

Bennett, John F (DOT)

From: Leaphart, Stanley E (DNR)
Sent: Tuesday, February 05, 2013 11:56 AM
To: Bennett, John F (DOT)
Subject: RE: Access Law & Issues Affecting Public & Private Lands in Alaska

John- this is one that that was completed successfully a couple of years ago for a couple of ROWs for communication towers in Togiak NWR. The National Park Service has also issued a couple for towers in some park units, as well as what they are calling Rights of Way Certificates of Access (RWCA) for access to private inholdings under authority of Title XI.

Here is a flow chart of the process. Congress only has to get involved if designated wilderness is involved.

From: Bennett, John F (DOT)
Sent: Tuesday, February 05, 2013 11:36 AM
To: Leaphart, Stanley E (DNR)
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Well I think for the upcoming session we are going to be hard pressed to cover the materials we already have prepared. But I'm always up for learning new tricks. What projects do you say have used Title XI successfully recently? I always figured the two primary criteria for making Title XI work was that the CSU wanted the project to happen or some folks in congress wanted the project to happen.

From: Leaphart, Stanley E (DNR)
Sent: Tuesday, February 05, 2013 11:27 AM
To: Bennett, John F (DOT)
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I guess my point is that at some point there will be no option to Title XI. Also, there are a couple of recent projects that have used it successfully. I think bizarre is putting it kindly.

From: Bennett, John F (DOT)
Sent: Tuesday, February 05, 2013 11:02 AM
To: Leaphart, Stanley E (DNR)
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Stan, unless I'm missing your point it seems that this is a good example of why a Title XI should be avoided unless there is absolutely no feasible alternative. It does seem on some days that our dealings with DNR, BLM, Alaska Railroad, MHT and so on makes Title XI appear to be within reason. What a bizarre career we have followed! JohnB

John F. Bennett, PLS, SR/WA | Chief, Right of Way | Alaska Department of Transportation, Northern Region
2301 Peger Road; Fairbanks, AK 99709-5399 | 📞: 907.451.5423 | 📠: 907.451.5411 | ✉: johnf.bennett@alaska.gov

From: Leaphart, Stanley E (DNR)
Sent: Tuesday, February 05, 2013 10:50 AM
To: Bennett, John F (DOT)
Subject: Access Law & Issues Affecting Public & Private Lands in Alaska

John- this is why I think it would be a good idea to update this course to include ANILCA Title XI. After 30 years it's becoming a factor. ☺

*Stan Leaphart
Executive Director
Citizens' Advisory Commission
on Federal Areas
3700 Airport Way
Fairbanks, AK 99709
907.374.3737*