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

Memorandum

FEB 7 - 1951

To: Assistant Secretary Doty
From: Director, Bureau of Land Management
Subject: Alaskan road right-of-way program

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DIVISION OF LAND UTILIZATION

Reference is made to your memorandum of November 17, 1950, in which you request that I review the Alaska Field Committee's conclusions and recommendations concerning road rights-of-way in Alaska, as presented to you in a memorandum dated October 24, 1950, and submit my views regarding them.

In the course of this review, I have requested various engineering, legal, land planning, and administrative staff members of the Bureau of Land Management, some of whom have had first-hand experience with the implementation and effects of Executive Order 601, to reconsider the road rights-of-way problems in Alaska from the standpoint of the advantages and disadvantages of both wide and narrow rights-of-way and the advantages and disadvantages of both withdrawals and easements in the creation of rights-of-way.

It is evident from this reexamination that, in part at least, the present Alaskan road rights-of-way program is unworkable; that, although the Bureau has no objection to the recommendations submitted by the Alaska Field Committee from the standpoint of its operations, as they would in fact greatly simplify them, they might be considered, if adopted in total, an unwarranted retreat from some of the planning ideals embraced by Executive Order 601; and that there is a reasonable middle way which incorporates the most desirable features of both the present program and the Alaska Field Committee recommendations.

The conclusions and recommendations arrived at in the Bureau of Land Management, which are summarized below, in the main represent a compromise of the road rights-of-way problems and, I believe, merit your consideration for a Departmental course of action:

Local Roads

Width: Conclusion: Retention of present 100-foot rights-of-way. ✓

No disagreement prevails as to suitability of present rights-of-way.

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Withdrawal or easement: Conclusion: Substitution of easements for withdrawals. ✓

Legal sanctions and administrative procedures for employment of easements are presented in attachment.

Disadvantages of withdrawals:

1. With constant construction of new roads, realignment of existing roads, and extension of present roads, the public land survey - including the survey of the center line of the roads, platting of the lots along the roads to right-of-way lines, and the computing of acreages - can never be considered complete in an area as long as there is any remaining public land, and it is necessary to segregate road withdrawals. Experience has shown that surveys made during the summer surveying season, especially in the early part, often do not represent all conditions with respect to roads at the end of the season, thereby preventing the preparation of official returns (plats and field notes), and necessitating a return to the same area the next field season to segregate the added roads.
2. As a great many of the local roads are not permanently located, innumerable strips of "no-man's" land, the width of the rights-of-way, as a result of highway realignments, will be left to splinter adjacent holdings. Public land orders will be required to open such strips to entry with preference rights being accorded to veterans instead of contiguous owners or claimants.
3. It is estimated that to traverse the center line of a road through a range of sections in a township means an increase of more than one-third in the cost of the field survey of the land. The cost of office engineering work is certainly more than doubled by the additional time required in platting and computing the areas.
4. Survey complications and delays result in unwarranted delays in the land disposal proceedings of the Alaska Land Offices and widespread resentment against the Bureau of Land Management and the Department of the Interior.

5. The status of land tenure or land ownership is undergoing continual change in most of the agricultural areas of Alaska through relinquishments and the re-filings of subsequent applications under the various public land laws. Therefore, there is continual necessity for some redesignation of lot lines along the roads. The withdrawal becomes effective on whatever portion of valid claims or entries made prior to August 10, 1949, subsequently relinquished. Before the withdrawal, the right-of-way constituted only the actual impressment on the land of the road itself. Only the approximate position of road was shown on the survey plats. Where entries are relinquished and new filings are made subsequent to the withdrawal it becomes necessary to prepare supplemental plats showing the rights-of-way lines, the lots created by the withdrawal of the rights-of-way, and the computed acreages of the abutting lots. This involves a substantial and wasteful expenditure of money.

Feeder Roads

Width: Conclusion: Retention of present 200-foot rights-of-way. ✓

No disagreement prevails as to width of present rights-of-way.

