

2.21.18

Spoke with George Horton at the ASMC in Anchorage last week. I asked whether DNR had further discussed or made any policy decisions regarding the status of federal section line easements over protracted section lines. He said that there has not been a policy decision for publication yet as they have requested and are waiting for an AGO opinion on the subject. George said he believes that DNR will hold to the 1969 Opinion of the Attorney General that says federal SLEs existing once a protracted section line is created by publication in the federal register. It can't be used until surveyed but the easement will still exist until vacated.

My advice to the client was that DNR would not likely succeed if they made that argument and had to defend it in court.