

**EXECUTIVE SUMMARY**  
**Proposed Settlement Agreement Between Ahtna, Inc. and the State of Alaska**  
**Relating to Access to Klutina River and Lake and Gulkana River**

Background

There have been longstanding disputes between the State and Ahtna, Inc. regarding Klutina Lake Road. The current lawsuit originated in 2008 when Ahtna sued the State alleging actions by the State along the unpaved road constituted a trespass. The State counterclaimed asserting the existence of a public right-of-way under federal Revised Statute 2477. Both parties agreed there is an existing public road, but they disagreed on the width, scope of use and the State's property interests in the road. The parties attempted to settle the lawsuit unsuccessfully under the prior administration.

In 2016, Judge Andrew Guidi issued an order contrary to the State's position, stating that the uses of any R.S. 2477 right-of-way were restricted to ingress and egress only, but the question of whether an R.S. 2477 even existed was put off until trial. In January of this year, the parties again began settlement discussions through a mediator. After initially failing to come to agreement with the mediator, the parties continued discussions and agreed upon a settlement framework that included the "must haves" for the State (a 100-foot-wide right-of-way and ensuring the public's ability to continue using the road to access outdoor activities) and for Ahtna (minimizing impacts to its private property rights and enabling Ahtna to better manage its lands and resources).

Using the framework as a starting point, the parties worked for the past five months to settle on the details of a proposed agreement. Based on feedback from the public and the Alaska Legislature in March, the parties also agreed to present the proposed settlement to the public for comment before it was finalized and signed. The State believes that the proposed settlement protects public access and uses along Klutina River, Klutina Lake, and Gulkana River, and is a reasonable compromise that will avoid further costly and uncertain litigation.

Major Terms of the Proposed Settlement

*Klutina-Related Terms*

- The State would have a 100-foot-wide highway right-of-way from the New Richardson Highway to Klutina Lake.
- The State would secure a new 50-foot-wide road easement to access State lands from the end of the Klutina Lake Road, replacing an undeveloped 17(b) easement currently administered by the federal Bureau of Land Management.
- The public would be able to access the Klutina River and Klutina Lake for fishing and put in and take out hand-carried boats or other watercraft (if not using a trailer to launch) wherever the ordinary high water mark is within or directly abuts the state right-of-way.
- The public would be able to park during the day within the state right-of-way, but would not be allowed to park overnight within the right-of-way.

- The public also would be able to launch boats using trailers in three locations: two locations would be managed by the State (Mile 14 and the Airstrip) and one would be Ahtna-owned and managed (Boys' Camp). Ahtna would be able to charge a reasonable fee at the Boys Camp boat launch.
- The public would be allowed to camp and park overnight along Klutina Lake Road at the Boys' Camp area and other areas outside of the right-of-way adjacent to Klutina Lake Road reasonably close to fishing and boating opportunities. Camping and overnight parking at these locations would require an Ahtna permit, and a minimum of 50 camping/parking permits would be available per night for public use at Boys' Camp and other areas.
- Any fee Ahtna charges for camping and overnight parking must be reasonable; for the next 8 years that means Ahtna may charge no more than 15 percent higher than what Alaska State Parks charges (and Ahtna may charge less).
- Free overnight parking and camping for 24 hours or less would still be available on the one-acre site adjacent to the Airstrip.

#### *Gulkana-Related Terms*

- The State would vacate a portion of the Old Richardson Highway right-of-way and related staging site near the Gulkana River in the area of an historic cemetery and the old townsite of Gulkana Village. The right-of-way to be vacated was the location of the highway prior to construction of the existing bridge.
- There will continue to be a public boat launch within the highway right-of-way available for public use.
- The State would receive a parcel across the highway from the boat launch where parking facilities can be built.
- Public area improvements planned for access to Gulkana River would include:
  - A new parking area upstream of the Richardson Highway Bridge with ample room for trucks with trailers and passenger vehicles. This project is planned to be constructed between 2018 and 2020. The public will be able to continue using the existing access until the new one is built to minimize any disruption to the public's river access.
  - Secure fencing to protect the Gulkana Village grave site area with signage recognizing the cultural and historical significance of the area.
  - Port-a-potties during the summer season at both the parking and boat landing areas.
  - A foot trail under the bridge to connect the parking area and boat landing.