



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF TERRITORIES

WASHINGTON 25, D. C.

AIR MAIL

AUG 24 1956

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*W. J. ...*  
*Control 8-24*

Mr. ANGELO F. GHIGLIONE  
DIRECTOR, ALASKA ROAD COMMISSION  
JUNEAU, ALASKA

DEAR Mr. GHIGLIONE:

ENCLOSED ARE TWO COPIES OF A PROPOSED AMENDMENT TO  
SECRETARIAL ORDER No. 2665 CLASSIFYING ALASKA ROADS.

WE HAVE SURMISED THE ORDER AND FORWARDED IT TO THE  
SECRETARY'S OFFICE FOR APPROVAL. THE PROPOSED AMENDMENT CON-  
FORMS TO YOUR EARLIER RECOMMENDATIONS WITH RESPECT TO RECLASSI-  
FICATION. HOWEVER, PLEASE RADIO ME PROMPTLY IF YOU BELIEVE ANY  
CHANGES SHOULD BE MADE IN THE PROPOSED ORDER.

IT IS NOT PROPOSED TO ISSUE A PRESS RELEASE FROM THE  
DEPARTMENT ON THIS RECLASSIFICATION OF ALASKAN ROADS. HOWEVER,  
I FEEL THE ROAD QUESTION IS OF SUFFICIENT IMPORTANCE IN THE  
TERRITORY TO WARRANT AN ANNOUNCEMENT FROM THE GOVERNOR'S OFFICE.  
WILL YOU, THEREFORE, GIVE GOVERNOR HEINTZLEMAN A COPY OF THIS  
PROPOSED AMENDMENT AND A DRAFT RELEASE TO BE ISSUED AFTER THE  
SECRETARY APPROVES THE ORDER.

WE SHALL RADIO YOU AND THE GOVERNOR AS SOON AS THE  
ORDER IS SIGNED.

SINCERELY YOURS,

(Sgd.) Anthony T. Lausi

ANTHONY T. LAUSI  
DIRECTOR

ENCLOSURE

CC: HON. B. FRANK HEINTZLEMAN  
GOVERNOR OF ALASKA  
JUNEAU, ALASKA

Mr. WILLIAM C. STRAND  
DIRECTOR OF INFORMATION  
DEPARTMENT OF THE INTERIOR  
WASHINGTON 25, D. C.

MILNER:FD  
8-24-56

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

ORDER NO. 2665 (OCTOBER 16, 1951), AMENDMENT No. 2

SUBJECT: RIGHTS-OF-WAY FOR HIGHWAYS IN ALASKA

1. SECTION 2 (A)(1) IS AMENDED BY ADDING TO THE LIST OF PUBLIC HIGHWAYS DESIGNATED AS THROUGH ROADS, THE FAIRBANKS-INTERNATIONAL AIRPORT ROAD, THE ANCHORAGE-FOURTH AVENUE-POST ROAD, THE ANCHORAGE INTERNATIONAL AIRPORT ROAD, THE COPPER RIVER HIGHWAY, THE FAIRBANKS-NENANA HIGHWAY, THE DENALI HIGHWAY, THE STERLING HIGHWAY, THE KENAI SPUR FROM MILE 0 TO MILE 14, THE PALMER-WASILLA-WILLOW ROAD, AND THE STEESE HIGHWAY FROM MILE 0 TO FOX JUNCTION; BY RE-DESIGNATING THE ANCHORAGE-LAKE SPENARD HIGHWAY AS THE ANCHORAGE-SPENARD HIGHWAY, AND BY DELETING THE FAIRBANKS-COLLEGE HIGHWAY.

2. SECTION 2 (A)(2) IS AMENDED BY DELETING FROM THE LIST OF FEEDER ROADS THE STERLING HIGHWAY, THE UNIVERSITY TO ESTER ROAD, THE KENAI JUNCTION TO KENAI ROAD, THE PALMER TO FINGER LAKE TO WASILLA ROAD, THE PAXSON TO MCKINLEY PARK ROAD, AND THE STEESE HIGHWAY, FROM MILE 0 TO FOX JUNCTION, AND BY ADDING THE KENAI SPUR FROM MILE 14 TO MILE 31, THE NOME-KOUGAROK ROAD, AND THE NOME-TELLER ROAD.

SECRETARY OF THE INTERIOR

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FM WM J NIEMI CHIEF ENGR ALASKA RD COM JUNEAU ALASKA

TO GEORGE R NILNER ACT ASST DIR FOR ALASKAN AFFAIRS OFFICE

OF TERRITORIES DEPT OF INT WASHDC

INT GRNC

BT

REURMSG AUGUST 15 PD RIGHT OF WAY EASEMENT FOR ROAD BETWEEN

METLAKATLA AND WALDEN POINT REQUESTED OF ALASKA NATIVE SERVICE

DIRECTOR JUNE 18 PD HE SUBMITTED REQUEST TO METLAKATLA VILLAGE

MAYOR ON JUNE 21 PD NO ACTION TO DATE PD ALASKA ROAD COMMISSION

DID NOT REQUEST EASEMENTS FOR FERRY RAMP INSTALLATIONS AS TERRITORIAL

PROJECT

BT

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*File - Highway - 2*

FORM 805 THE STANDARD REGISTER CO. DAYTON 1, OHIO, U. S. A.



