

MEMORANDUM

State of Alaska

Department of Law


62

TO: John Miller, P.E.
Chief, Right-of-Way Section
DOT/PF, Northern Region

DATE: September 1, 1993

FILE NO:

TEL. NO.: 451-2811

FROM: 
John Athens
Assistant Attorney General

SUBJECT: John Billum Native
Allotment Claim -
Chitina/McCarthy Road

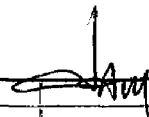
CONFIDENTIAL ATTORNEY COMMUNICATION

Attached is a copy of the August 25, 1993 IBLA decision in this case. The issue was whether the right-of-way width for the Chitina-McCarthy Road was 100 feet or 200 feet. The state lost the argument that it was 200 feet, the Board confirming that it was 100 feet.

Although the Board's decision specifically pertains to the conflict with the Billum allotment claim, it obviously has implications for the right-of-way width of the length of the entire Chitina-McCarthy Road. However, while the state has a reasonable basis for asserting that the width is 200 feet, I think it is unlikely that the Board's decision would be reversed. Therefore, I do not recommend that the state seek judicial review of this decision.

EJA/amm
eja\billum.mml

Enclosure

CHIEF R/W AGENT	
PRE AUDIT	
<input checked="" type="checkbox"/> ENGINEERING	
TITLE	
PLANS	
MATERIALS	
APPRAISALS	
NEGOTIATIONS	
Relocation/Prop. Mgmt.	
AIRPORTS	
<input checked="" type="checkbox"/> RETURN TO:	
<input checked="" type="checkbox"/> FILE	