



UNITED STATES
 DEPARTMENT OF THE INTERIOR
~~BUREAU OF LAND MANAGEMENT~~
 OFFICE OF THE SECRETARY
 WASHINGTON

NOV 28 1949

My dear Mr. Anderson:

Reference is made to your telegram and letter of November 2 relating to the withdrawal made by Public Land Order No. 601, dated August 10, 1949, of lands within a certain distance of the highways and roads in Alaska. You urge postponement of the withdrawal, and modifications to permit mining locations.

While any withdrawal of public lands is not accomplished without more or less inconvenience to the public in one way or another, it is not believed that the uncertainties you mention will cause the confusion anticipated. The mining, homestead, and other public land laws do not contemplate that selections or locations will be made at the district land offices without examination of the property, and if examination is made on the ground, it should be possible to determine with a fair degree of accuracy the distance of the prospective claim from the center line of a nearby highway or road. Also, since mining claims occupy surface areas, it does not appear that these should be excepted from the effect of the withdrawal. While we have no doubt concerning the legality of the withdrawal in its present form, we have serious doubts that, if mining claims or other entries were allowed, the courts would sustain the imposition of restrictions in the manner suggested in your letter.

Careful consideration will be given to any applications for permits for rights-of-way for ditches which may be filed under the provisions of the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. sec. 959), affecting lands covered by the withdrawal.

The Alaska Road Commission is already at work on the matter of survey and preparation of plats showing the location of the highways with respect to the public land surveys, and as the plats are filed, it is proposed to revoke the withdrawal order from time to time as to the lands in the highway surveys.

Sincerely yours,

/s/ Oscar L. Chapman

Under Secretary

Mr. A. L. Anderson
 Secretary, Alaska Miners' Association
 Fairbanks, Alaska