

From: John F. Bennett <johnf_bennett@dot.state.ak.us>
Sent: Monday, August 18, 2003 12:37 PM
To: mike_downing@dot.state.ak.us
Cc: David T Bloom
Subject: Re: Anilca Easements

Mike, I copied the paragraph below from an email to Julianne Motis a couple of years ago. In my recollection, Right of Way was indirectly involved in these applications as they were prepared and submitted by Planning. I don't know if you remember Norm Piispanen but he was typically the lead on Title XI issues. The only other somewhat relevant anecdote I have is one that Extended Nome Creek road off the Steese highway into the White Mountains. This went into the White Mountains Recreational Area, a CSU managed by BLM. BLM was a cooperating agency and provided the ROW and maintenance. If we had to obtain the ROW, we would have had to apply under ANILCA Title XI. However, there is a process by which the managing agency (BLM) can sidestep that all together and issue themselves a ROW. Then BLM issued us a right of entry for our contractor to enter upon the land and construct the project. JohnB

National Park Service - ANILCA Title XI

ANILCA, the Alaska National Interest Lands Conservation Act of 1980 provides under its Title XI, a process to secure transportation rights of way across certain public lands including those of the National Parks Service. In Section 1101 reads "Congress finds that - Alaska's transportation and utility network is largely undeveloped and the future needs for transportation and utility systems in Alaska would best be identified and provided for through an orderly, continuous decision making process involving the State and Federal Governments and the public." DOT Northern Region has at least on four occasions in the last 10 years prepared and submitted Title XI ROW applications for the construction of new or the expansion of existing transportation facilities. Applications were submitted for the Parks Highway to McGrath Road and the Kantishna Airport, both of which lie within Denali National Park and Chisana and May Creek Airports, both of which lie within the Wrangell-St. Elias National Park. Title XI provides that within 60 days of receiving an application, the federal Agency shall inform the applicant that the application either includes the information required by this title and applicable law insofar as that agency is concerned, or it does not. To my knowledge, the Department has never successfully received a Title XI ROW as the applications have always been rejected by NPS due to insufficiency of information even after the submittal of multiple amended applications providing all of the information requested. I have attended seminars where NPS officials, upon hearing comments that it was all but impossible to obtain a ROW across NPS lands, that rights of way will in fact be made available through the Title XI process if the applicant provides information to the satisfaction of NPS.

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----- Original Message -----

From: [Mike Downing](#)
To: [Bennett, John](#) ; [RICE, KASANDRA](#) ; [Robert B Murphy](#)
Cc: [Kauzlarich, George](#)
Sent: Monday, August 18, 2003 10:28 AM
Subject: Anilca Easements

Can each of you provide me with an analysis of whether your region has ever obtained an easement across ANILCA lands? Please include a very brief discussion summarizing any attempts and your current view as to the level of difficulty? Thanks.

MD