Withdrawal or easement: Conclusions: Substitution of easements for withdrawals. ✓

Legal sanctions and administrative procedures for employment of easements are presented in attachment.

An evaluation of the advantages and disadvantages of both easements and withdrawals is more difficult in the case of feeder roads as they are less clearly definable. The same disadvantages that result from withdrawals of local roads apply to feeder roads, especially where relatively close settlement is occurring and can occur as on the Anchorage-Potter Road, Kenai Lake-Homer Road, Fairbanks-College Road, and Anchorage-Lake Spenard Road. Conversely, some of the protective advantages that result from withdrawals are significant in relation to feeder roads. Some of these roads, such as the Edgerton Cut-off and McKinley Park Road, will eventually comprise major tourist routes. Over most of these roads, however, close settlement is not expected

to occur. Some of these roads are considered to be permanently located but most are not. Only a small fraction of the total length of these highways is surveyed. Overall the evidence against is deemed far more weighty than that for withdrawals.

Disadvantages of withdrawals:

1. See section on local roads.
2. As a result of lack of knowledge as to the exact location of roads on the public domain in the Land Offices, through lack of understanding of the provisions of Executive Order 601, and through the non-contiguity resulting from road rights-of-way withdrawals very substantial hardships are being imposed on many settlers.
3. It is estimated that 74 entries could proceed to patent immediately in the Anchorage Land Office district alone if it were not necessary to segregate by survey the road withdrawals from the entered land.

Through Roads

Width: Conclusion: Retention of present 300-foot rights-of-way. ✓

Alaskans generally have not accepted present widths but land entries or claims with the notable exceptions of those in a few areas have been adjusted to it. Further vacillation would be injurious to the prestige of the Department. As settlement will always be comparatively sparse due to physical limitations along most of these routes, there will be proportionately less hardship imposed on settlement by present wide rights-of-way.

Withdrawal or easement: Conclusion: Substitution of easements for withdrawals. ✓

Legal sanctions and administrative procedures for employment of easements are presented in attachment.

The same disadvantages that result from withdrawal of local roads and feeder roads apply to through roads, especially where relatively close settlement is occurring and can occur as on the Richardson Highway between Big Delta and Fairbanks, and on the Glenn Highway between Anchorage and Palmer. Conversely, to some extent, the protective advantages that result from withdrawals are significant as these roads are major tourist routes. Over most of these

roads, however, due to physical limitations of the land, close settlement is not expected to occur. Moreover, most of the Glenn and Richardson Highways traverse such elevated country that there is little roadside timber worthy of protection as a scenic attribute. Major portions of the Tok Cut-off and Richardson Highways are not considered to be permanently located. Most of the surveying of the road rights-of-way is uncompleted, but the survey program necessitated by present settlement is well advanced and can be completed under favorable circumstances by the end of the summer. Over-all the evidence against is deemed more weighty than that for withdrawals.

Alaska Highway

Width: Conclusion: Retention of present 600-foot right-of-way. ✓

Alaskans generally have accepted present width. It represents a reduction from much wider withdrawals. Land entries or claims have been but for a few exceptions adjusted to it. Further vacillation would be injurious to prestige of the Department. As settlement will always be comparatively sparse owing to physical limitations along the route, there will be proportionately less hardship imposed on settlement by present wide right-of-way.

Withdrawal or easement: Conclusion: Retention of withdrawal of right-of-way. ✓

Road is permanently located throughout most of its course. Necessary survey program imposed by present right-of-way withdrawal is nearly completed. Roadside scenic attributes should be fully protected along this primary tourist route.

The Bureau of Land Management stands ready to help in any further considerations of the Alaska road rights-of-way problems. Inasmuch as Messrs. Kadow, Puckett, Robinson, Berlin, Weiler, and Jorgenson will be in Washington for the next ten days, I urge that a conference be arranged by you to bring about a solution to the problem.

Marion Clawson

Director

Attachment

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