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

AIR MAIL

*Al - High - 13*  
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*High 7/9*  
*Contra 7-9*

JUL 10 1956

MR. ANGELO F. GHIGLIONE  
DIRECTOR, ALASKA ROAD COMMISSION  
JUNEAU, ALASKA

DEAR MR. GHIGLIONE:

BY WAY OF ACKNOWLEDGING YOUR RADIOGRAM OF JULY 5, 1956,  
THERE IS ENCLOSED A COPY OF MY MEMORANDUM TO THE DIRECTOR OF THE  
BUREAU OF LAND MANAGEMENT URGING PROMPT REVISION IN SECRETARIAL  
ORDER No. 2665. AS THE BUREAU CUSTOMARILY ACTS IN CASES OF THIS  
SORT UPON THE RECOMMENDATIONS OF THEIR FIELD OFFICES, I SUGGEST  
THAT YOU ALSO CONTACT THE AREA ADMINISTRATOR AND URGE ACTION.

SINCERELY YOURS,

(Sgd.) Anthony T. Lausi

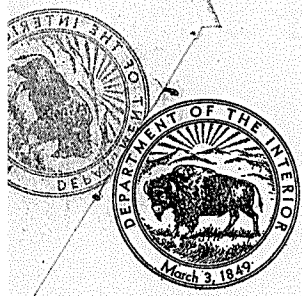
ANTHONY T. LAUSI  
DIRECTOR

ENCLOSURE

MILNER:FD  
7-6-56

*Copies in ACC. Org. & Mtg -*

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

FILE COPY  
Surname:

*Refter 6/9*  
*Decker 7/9*  
*Coulter 7-9*

MEMORANDUM

TO: DIRECTOR, BUREAU OF LAND MANAGEMENT JUL 10 1956  
FROM: DIRECTOR, OFFICE OF TERRITORIES  
SUBJECT: PROPOSED AMENDMENTS TO SECRETARIAL ORDER No. 2665  
DATED OCTOBER 16, 1951

THIS IS IN REFERENCE TO MY MEMORANDUM OF MARCH 8, 1956, ON THE ABOVE SUBJECT. IN THAT MEMORANDUM I RECOMMENDED CERTAIN CHANGES IN SECRETARIAL ORDER No. 2665 SO AS TO TAKE INTO ACCOUNT THE CHANGES IN THE ALASKA ROAD SYSTEM WHICH HAD OCCURRED DURING THE INTERVENING YEARS. IN MY OPINION IT IS ESSENTIAL THAT THIS RECLASSIFICATION BE ACCOMPLISHED BEFORE THE TRANSFER OF THE ALASKA ROAD COMMISSION TO THE DEPARTMENT OF COMMERCE IN ACCORDANCE WITH PUBLIC LAW 627, APPROVED JUNE 29, 1956. THE TRANSFER WILL TAKE PLACE WITHIN NINETY DAYS OF THE APPROVAL DATE OF THE ACT.

ANOTHER PROBLEM MAKES EARLY REVISION OF ORDER No. 2665 IMPORTANT. PUBLIC LAW 158, APPROVED JULY 14, 1955, AUTHORIZES THE CONSTRUCTION AND MAINTENANCE OF ROADS BY THE ALASKA ROAD COMMISSION WITHIN UNINCORPORATED TOWNS; WITHIN INCORPORATED TOWNS, HOWEVER, THE COMMISSION MAY ONLY DO CONSTRUCTION WORK AND THEN ONLY WHEN THE ROAD IS A PART OF THE "THROUGH" ROAD SYSTEM. THE ALASKA ROAD COMMISSION HAS PLANNED THE PAVING OF THE PALMER-WASILLA-WILLOW ROAD THIS SUMMER. THE SECTION OF THE ROAD WHICH LIES WITHIN THE INCORPORATED TOWN OF PALMER IS INTENDED TO BE INCLUDED IN THE PAVING PROJECT. HOWEVER, THIS WORK CANNOT BE ACCOMPLISHED UNTIL SECRETARIAL ORDER No. 2665 IS REVISED, RECLASSIFYING THIS ROAD AS A "THROUGH" ROAD.

YOUR PROMPT ACTION IN REVISING ORDER No. 2665 IN ACCORDANCE WITH MY MEMORANDUM OF MARCH 8 WILL BE DEEPLY APPRECIATED.

(Sgd.) Anthony T. Lausi

ANTHONY T. LAUSI

MILNER:FD  
7-6-56

cc: MR. ANGELO F. GHIGLIONE  
DIRECTOR, ALASKA ROAD COMMISSION  
JUNEAU, ALASKA

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FM A F GHILGIONE DIRECTOR ALASKA ROAD COMMISSION JUNEAU ALASKA

TO ANTHONY T LAUSI DIRECTOR OFFICE OF TERRITORIES WASHINGTON DC

INT GRNC

BT

REFER OURLETS JANUARY 31 AND FEBRUARY 3 1956 RECOMMENFING

AMENDMENTS AND ADDITIONS TO SECRETARIAL ORDER 2665

RECLASSIFICATION NECESSARY PURSUANT TO PUBLIC LAW 158 OF 84TH

CONGRESS FOR THIS SEASONS PAVING WHITHIN CORPORATE LIMITS TOWN

OF PALMER AS PART OF PALMER WASILLA WILLOW THROUGH RAOD SYSTEM

BT

CFN 31 3 1956 2665 158 84TH

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FORM 805 THE STANDARD REGISTER CO., DAYTON 1, OHIO, U. S. A.



