

Cabot Christianson, Esq.
 CHRISTIANSON & SPRAKER
 911 W. 8th Avenue, Suite 201
 Anchorage, AK 99501
 Telephone (907) 258 6016
 Telefax (907) 258-2026
 Attorneys for Sheldon Jackson College

**U.S. Dept. of the Interior
 Bureau of Land Management
 AA-93227 (2541)
 AA-10495 (2653)**

2012 AUG -6 PM 4:00
 PLM AK SO 954
 ANCHORAGE, AK

Sheldon Jackson College	:	AA-93227
c/o Christianson & Spraker	:	Color of Title Application
911 West 8th Avenue, #201	:	
Anchorage, AK 99501	:	
:	:	
Sealaska Corporation	:	AA10495
c/o Simpson Tillinghast & Sorenson, PC	:	Cemetery and Historic Site
One Sealaska Plaza, Suite 300	:	Selection
Juneau, AK 99801	:	
:	:	
USDA Forest Service	:	Tongass National Forest
Regional Forester	:	
709 West 9th Street	:	
PO Box 21628	:	
Juneau, AK 99802-1628	:	

**SHELDON JACKSON COLLEGE'S
 SUPPLEMENTAL EVIDENCE AND ARGUMENT**

Sheldon Jackson College hereby supplements its evidence and argument with exhibits and argument that were intended to be included in its previously filed brief:

- Letter dated November 24, 1981 from the College to the Forest Service requesting that the Forest Service spelling out the action the Forest Service wishes the College to take regarding the Redoubt Lake enhancement project
- Letter dated February 4, 1982 from the Forest Service to Dr. Holloway requesting that the college concurring in the improvements and projects proposed to be conducted on the site.

- Letter dated March 3, 1986 from the Forest Service to the Regional Forester, saying among other things that "Sheldon Jackson College has acted in good faith in acquiring what both they and we believed was already private land."

Copies of these documents are attached hereto.

Dated August 6, 2012.

CHRISTIANSON & SPRAKER
Attorneys for Sheldon Jackson College

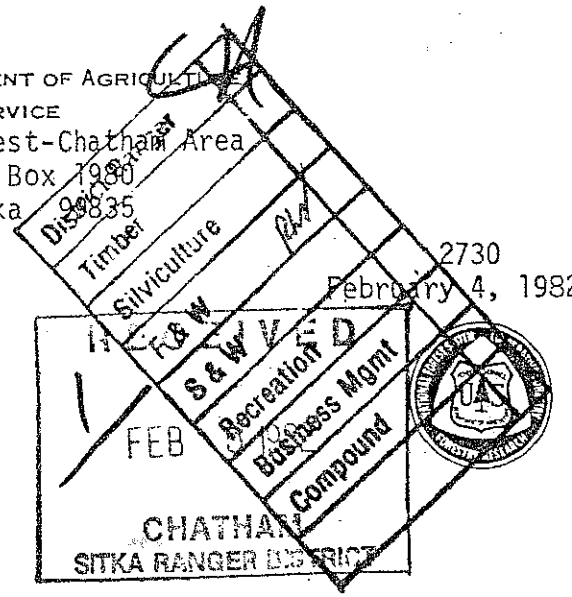
By



Cabot Christianson

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Tongass National Forest-Chatham Area
Post Office Box 7980
Sitka, Alaska 99835



Dr. Hugh H. Holloway
President
Sheldon Jackson College
P. O. Box 479
Sitka, Alaska 99835

Dear Hugh:

This is a very belated response to your letter of November 24, 1981. We were hoping to have our Office of General Counsel prepare the document you requested on the public access. However, pending receipt of that, our Ranger District folks are anxious to get plans firmed up for the Redoubt Lake studies this field season.

Following are the three activities we would appreciate your concurrence with relative to these studies:

1. Living and Work on the Site:

In late March we would like to begin construction of a temporary 12' x 28' cabin located on an island in the lake about 400 ft. SE of the outlet. This location is within Sheldon Jackson property boundaries but out of the area of archaeological concern.

