

April 13, 1989

HRW-AK
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Mark S. Hickey, Commissioner
Alaska Department of Transportation
and Public Facilities
Juneau, Alaska

Dear Mr. Hickey:

Public Land Order Rights-of-Way

We have just received a letter from the Alaska State Office of the Bureau of Land Management (BLM) clarifying their position on the non-highway use of Public Land Order rights-of-way. They have reiterated their position that when title to land underlying the easement remains with the United States, the Bureau of Land Management (or whatever Federal agency has jurisdiction over the lands), would be the only agency that could issue a lease or a permit for non-highway uses of the lands covered by the right-of-way, subject to concurrence of the State of Alaska DOT&PF.

The BLM further stated that in the cases where title to the land has transferred to a private party, the individual currently owning the land has the right to use any or all of the land, subject only to the easement for the highway. The owner can, therefore, construct temporary improvements on the land within this right-of-way which is not currently needed for highway purposes, with the permission of the Alaska DOT&PF. Therefore, we will concur in the DOT&PF issuing permits under these conditions.

Sincerely yours,

Robert E. Ruby
Division Administrator

/s/ Gary E. Wilson

By: Gary E. Wilson
Division Right-of-Way Officer

cc: Milt Lentz, Chief of R/W, E&OS
Elizabeth Engle, Director, Design & Const., Northern Region
Tommy Heinrich, Director, Design & Const., Central Region
Donald Dieckmeyer, Director, Design & Const., S.E. Region
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