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

*Al. Neighs - 13*  
FILE COPY  
Surname:

<i>W. H. Rafter</i>

AIR MAIL

APR - 2 1956

MEMORANDUM

**TO:** DIRECTOR, TECHNICAL REVIEW STAFF

**FROM:** DIRECTOR, OFFICE OF TERRITORIES

**SUBJECT:** REQUEST FOR DEPARTMENTAL COMMENTS RELATING TO STATEMENT BY BUREAU OF PUBLIC ROADS ON POLICIES AND PROCEDURES FOR ROAD RELOCATIONS RESULTING FROM WATER RESOURCES PROJECTS

THIS IS IN RESPONSE TO YOUR MEMORANDUM OF MARCH 14, 1956, ON THE ABOVE SUBJECT. IN ANSWER TO THE FIRST QUESTION OF THE SECRETARY OF COMMERCE, THE MEMORANDUM APPEARS TO ESTABLISH REASONABLE AND SATISFACTORY PROCEDURES FOR DEALING WITH RELOCATION PROBLEMS RESULTING FROM WATER POWER PROJECTS. SECONDLY, IN SO FAR AS THE ACTIVITIES AND RESPONSIBILITIES GENERALLY OF THE OFFICE OF TERRITORIES ARE CONCERNED, THERE APPEARS TO BE NO NEED FOR ADDITIONAL LEGISLATION TO IMPLEMENT THE OBJECTIVES OF THE MEMORANDUM.

FOR THE MOST PART, THE MEMORANDUM IS NOT DIRECTLY APPLICABLE TO ALASKA AS THE VARIOUS FEDERAL-AID HIGHWAY ACTS HAVE NOT BEEN EXTENDED TO THAT TERRITORY (EXCEPT FOR PROVISIONS RELATING TO ROADS IN THE NATIONAL FORESTS). HOWEVER, THE ALASKA ROAD COMMISSION, A FEDERAL AGENCY, OPERATES UNDER THE JURISDICTION OF THE OFFICE OF TERRITORIES WITH FUNDS APPROPRIATED BY THE CONGRESS. ALTHOUGH THE COMMISSION IS AUTHORIZED TO, AND DOES, ACCEPT CONTRIBUTIONS FROM OTHER GOVERNMENT AGENCIES AND THE TERRITORY FOR EXPENDITURE IN THE CONSTRUCTION AND MAINTENANCE OF ROADS, THERE IS NO MATCHING REQUIREMENT AS SET FORTH IN THE FEDERAL-AID HIGHWAY LEGISLATION APPLICABLE TO THE STATES, PUERTO RICO AND HAWAII.

FOR THE ABOVE REASONS, WE BROUGHT THE BUREAU OF PUBLIC ROADS MEMORANDUM TO THE ATTENTION OF THE COMMISSIONER OF ROADS FOR ALASKA WHO COMMENTED THAT "THE POLICIES AND PROCEDURES PRESCRIBED APPEAR TO BE THE BEST BASIS FOR TREATMENT OF SUCH (WATER) PROJECTS AND ADEQUATELY SERVE TO AVOID UNNECESSARY EXPENDITURE OF PUBLIC FUNDS."

THE COMMISSIONER FURTHER STATED THAT:

"THE ALASKA ROAD COMMISSION HAS BEEN FOLLOWING MUCH THE SAME POLICY IN CONNECTION WITH OUR WORK IN THE TERRITORY, AND I DO NOT BELIEVE ANY ADDITIONAL LEGISLATION IS REQUIRED IN ORDER TO OBTAIN THE OBJECTIVES OF THIS MEMORANDUM. SINCE THE EXPENDITURE OF ROAD COMMISSION FUNDS IS NOT ON A MATCHING BASIS SIMILAR TO THE FEDERAL-AID FUNDS, THE ALLOCATION OF

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MONIES TO PROJECTS IS ENTIRELY WITHIN OUR ADMINISTRATIVE CONTROL, AND WOULD NOT REQUIRE ADDITIONAL LEGISLATION.

"THE ONLY RECENT PROJECT WHICH HAS AFFECTED OUR PLANNING HAS BEEN THE WOODS CANYON DAM ON THE COPPER RIVER. THE AWARD OF A PERMIT TO THE HARVEY ALUMINUM INTERESTS TWO YEARS AGO, AND THEIR STUDIES OF THE WOODS CANYON SITE, RESULTED IN OUR DEFERRING ANY CONSTRUCTION ON THE NORTH END OF THE COPPER RIVER HIGHWAY, IN THE SAME MANNER PROPOSED BY PARAGRAPH 3 UNDER PART 4 OF THE BUREAU OF PUBLIC ROADS MEMORANDUM. SUBSEQUENT FAILURE OF THE HARVEY ALUMINUM PLANS TO MATERIALIZE, AND PRESENT ANTICIPATION THAT NO ACTION ON THE WOODS CANYON DAM WILL BE TAKEN FOR MANY YEARS, NOW PERMITS US TO AGAIN CONSIDER CONSTRUCTION FROM BOTH ENDS ON THE COPPER RIVER HIGHWAY."

