

Bennett, John F (DOT)

From: Bennett, John F (DOT)
Sent: Tuesday, March 10, 2009 1:09 PM
To: 'Karen Tilton'
Subject: 44LD513

Karen, I was browsing around the other night and found this 1980 ANCAB decision relating to Doyon, the Haines pipeline and 44LD513. If you haven't seen it, it does provide some good history on 44LD513 but seriously deflates the strength of a ROW based on it. I also was looking through the BLM Manual, specifically the chapter titled "Special Considerations" and found these references:

G. Public Land Record Notations. All ROW grants issued to Federal agencies should be noted to the Public Land Records the same as any other grant, including ROWs granted to the BLM.

1. Other agency ROWs previously appropriated and noted to the Public Land Records under the principles of 44 L.D. 513 prior to the passage of FLPMA remain in an appropriated status, and no changes to the records are necessary.

2. Any BLM facilities or improvements previously appropriated under the principles of 44 L.D. 513 should be converted to FLPMA grants and noted to the Public Land Records.

I was thinking that the second sentence indicated that any BLM improvements under 44LD513 were not necessarily safe and should be further protected by getting them under a FLPMA Grant. JohnB

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