

John Bennett

From: John Bennett
Sent: Tuesday, March 16, 2021 2:01 PM
To: 'Gervelis, Gwen M (DNR)'
Cc: Brechtel, Vailferree S (DNR)
Subject: RE: State v. Fowler

Hi Gwen – I have a couple of references for you. The file “9.26.62 – AS 19.10.015 – Farmer’s Loop.pdf” is the Superior Court decision in Fowler. Next, the attachment “DOH Memo 62-11 Relating to Farmers Loop RS2477 Case.pdf” shows the Dept. of Highways response to the court’s decision to limit the RS2477 trail width to “ditch to ditch” or the used width. Note it cites a different case, “State v. Stroeker”, but it also relates to the State’s assertion of a 66’ width for the RS2477 trail on that project. This memo directs Highways staff to quantify the asserted used width. The third file is “1983 (DNR) Circle Fairbanks Historic Trail.pdf”. in this 1983 memo, a Fairbanks DNR AAG responds to RS2477 questions from a Fairbanks DNR NRO. On pages 3-5, the AAG discusses the Fowler case and suggests that this case led to the 1963 legislation AS 19.10.015 which then specifies the width of the RS2477 trail. This statute would then prevent the kind of width limitation imposed by the Fowler court.

I think that might be all I have on the Fowler case. Let me know if I can provide anything further. JohnB

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From: Gervelis, Gwen M (DNR) [mailto:gwen.gervelis@alaska.gov]
Sent: Tuesday, March 16, 2021 12:42 PM
To: John Bennett <JBennett@rmconsult.com>
Cc: Brechtel, Vailferree S (DNR) <vailferree.brechtel@alaska.gov>
Subject: State v. Fowler

Hi John,

Can you send me the State v. Fowler decision?

Thanks,

Gwen M. Gervelis, PLS

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