(Sgd.) Anthony T. Lausi

ANTHONY T. LAUSI

MILNER:FD  
3-29-56



NOTE TO FILES:

ENCLOSURE BELONGS WITH COPY OF MEMO OF

MARCH 14, 1956, FROM DIRECTOR, TECHNICAL REVIEW

ERIOR  
DN

STAFF: SUBJECT: REQUEST FOR DEPARTMENTAL  
COMMENTS RELATING TO STATEMENT BY BUREAU OF  
PUBLIC ROADS ON POLICIES AND PROCEDURES FOR ROAD  
RELOCATIONS RESULTING FROM WATER RESOURCES PROJECTS.

March 26, 1956

*Milner*

Washington 25, D. C.

My dear Mr. Milner:

This is in reply to your letter of March 21, regarding the Bureau of Public Roads Policy and Procedure Memorandum relating to road relocations resulting from water projects. The policies and procedures prescribed appear to be the best basis for treatment of such projects and adequately serve to avoid unnecessary expenditure of public funds.

The Alaska Road Commission has been following much the same policy in connection with our work in the Territory, and I do not believe any additional legislation is required in order to obtain the objectives of this memorandum. Since the expenditure of Road Commission funds is not on a matching basis similar to the Federal-aid funds, the allocation of monies to projects is entirely within our administrative control, and would not require additional legislation.

The only recent project which has affected our planning has been the Woods Canyon Dam on the Copper River. The award of a permit to the Harvey Aluminum interests two years ago, and their studies of the Woods Canyon site, resulted in our deferring any construction on the north end of the Copper River Highway, in the same manner proposed by paragraph 3 under part 4 of the Bureau of Public Roads memorandum. Subsequent failure of the Harvey Aluminum plans to materialize, and present anticipation that no action on the Woods Canyon dam will be taken for many years, now permits us to again consider construction from both ends on the Copper River Highway.

In accordance with your request, the Bureau of Public Roads Policy and Procedure Memorandum is returned herewith.

Sincerely yours,

*A. F. Ghiglione*

A. F. Ghiglione  
Director

Enclosure

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
P. O. BOX 1961  
JUNEAU, ALASKA

March 26, 1956

*Milner*

Mr. George R. Milner  
Acting Assistant Director  
for Alaskan Affairs  
Office of Territories  
Washington 25, D. C.

My dear Mr. Milner:

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In accordance with your request, the Bureau of Public Roads Policy and Procedure Memorandum is returned herewith. //

Sincerely yours,

A. F. Ghiglione  
Director

Enclosure

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
JUNEAU, ALASKA

March 26, 1956

Mr. George R. Milner  
Acting Assistant Director  
for Alaskan Affairs  
Office of Territories  
Washington 25, D. C.

My dear Mr. Milner:

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In accordance with your request, the Bureau of Public Roads Policy and Procedure Memorandum is returned herewith.

Sincerely yours,

A. F. Ghiglione  
Director

Enclosure

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U. S. DEPARTMENT OF COMMERCE BUREAU OF PUBLIC ROADS	POLICY AND PROCEDURE MEMORANDUM 50-4.2 Date of Issuance: January 11, 1956
PLANNING	
SUBJECT: <b>HIGHWAY-WATER RESOURCES DEVELOPMENTS (Road Relocations Resulting From Water Projects)</b>	
Supersedes: Memoranda dated August 11, 1950 and January 9, 1952, (Temporary Topic 50-D)	

### 1. Purpose

The purpose of this memorandum is to prescribe policies and procedures of the Bureau of Public Roads on matters relating to the relocation, which term includes reconstruction, adjustments and alterations, of highways on any Federal-aid or Forest highway system made necessary by the construction of reservoirs or other water resources projects.

### 2. Policy

a. It is the policy of Public Roads to cooperate with Federal and State agencies in the early determination of those segments of Federal-aid or Forest highway routes that may need to be relocated for accommodation of water resources projects, in estimating the costs of such relocations, and in equitably allocating such costs between the water and highway interests. Upon the request of another Federal agency or a State highway department, Public Roads will render similar assistance with respect to roads not on these two systems. The furnishing of such assistance, if involving substantial services, may be on a reimbursable basis.

b. The continuing objective of this policy is to coordinate highway improvements with proposed water projects to avoid unnecessary expenditure of public funds.

c. The cost of road relocations to be charged to the water project should be the difference between the cost of constructing the highway to modern highway design standards on the new location or elevation resulting from the water project and the cost of reconstructing the existing highway to the same modern standards without regard to the water project. Modern highway design standards should be based on a projection of traffic conditions for not more than twenty years in the future. Differences in highway maintenance costs resulting from the relocation should also be considered in the foregoing computations. Public Roads is not concerned with the allocation of costs between water project purposes, such as flood control, power, irrigation and navigation.

d. Federal-aid or Forest highway funds may participate in the cost of relocating Federal-aid or Forest highways provided the participation does not exceed what would have been expended had the highway been reconstructed without regard to the water project.

e. Federal-aid or Forest highway funds will not be available to defray any part of the cost of relocating highways that local interests are required or agree to assume as a condition to the undertaking of the water project.

