

Bennett, John F (DOT)

From: Karen Tilton [ktilton@rmconsult.com]
Sent: Thursday, April 05, 2012 11:31 AM
To: Bennett, John F (DOT)
Subject: BLM Instruction Memoranda on RS2477 Rights of Way

John – if you don't have these, I thought I would send them along in light of some of the discussion yesterday on RS 2477 ROW. One of the issues that the court looked at in SUWA vs BLM related to whether a withdrawal for classification purposes would bar the application of an RS2477 – a question that I have often had reason to consider as it relates to PLOs. I think you and I have talked about that issue before. Anyway, these instruction memoranda are pretty interesting.

It seemed to me from the attitude of the BLM speaker that the agency really isn't on board with interpreting acceptance according to state law. Maybe someday you'll have a situation that will require them to acknowledge state law, and perhaps territorial law as well.

It was good to see you yesterday – I'll come by the office soon and introduce my new assistant, Oliver Loftus.

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