This cabin will be the headquarters for the smolt enumeration and adult weir which will occur on Sheldon Jackson's property as well as other enrichment activities such as liminology sampling, spawner surveys, hydroacoustic fry enumeration and resident fish sampling which will occur on Forest Service property. Two to four people will be working and living in the cabin from the end of March through September with occasional use during other months.

2. Smolt Enumeration:

Estimation of outmigrating sockeye smolts is an essential datum to determine the effectiveness of lake fertilization. This activity occurs at the Lake outlet during April and May. Several fike nets are installed in the outlet stream to catch smolts as they migrate. A live box is attached to each fike net to hold the fish until technicians can collect age, length and weight data on representative samples, count the fish and release them. An estimation of the total smolt outmigration is then determined statistically.

Dr. Hugh H. Holloway
February 4, 1982

Page Two

3. Adult Weir:

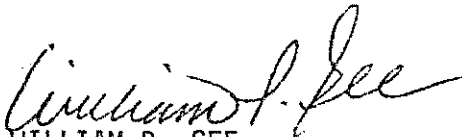
Since the purpose of the lake enrichment is to increase the return of adult sockeye to the lake, it is essential that their numbers be accurately determined. This is done with an adult counting weir placed in the outlet stream. The weir is constructed of aluminum pickets placed vertically about 1/2 inch apart thereby blocking upstream migration except through a "gate". As fish pass through the gate they are counted by technicians. A representative number are sampled for age, weight and length. The weir will be in place from June through September.

If we are able to accomplish these three activities within the private property boundaries, the lake enrichment project can continue as planned. All aspects of our work, including the weir and smolt trapping, will be completely removable and approved by our archaeologist so that historical and archaeological values will be preserved.

This work is being done cooperatively with the Alaska Department of Fish and Game whom I'm sure would welcome, as we do, the involvement of Sheldon Jackson. I understand that our Sitka District Ranger people have discussed portions of this with Mel Seifert. We would certainly appreciate your approval of the proposed activities. Also, would you designate a person for day-to-day contact with the Ranger District representative who will be Bob Vaught?

We expect to transmit information relative to the tram access shortly.

Sincerely,


WILLIAM P. GEE
Forest Supervisor

SRO

United States Forest Service
Department of Agriculture

Region 10

Tongass National Forest
Chatham Area
204 Siginaka Way
Sitka, Alaska 99835

Reply To: 5450 Title Claims, Encroachments,
Sales, and Grants

Date: March 3, 1986

Subject: Lands at Redoubt Bay, Sheldon Jackson College

To: Regional Forester

This letter is a formal request for Regional Attorney advice. We have previously requested information informally, through RO Lands, and now find we need to respond as soon as possible to Sheldon Jackson College.

There appears to be disagreement as to who owns the land in Section 35, T57S, R64E, CRM. This land is on Redoubt Lake (formerly known as Lake Redutsky), in the area of the Forest Service boat tram. BLM employees have claimed this land is under Forest Service administration and the BLM Master Title Plat shows it as National Forest land partially encumbered by both a Native Allotment application and a 14(h)(1) application. The Forest Service has considered this land as being private property belonging to the Brady family in recent years until it was quitclaimed to Sheldon Jackson College in 1981. In 1984, the Forest Service obtained an easement from Sheldon Jackson College over a portion of this land for our boat tram.

The basis for the disagreement stems from the possibility of a clouded chain of title dating back to transfer of the land from Russian occupation. The certificate signed by Russian Commissioner Alexis Pestchouroff, U.S. Commissioner Lovell Rousseau, and Russian Governor Prince Maksoutoff transferring property at Lake Redutsky to J. Mora Moss and Charles Baum (of the American Russian Company), contained a qualifying paragraph at the bottom. Apparently, this document transferred buildings and other property but not the land. A subsequent entry in Book I of the Sitka Recording District shows an attempt by Moss and Baum to describe the land as though it were actually conveyed to them, however, we can find no instrument of the conveyance. John Harming of your office has copies of all these documents. He is knowledgeable on this situation and prepared to discuss it with the Regional Attorney.