### 3. Procedures

a. As a means of strengthening interagency cooperation, each Public Roads district engineer should, as occasions arise, discuss the problems of highway relocation required by water projects with the field representatives of the interested Federal agencies. He should make certain that he is on the mailing list of the appropriate Federal agency to receive all notices of hearings and studies concerning such projects. After receipt of each notice and discussion of the matter with the State highway department, the district engineer should apprise the Federal water project agency as to the interest of Public Roads therein.

b. When it appears that a proposed water project might affect existing or proposed highway facilities, the water project agency should be requested to furnish a statement of the probable location of its project, the elevation of the pool, any navigational clearances to

Comm-DC-46725

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be required in bridges, any agreements by local interests to assume costs of highway relocations, and related details. On the basis of such information, details concerning the needed highway relocations, the estimated cost thereof and the increment of cost chargeable to the water project should be submitted to the water project agency. The submission should include a request that the data be used in benefit-cost and cost allocation computations of the water project and that the information be clearly shown in the agency's report to the Congress.

#### 4. Public Roads Presentations of Information

a. The presentation of factual information by Public Roads, at public hearings and otherwise, concerning road relocations, cost allocations, and related details, should be prefaced by a statement of Public Roads' views covering the following points:

(1) Although the Bureau of Public Roads under existing law has no responsibility for making recommendations to the Congress concerning proposed water projects, it has within its sphere of activity, in connection with the improvement of Federal-aid and Forest highways, a coordinate duty to assist in obtaining needed factual information on highway relocation costs due to such projects, in order that such data may be taken into account in arriving at sound decisions.

(2) The relocation cost estimates and other data are based upon a probable dam site, pool elevation, and related information furnished by the water project agency. Any change in the site or in the elevation of the pool may materially affect the estimates. The information concerning highway design features and costs is based upon the best information available as to projected future traffic conditions. If construction of the water project should be deferred for five years or more after the estimates are furnished, the highway interests should have an opportunity to review the estimates, with a view toward making any appropriate revisions in the information being furnished before construction of the water project is started. Any highway improvement that may be made after a water project is studied but before its construction is started may materially increase the share of the relocation cost to be financed by the water project.

(3) The Bureau of Public Roads will cooperate in every way possible toward deferring improvement of any segment of a Federal-aid or Forest highway route expected to be inundated by any water project being advanced to construction. Needed highway improvements cannot be unduly deferred, however, in cases where construction of a water project is not imminent.

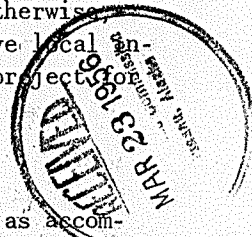
(4) In appropriate cases, it should be pointed out that Federal-aid or Forest highway funds may not be used to relieve local interests of obligations they assume as a condition to the undertaking of a water project. The decision to deny Federal-aid or Forest highway funds in such cases does not involve the discretion of the Bureau of Public Roads. It is based upon a fundamental relationship between coordinate governmental programs. Under that relationship, in the absence of a clear expression by the Congress authorizing otherwise, funds appropriated by the Congress for highway purposes may not be used to relieve local interests of obligations they assume as a condition to the undertaking of a water project which the Congress appropriates funds.

#### 5. Required Reports

Except for information concerning cost allocation and related details such as accompany program documents, and special information as may be requested in individual cases, no reporting to the Washington office is required under this memorandum.

-46725

*C. D. Curtis*  
Commissioner of Public Roads



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RECEIVED  
MARCH 21 1956  
U.S. DEPARTMENT OF THE INTERIOR  
OFFICE OF TERRITORIES

*Al - Highways - 13*  
FILE COPY  
Surname:

ENCLOSURE: COPY OF BUREAU OF PUBLIC ROADS POLICY AND PROCEDURE MEMORANDUM 50-4.2, RIOR DATED JANUARY 11, 1956, DEALING WITH ROAD RELOCATIONS AT WATER RESOURCES DEVELOPMENT TO BE RETURNED TO OFFICE OF TERRITORIES WITH MR. GHIGLIONE'S REPLY TO OUR LETTER REQUESTING HIS VIEWS BY MARCH 28. (REF. COPY OF MEMO OF MARCH 14, 1956 TO DIRECTOR, OFFICE OF TERRITORIES, FROM DIRECTOR, TECHNICAL REVIEW STAFF)

MAR 21 1956

*Rafley*


Dear Mr. Ghiglione:

Enclosed is a copy of a Bureau of Public Roads Policy and Procedure Memorandum relating to road relocations resulting from water projects.

We have been requested to review and comment on this Memorandum but before doing so, we should appreciate having your views on the subject.

