook Inlet Region Inc. ask that all further taking of rock and gravel from the above described land cease immediately and that no further operations for removal of rock and gravel be permitted by the Alaska Railroad.

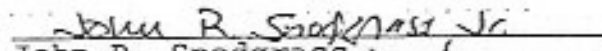
If it is necessary to file suit in this matter a permanent injunction will be sought in addition to any damages claimed.

BURR, PEASE & KURTZ, INC.



Richard A. Helm  
Attorneys for Eklutna, Inc.

GRAHAM & JAMES



John R. Snodgrass Jr.  
Attorneys for Cook Inlet  
Region Inc.

CC: Roy Huhndorf  
Dan Alex  
Department of Justice  
Department of Transportation

RAH:pak

UNITED STATES GOVERNMENT

# Memorandum

TO : File

FROM : Real Estate Officer

DATE: January 29, 1979

*duf*

SUBJECT: Cook Inlet Region Native Association Representative  
File: Information Concerning ANCSA as Affecting Railroad Lands

I received a visit on January 26, 1979, from Mr. Kirk McGee, who represented the Cook Inlet Native Association, and he inquired about GSA Report, Control No. I-ALAS-427-A. I advised Mr. McGee that to the best of my knowledge, I did not have a copy of this report. Mr. McGee wanted a copy of the report as it pertained to certain ARR owned property discussed in GSA letter of December 29, 1978, addressed to Roy Huhndorf, President, Cook Inlet Region, Inc.

I believe I do recall the substance of the GSA report, which recommended and attempted to force The Alaska Railroad to report to GSA as excess, certain ARR properties, which were identified in that report. The Alaska Railroad took exception to the report and the authority under which GSA made the survey, in stating it was exempted from the regulation under which GSA was operating.

As I see it, when this report is turned over to Cook Inlet Region, Inc., it will be used to support the position that the land is excess to the Railroad's needs.

A copy of the GSA letter to Mr. Huhndorf, was hand carried to Mr. Wong, Chief Counsel's Office, as of January 26.

*(Sgd.) Merle W. Akers*

Merle W. Akers

cc: Chief Administration Division  
Chief Counsel's Office (Bill Wong) ✓



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan