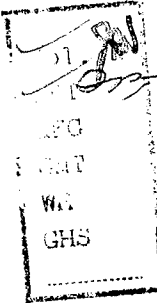




UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska



September 9, 1949

Mr. Kenneth J. Kadow  
Director, Alaska Field Staff  
Juneau, Alaska

Dear Ken:

Since your inquiry as to whether or not the Bureau of Land Management has administrative problems to discuss at the Field Committee meeting, the public land order withdrawing areas parallel to roads in Alaska has been promulgated. The problems which this has brought about probably should be considered as administrative, and although we have taken considerable time discussing rights-of-way at other committee meetings, this is of such deep concern to me that I present it for your decision as to whether or not the matter should be discussed.

There have been several discussions as to the designation of road rights-of-way as easements or withdrawals. You will probably recall that I have indicated our feeling in the Anchorage office that easements would present far fewer problems to the disposal of the land.

Let us assume that the road goes through the SW $\frac{1}{4}$  of a section at an angle, and does not follow along any of the borders of the quarter section. Through the promulgation of the withdrawal order, there is now a withdrawn strip along the road. As homesteaders are not permitted to file on non-contiguous tracts, the homesteader will not be able to obtain the full 160 acres in that quarter section. At the present time few of the roads are actually shown on the plats of the Bureau of Land Management, as many of the roads have been built since the areas covered by the plats were surveyed. The Bureau of Land Management District Land Office, therefore, cannot locate the road on their maps. At the present time it is necessary that we follow the procedure of allowing the homestead entry as to the full 160 acres, but we are obliged to advise the entryman that when the road is located and with it, the withdrawal, it probably will be necessary to cancel a portion of his entry. Therefore, he should place all of his improvements and all of his cultivation on one side of the road. You can well see the handicap and the confusion that is to result.

*Easement  
much  
better*

Then, too, the matter of the description of the tract lying on one side of the road arises. It will be necessary for the Bureau of Land Management Engineering Department to survey all areas traversed by roads so as to give a definite indication by lots as to the lands that must be described in the patent. In other words, where the roads have already gone through surveyed lands, we will have no description of the land to definitely put in a

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patent, unless we resurvey all of the areas in order to describe the lands adjoining the highways by lots.

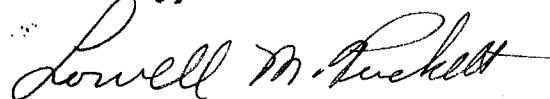
On the other hand, if the roads were considered as easements, the homestead entry would go across the road, and if at any time the road were changed or abandoned, the homesteader would automatically have title to that area formerly included in the right-of-way. If the designation of the rights-of-way continues as withdrawal, each time the road is changed it will be necessary to open the strip of land formerly occupied by the right-of-way, to preference right filing by veterans.

Of course any plans regarding rights-of-way must necessarily be considered by the Alaska Road Commission. However, representatives of our Washington office have indicated that as rapidly as the Alaska Road Commission files maps showing the location of the roads and the rights-of-way, with the district land offices involved, action will be initiated to revoke the withdrawals, and to leave the rights-of-way as easements across the land.

It does appear that proper procedure will require in either case the filing of plats or maps with the district land offices by the Alaska Road Commission, showing the location of the roads, and the widths of the rights-of-way along each road. We have indicated to the A.R.C. our reasons for believing that this procedure is necessary. The whole project has not yet been worked out between us, but is in a process of being developed.

Perhaps you will consider that this is a matter which should be worked out entirely by the Bureau of Land Management and the Alaska Road Commission. However, I would like to have an expression of the Field Committee's opinion relative to the matter of easements vs. withdrawal, if you see fit to present the matter.

Sincerely,



Lowell M. Fuckett  
Regional Administrator

cc: Col. John Noyes, ARC ✓

LMP/fp