

John Bennett

From: John Bennett
Sent: Wednesday, July 14, 2021 12:50 PM
To: 'Jacquie Goss'
Subject: RE: [EXTERNAL] New Status for Federal SLE Widths?
Attachments: RE: University Grant Lands

Jacquie – I'll comment in red below:

From: Jacquie Goss [mailto:JDGoss@gvea.com]
Sent: Tuesday, July 13, 2021 11:13 AM
To: John Bennett <JBennett@rmconsult.com>
Subject: RE: [EXTERNAL] New Status for Federal SLE Widths?

Hi John,

Thanks so much for forwarding this. I still have to read through the Dickson Case (which will probably make me have to review your Highway Rights of Way paper). Just reading through this memo, it sounds like MHT would challenge or charge for any non-state-owned utility use of valid section line easements! **I wish they had been a bit more clear on this. In the first sentence of para 5 they refer to “a valid section line easement” Then they say that for the purposes of this agreement a “road” does not include utilities unless state-owned and operated. I really don't see how the Commissioners of DOT & DNR along with the TLO can by a simple agreement vacate “Fisher v. Golden Valley”. If in fact that accept that there are valid SLEs over MHT lands then the subordinate uses by utilities is still in effect. Either they are not being very clear, they have gone beyond their authority or they just didn't know what they were talking about. I don't deal with roads, but #5 sounds like they are expressly denying any new or expanded road construction in the valid section line easements as well. Once again, as they refer to “valid section line easements”, the uses of these SLEs is subject to state law, not Department policy or informal agreements. When I say informal it is not clear to me that this agreement was made public or meets the requirements of a binding contract. I guess all they are honoring is existing roads in valid section line easements and existing roads in invalid but platted SLEs. That's how I interpret it, but I still have a lot to learn.**

Can I ask a question on a related topic? Your research technique “g” states that University Lands may be an exception as the application of a section line easement may be in conflict with the federal trust obligation. Has this been decided at all, or are there any additional sources of information on this? I'm looking at a patent that is subject to the Act of 1929, so I assume the section line on this property would fall under this category. **I had this same conversation with John Kerr, an Anchorage surveyor so I attached the email between us and the source document written in 1983 by John Sedwick.**

Thanks again; it was great talking with you at Larry's, **Good talking with you also Jacquie – Not sure if any of this will help but feel free to ask if there is anything else I can do. JohnB**

Jacquie

From: John Bennett <JBennett@rmconsult.com>
Sent: Thursday, July 1, 2021 11:01 AM
To: Jacquie Goss <JDGoss@gvea.com>
Subject: [EXTERNAL] New Status for Federal SLE Widths?

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Hi Jackie – Here’s what we were talking about last evening. Attached is the DOT/DNR/MHT agreement and a summary of my email with DNR regarding what it all means. Hopefully we will get an answer one of these days. JohnB

John F. Bennett, PLS, SR/WA *Senior Land Surveyor – Right of Way Services*

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