We have specifically been asked whether the memorandum reflects a mutually suitable basis for the treatment, in economic evaluation and reimbursement practices, of Federal Aid and Forest Highway Route relocations made necessary by water resources projects undertaken by this Department. Also, do you believe that additional legislation is required before the objectives of the memorandum can be put into effect by the Department of the Interior, insofar as it relates to Alaska?

We have been requested to have our views in the hands of the Secretary by March 30. We should appreciate it, therefore, if you could have your comments in this Office by March 28.

Please return the Bureau of Public Roads memorandum with your reply.

GMilner:fd:veh  
Written 3-20-56  
Rewritten 3-21-56

Sincerely yours,  
  
(Sgd.) George R. Milner  
  
George R. Milner  
Acting Assistant Director  
for Alaskan Affairs

Enclosure

*Copy on Al - Public Utilities  
with P. Projects*

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF TERRITORIES  
Washington 25, D. C.

Air Mail

MAR 21 1956

*Al - Highways - 13*  
FILE COPY  
Surname:

*Rogler*


Mr. A. F. Ghiglione  
Commissioner of Roads  
for Alaska  
Alaska Road Commission  
Juneau, Alaska

Dear Mr. Ghiglione:

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Please return the Bureau of Public Roads memorandum with your reply.

GMilner:fd:veh  
Written 3-20-56  
Rewritten 3-21-56

Sincerely yours,

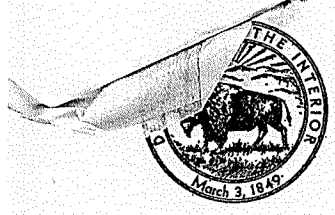
(Sgd.) George R. Milner

George R. Milner  
Acting Assistant Director  
for Alaskan Affairs

Enclosure

*Copy on - Al - Public Utilities  
water P. Projects*

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

MAR 14 1956

**Memorandum**

**To:** Commissioner, Bureau of Reclamation  
Commissioner, Bureau of Indian Affairs  
Director, Bureau of Land Management  
Director, Fish and Wildlife Service  
Director, National Park Service  
Administrator, Bonneville Power Administration  
Administrator, Southwest Power Administration  
Administrator, Southeast Power Administration  
Director, Office of Territories

C. Sullivan KAC 3-16		
YR		

**From:** Director, Technical Review Staff

**Subject:** Request for departmental comments relating to statement by Bureau of Public Roads on policies and procedures for road relocations resulting from water resources projects

Attached is a copy of a Bureau of Public Roads, Department of Commerce, "Policy and Procedure Memorandum 50-4.2," dated January 11, 1956, dealing with road relocations at water resources development projects. By letter to the Secretary of the Interior dated March 5, 1956, the Secretary of Commerce solicited comments on various points relating to this Public Roads memorandum. The specific questions raised were as follows:

"After you have had an opportunity to review the memorandum, it would be greatly appreciated if you would advise us on the following points:

- "(1) Does the memorandum reflect a mutually suitable basis for the treatment, in economic evaluation and reimbursement practices, of Federal-aid and Forest highway route relocations made necessary by water resources projects undertaken by the Department of the Interior?
- "(2) Can the objectives of the memorandum be put into effect between the Department of the Interior and the Department of Commerce without additional legislation?
- "(3) If additional legislation should be required before the objectives of the memorandum can be put into effect by the Department of the Interior, is the Department of the Interior willing to join this Department in the preparation and submission of a legislative proposal on this subject to the Bureau of the Budget and the Congress?"

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DEL



For the purpose of preparing the Department's reply to the Secretary of Commerce, please supply by memorandum to this office, routed through the respective Assistant Secretaries, your views and reactions to the above specific points along with such other comments as you believe should be incorporated. In order that a reasonably prompt response can be made it will be appreciated if your memorandum can be received by March 30.

*RWMorse*  
Roy W. Morse

Attachment

Sent to Mr. Ghiglieri with our letter to him requesting his comments by 3/28/56. To be returned to us with his reply.  
Muller/td

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF TERRITORIES  
Washington 25, D. C.

FILE COPY  
Surname:

*Al - Highway - 13*

<i>Ritter</i>
<i>Wilbur</i>
<i>Coulter</i>
<i>Baker</i>

MAR - 8 1956

Memorandum

To: Director, Bureau of Land Management

From: Director, Office of Territories

Subject: Proposed amendments to Secretarial Order No. 2665  
dated October 16, 1951

This is in reference to the above Secretarial Order which fixes the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior. Because of the lapse of time since the first issuance of this Order and because of design changes which have since been effected by the Alaska Road Commission, it is requested that Order No. 2665 be revised in the following manner:

I. Additions to Through Roads

1. Constructed or included since October 16, 1951, date of Secretarial Order No. 2665
  - ✓ a. Fairbanks - International Airport Road
  - ✓ b. Anchorage - Fourth Avenue-Post Road
  - ✓ c. Anchorage International Airport Road
2. Changed from Feeder to Through Road
  - a. Sterling Highway
  - b. Kenai Spur - Mile 0 to Mile 14
  - c. Palmer - Wasilla - Willow (formerly listed as Palmer - Finger Lake - Wasilla)
  - d. Steese Highway, Mile 0 to Fox Junction (Fox Junction to Mile 161 to remain as Feeder Road)
3. Change in name - former: Anchorage - Lake Spenard Road  
current: Anchorage-Spenard Road

