



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington 25, D. C.

Air Mail

JAN 26 1950

Memorandum

To: Regional Administrator, Region VII  
Bureau of Land Management, Anchorage, Alaska

From: Assistant Secretary Wams

Subject: Withdrawals for rights-of-way in Alaska

I have your letter of November 25 calling to my attention your memorandum of the same date to Director Clawson concerning the contiguity of lands affected by withdrawals for rights-of-way in Alaska.

Recently I took this subject of highway rights-of-way up in a meeting with representatives of your Bureau and with Colonel Noyes. At that time there were presented to me again the several arguments against a withdrawal for highway purposes and the arguments for easements in lieu of a withdrawal. These were very much the same as those advanced at the meeting of the Alaska Field Committee in McKinley Park last fall.

I consider a withdrawal for the establishment of highway rights-of-way as being preferable to an easement. I am not disturbed that entries must be limited to one side of the road by reason of the withdrawal. On the contrary, considering the premium placed on road frontage in the Territory, I consider this to be a good thing. Nor am I impressed with the argument that the withdrawals will unduly increase administrative difficulties. Granted that it will be necessary to survey and lot some of the fractional subdivisions on both sides of the road, I believe that the Bureau of Land Management can handle this problem.

It may be that entries should be allowed to cross farms or local road rights-of-way even though they are restricted to one side of through primary and secondary roads. Your suggestion that the policy indicated in 43 LD 551 be adopted in this connection is being considered.

Col. Noyes	.....
Chf. Eng.	.....
Admin.	.....
Op'ns.	.....
Engrs.	.....
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*Handwritten initials and signatures:*  
E. J. [unclear]  
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In withdrawing rights-of-way for road purposes I am convinced that we are on firm ground. The protests have fallen into two main categories: (1) that the right-of-way withdrawal leaves fractional parts of legal subdivisions on both sides of the highway, and (2) that the withdrawal closes the right-of-way for all uses except for highway purposes. As to the first problem, I have asked the Bureau of Land Management and the Alaska Road Commission to work out a program so that we can locate the roads and survey the adjoining lands as quickly as possible. As to the contention that the rights-of-way will be closed to all use, I see no reason why as a matter of policy we should not allow the land within the withdrawn strip to be used for all reasonable purposes not inconsistent with the construction and operation of the highways and appurtenances. We have been pursuing such a policy in administering the Alaska Highway withdrawal. Certainly there would be no objection to permitting flumes and ditches on the rights-of-way as might be required by the mining industry.

With examples on all sides of lack of foresight in estimating the future needs for highways in the States, it would be shirking our responsibility to the Territory and the future State of Alaska if we fail to provide for highway right-of-way requirements.

/s/ William E. Warner

Assistant Secretary

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