There are basically two questions we request to be answered:

1. Who owns these lands? There may have been some subsequent legislation which conveyed lands occupied at the time of transfer from Russia into private ownership. We are not aware of any such legislation.

File								
	Business Mgmt	Compound	R & L Minerals	F & W	Shiculture	Timber	District Ranger	
			(10)	(4)	(3)	(3)	(2)	(1)
			(1)	(1)	(1)	(1)	(1)	(1)

Handwritten notes: *see [unclear] [unclear]*

RECEIVED
MAR 4 1986
CHATHAM
SITKA RECORDING DISTRICT

2. If these lands are under National Forest administration, is there a legal means to quit claim our interests to Sheldon Jackson College? Application to BLM under the Color of Title Act of 1928 (FSH 5409.16, Section 13.4) may be appropriate in this case.

While it is normally not our desire to convey National Forest land into private ownership, we believe this particular case warrants special attention. Sheldon Jackson College has acted in good faith in acquiring what both they and we believed was already private land. They are currently attempting to establish a fish enhancement program on the site under the assumption they own the land. The Forest Service has been cooperating with the College, encouraging them to spend time and money on this program and may have inadvertently encouraged them to acquire this land from the Brady family under the mistaken belief that this land was in private ownership. It would appear to be a responsible act on our part to now try to assist Sheldon Jackson in obtaining ownership of the land if they do not already have it.

Please contact John Morrell or Carl Burgeson is SO Lands if you have any questions or need any more information regarding this request.

amb

FOR: K. W. ROBERTS
Forest Supervisor

cc:

John Morrell

~~Sitka Ranger District~~

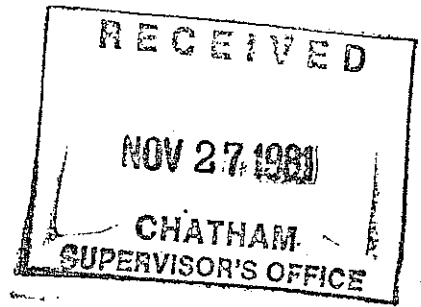
030386 1245 RL 5450 JM

Feltz chommy

SHELDON JACKSON COLLEGE

A small Christian college in spectacular Southeast Alaska

November 24, 1981



Mr. William P. Gee
Forest Supervisor
Tongass National Forest
Chatham Area
P.O. Box 1980
Sitka, AK 99835

CHATHAM	
NOV 27 1981	
ES	PLN
AO	PLN
EMR	PLN
TIN	PLN
SEM	PLN
FSM	PLN
PLN	PLN
R&L	PLN

Dear Bill:

Reference is made to your letter of November 5, 1981, concerning Ozorsky Redoubt property belonging to Sheldon Jackson College.

We are happy to concur with you in the desire for closer interaction between Sheldon Jackson College and the Forest Service.

We fully concur with you that the studies of Redoubt Lake that you have been making for the past year should be continued. We will do everything possible to assist you in the continuation of this project.

To that end, we believe a statement of intent from your department spelling out the action you wish to take a bit more clearly and technically in the form of a letter of intent could be submitted to us for concurrence to authorize you to continue your study.

Relative to the tram service and public access path, we believe an easement by Sheldon Jackson College to the Forest Service for this purpose should be executed. There should be a reasonable termination right written into the easement. May I request that you have your legal services prepare the document that you feel you would wish to have, and I will immediately submit it to our attorney for approval.

Sheldon Jackson College wants to cooperate in all aspects of the development of Redoubt Lake and the Redoubt area. Please keep us advised as to how we can assist, please utilize our people as much as is possible, and please do not hesitate to make your request for assistance whenever you feel we might in some way benefit the mutual cause.

I trust this is an appropriate response to your letter and will suffice to get the ball rolling so that you can continue your studies immediately and get the easement if you wish for the continued public use.

Most sincerely yours,

Rugh H. Holloway
Rugh H. Holloway, Ph.D.
President



RHH:icr