II. Additions to Feeder Roads

1. Constructed or included since October 16, 1951, date of Secretarial Order No. 2665
  - a. Nome-Kougarok
  - b. Nome-Teller
2. Changed from local to Feeder Road
  - a. Kenai Spur, Mile 14 to Mile 31

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By memorandum dated December 21, 1953, the Office of Territories recommended that Secretarial Order No. 2665 be amended so as to include the Copper River Highway, and the then proposed Fairbanks-Nenana Highway in the classification of Through Roads. Additionally, by memorandum dated January 15, 1954, we recommended that the Denali Highway be designated a Through Road pursuant to Order No. 2665. We again request that these three highways be included in the Through Road classification.

Upon the addition of the Fairbanks-Nenana Road to the Through Road classification, the existing Fairbanks-College Road should be deleted. This road will be a part of the Fairbanks-Nenana Road which is now under construction. In addition, the University-Ester Road and the Paxson-McKinley Park Road should be deleted from the Feeder Road classification. The former will be a part of the Fairbanks-Nenana Road while the second has been designated the Denali Highway.

The Commissioner of Roads for Alaska has advised us that the Area Administrator at Juneau has also been advised of the requested additions and amendments to the existing Order.

(Sgd.) Anthony T. Lausi  
Anthony T. Lausi

GMilner:veh  
3-1-56

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Al. Highp - 13

*Files*  
2/27/56

ERIOR  
ON

Mr. Nales:

Attached is the Abbett Road correspondence. The opinion on maintenance is indicated by the blue marker.

I should appreciate your checking this with Ghig and letting me know whether he wants to have Abbett Road deleted from the Secretary's right-of-way order.

If the ARC is not authorized to carry out any maintenance on it and if it is not to be classed as a part of the "through" system, I believe it should be omitted from the order.

Thanks,  
Milner

February 14, 1956

*Milner 9 AM 2/1*  
*Replied 2/20*

of February 10, changes and

etofore, that the ough road.

Kodiak Island 2665, it is nents be formally icitor has ruled rt Road is to t Government then we further om Order No. 2665.

ecommendations

*George: See me further about this if you please*  
*Mike*  
*2/18/56*

A. F. Ghiglione  
Commissioner of Roads for Alaska

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
P. O. BOX 1961  
JUNEAU, ALASKA

February 14, 1956

Mr. George R. Milner  
Acting Assistant Director  
for Alaskan Affairs  
Office of Territories  
U. S. Department of the Interior  
Washington 25, D. C.

My dear Mr. Milner:

Reference is made to your letter of February 10, 1956, concerning our previously recommended changes and amendments to Secretarial Order No. 2665.

We continue to recommend, as heretofore, that the Copper River Highway be classified as a Through road.

As to whether the Abbert Road on Kodiak Island should be deleted from Secretarial Order No. 2665, it is our recommendation that no changes or amendments be formally approved as to Order No. 2665, until the Solicitor has ruled as to whether or not maintenance of the Abbert Road is to be continued by the Alaska Road Commission at Government cost. If his opinion is in the affirmative, then we further recommend that Abbert Road be not deleted from Order No. 2665.

Your effort in behalf of these recommendations is appreciated.

Sincerely yours,

A. F. Ghiglione  
Commissioner of Roads for Alaska

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

*Al. High - 13*  
FILE COPY  
Surname:  
*x By. Al. High - 13*  
*[Signature]*

AIR MAIL

FEB 10 1956

MR. ANGELO F. GHIGLIONE  
COMMISSIONER OF ROADS FOR ALASKA  
ALASKA ROAD COMMISSION  
JUNEAU, ALASKA

DEAR MR. GHIGLIONE:

THIS WILL ACKNOWLEDGE YOUR LETTERS OF JANUARY 31 AND FEBRUARY 3, 1956, REQUESTING THAT CERTAIN CHANGES BE MADE IN SECRETARIAL ORDER No. 2665. BEFORE REQUESTING ACTION ON THESE CHANGES, WE SHOULD APPRECIATE HAVING SOME ADDITIONAL INFORMATION.

NEITHER OF YOUR LETTERS MENTIONED THE CLASS OF THE COPPER RIVER HIGHWAY. YOU WILL RECALL THAT IN LATE 1953 WE REQUESTED THAT THE COPPER RIVER HIGHWAY, AS WELL AS THE THEN PROPOSED FAIRBANKS-NENANA HIGHWAY, BE CLASSED AS A "THROUGH" ROAD. THIS ACTION, AS WELL AS SIMILAR ACTION WITH RESPECT TO THE DENALI AND NENANA ROADS, WAS HELD IN ABEYANCE PENDING APPROVAL OF AN ORDER REVOKING THE PRESENT WITHDRAWALS AND SUBSTITUTING EASEMENTS ALONG THROUGH HIGHWAYS AND THE ALASKA HIGHWAY. IT IS PRESUMED THAT YOU STILL WISH TO HAVE THE COPPER RIVER HIGHWAY CLASSED AS A THROUGH ROAD, BUT WE WOULD APPRECIATE YOUR CONFIRMING IT.

