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**From:** John F. Bennett [johnf\_bennett@dot.state.ak.us]  
**Sent:** Tuesday, December 08, 1998 4:33 PM  
**To:** Terry Peterson  
**Subject:** Chitina Mccarthy Road RoW

Terry, I received your fax on the Native allotment decision AA-5706. It is unlikely that we will do anything about this decision. We appealed the Billum allotment and that went to the IBLA and we lost. Our management still believed we had a case for the ROW being 200' wide (the old railroad row width) and requested a formal opinion from the attorney general on May 16, 1995. The opinion was assigned to a couple of different AG's and was drafted in part. unfortunately before they could ever complete it, some higher priority task would require that they drop it. For unknown reasons it looks like we will never get an opinion from the AG's on this issue. I don't know if it is just not important enough or if it is politically sensitive or if they think they don't have a case. they just never get around to issuing it. We still tell everyone who asks what the ROW is that it is 200' wide which is what we have been saying for the past 50 years. As far as we are concerned, until proven to the contrary, the allotment decisions that the ROW is only 100 feet wide apply only to the allotments.

Thanks for the notice.

JohnB