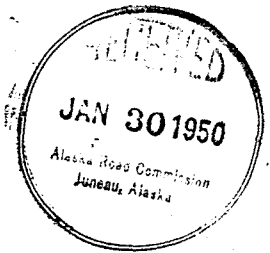




UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

C O P Y

JAN 26 1950



My dear Delegate Bartlett:

On November 15 you wrote to the Director of the Bureau of Land Management concerning rights-of-way for highway purposes in Alaska, calling attention to certain problems which were believed to result from the promulgation of Public Land Order 601. This matter of rights-of-way for Alaskan highways is an important one, to which I have given my personal attention both here and in Alaska last fall. It was the subject of discussion at the meeting of the Alaska Field Committee at McKinley Park, September 21 to 23, and has been more fully considered recently in the Department. After weighing all the reasons advanced for continuation, modification, or revocation of the withdrawal, I am firmly convinced that the proper action was taken in withdrawing lands for highway purposes by means of Public Land Order 601.

Granted that the withdrawal may add a little to the work of the Bureau of Land Management and the Alaska Road Commission, I feel that the benefits greatly outweigh the disadvantages. No one has questioned the need for rights-of-way for the highways of Alaska. The question has been simply as to how the rights-of-way should be reserved, that is, whether the rights-of-way should be withdrawn, as has been done, or whether an easement should be reserved. Those who have questioned the withdrawals have done so on two grounds: (1) that the right-of-way withdrawal creates fractional parts of legal subdivisions on both sides of the highway, and (2) that the withdrawal closes the right-of-way to all use except for highway purposes.

I realize that the withdrawal does create fractional parts of legal subdivisions and the need for confining homesteads to one side of a highway. However, I do not believe that this situation is of sufficient importance to justify abandoning the withdrawal. So far as administrative action is concerned I have directed the Bureau of Land Management and the Alaska Road Commission to accelerate their survey work so that these fractional subdivisions will be lotted and made available for inclusion in homestead entries. Neither do I believe that any particular disservice will be done the individual entrymen because their entries are limited to one side of a highway. This limitation will result in a wider distribution of road frontage. You, of course, are well aware of the premium at which road access is

held in Alaska. Many settlers have asked why the amount of road frontage that any one settler can take up is not limited. They want to see their communities grow and they realize that there must be accessible land for new settlers.

It may be that entries should be allowed to cross farm or local road rights-of-way even though restricted to one side of main roads. This is being considered.

There is another point in favor of the withdrawal method of creating rights-of-way which is little realized. If the right-of-way is created by a withdrawal, then any entry is computed up to the right-of-way. In other words, an entryman may take a maximum of 160 acres adjoining one side of the highway right-of-way. Nothing is deducted for the right-of-way. However, if the rights-of-way are created as easements, then a homestead or other entry would be taken subject to that easement. In the case of an entry crossing the Alaska Highway, for instance, a half-mile square 160-acre homestead would be subject to a minimum easement of 36 acres. If the highway ran through in a diagonal manner, the easement would amount to more. Other rights-of-way, were they easements, would take lesser amounts of the homestead.

Now as to the apprehensions that the land within the rights-of-way would be closed to all use, we will as a matter of policy allow the land within the withdrawn strip to be used by the public for all reasonable purposes not inconsistent with the construction and operation of the highway and appurtenances. This policy has been in effect for some time with respect to the Alaska Highway.

I am sure that you are in complete agreement as to the need for creating rights-of-way for the highways of Alaska. All of the States are now faced with the problem of acquiring additional lands for highway purposes and are in many instances paying for the lack of foresight as to their highway needs. In making the withdrawal of rights-of-way by Public Land Order 601 there were considered not only the current requirements but also the highway needs of the future State of Alaska.

Sincerely yours,

(s) William E. Warren

Assistant Secretary

Hon. E. L. Bartlett
Delegate from Alaska
House of Representatives

Copy to: Mr. Kenneth J. Kadow, Director, Alaska Field Staff, Juneau, Alaska
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