A SECOND QUESTION HAS ARISEN CONCERNING THE ABBERT ROAD ON KODIAK ISLAND. WE HAVE REQUESTED AN OPINION FROM THE SOLICITOR AS TO WHETHER THE ROAD COMMISSION IS AUTHORIZED TO CONTINUE MAINTENANCE OF THE ROAD. IF ABBERT ROAD NOW LIES WITHIN THE CITY LIMITS AND THE NAVY BASE, IT MAY BE DESIRABLE TO DELETE IT FROM SECRETARIAL ORDER No. 2665. WE SHOULD APPRECIATE YOUR VIEWS ON THIS AS WELL.

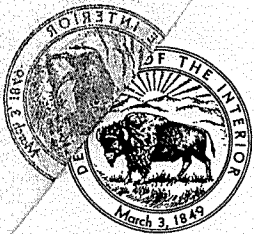
SINCERELY YOURS,

(Sgd.) George R. Milner

GEORGE R. MILNER  
ACTING ASSISTANT DIRECTOR  
FOR ALASKAN AFFAIRS

MILNER:FD  
2-9-56

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
P. O. BOX 1961  
JUNEAU, ALASKA

To	Initial	Date
<i>George</i>		
<i>Mulren</i>		

January 31, 1956

Mr. Anthony T. Lausi, Director  
Office of Territories  
Department of the Interior  
Washington 25, D. C.

My dear Mr. Lausi:

Reference is made to Secretarial Order No. 2665, dated October 16, 1951, which fixed the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior.

Due to the lapse of time since the first issuance of the Order, and because of design changes effected by the Alaska Road Commission since October 16, 1951, it is recommended that the Order be amended or modified to reflect the following changes:

ADDITIONS TO THROUGH ROADS

1. Constructed (or included) since October 16, 1951, date of Secretarial Order No. 2665

Fairbanks-International Airport Road  
Anchorage-4th Avenue-Post Road  
Anchorage International Airport Road

2. Changed from Feeder to Through Road

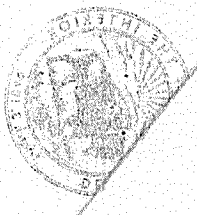
Sterling Highway  
Kenai Spur, mile 0 to mile 14  
Steese Highway, mile 0 to Fox Junction (\*)

3. Change in Name

Former: Anchorage-Lake Spenard Road  
Current: Anchorage-Spenard Road

(\*) Steese Highway, Fox Junction to mile 161 to remain as Feeder Road

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ADDITIONS TO FEEDER ROADS

1. Constructed (or included) since October 16, 1951, date of Secretarial Order No. 2665

Nome-Kougarok  
Nome-Teller

2. Changed from Local to Feeder Road

Kenai Spur, mile 14 to mile 31

- ~~3. Change in Name~~

~~Former: Palmer-Finger Lake-Wasilla~~  
~~Current: Palmer-Wasilla-Willow~~

Previously, under date of December 10, 1953, it was requested that the new Fairbanks-Menana route be established as a Through Road, and that the route under construction between the Richardson Highway and McKinley Park be listed as the Denali Highway in the Through Road classification. Approval of these recommendations must precede, or be made concurrently with, the following additional changes in Secretarial Order No. 2665:

DELETIONS FROM THROUGH ROADS

Fairbanks-College Road

DELETIONS FROM FEEDER ROADS

University-Ester  
Paxson-McKinley Park

The area administrator, Bureau of Land Management, Juneau, is being advised, in proper form, of the requested additions and amendments to existing Order No. 2665.

Sincerely yours,

A. F. Ghiglione  
Commissioner of Roads for Alaska

cc: Area Administrator, Juneau  
Bureau of Land Management

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
ALASKA ROAD COMMISSION  
P. O. BOX 1961  
JUNEAU, ALASKA

February 3, 1956

Mr. Anthony T. Lausi, Director  
Office of Territories  
Department of the Interior  
Washington 25, D. C.

My dear Mr. Lausi:

Our letter dated January 31, 1956, referred to Secretarial Order No. 2665, dated October 16, 1951, and proposed certain amendments and modifications thereto.

Due to greatly increased traffic, and rapid side developments of an important nature on the Palmer-Wasilla-Willow road, it is now proposed that Order No. 2665 be further amended by adding this road, (noted on page 2 of our letter of January 31, 1956 as Feeder Road) to the Through Road classification.

The Area Director, Bureau of Land Management, Juneau, will be notified accordingly.

Sincerely yours,

A. F. Ghiglione  
Commissioner of Roads for Alaska

cc: Area Director, Bureau of Land Management, Juneau

To	Initials	Date
<i>mlrue</i>		

*SR*

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1. ~~Mr. [unclear]~~ 9M
2. ~~Mr. [unclear]~~ C.J.
3. ~~Mr. [unclear]~~ KIC.
4. ~~Mr. [unclear]~~ CR
5. Files

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 5.01 Coal  
 Fairbanks 012577

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 Bureau of Land Management  
 Washington 25, D. C.

January 30, 1956

DECISION

Cripple Creek Coal Company : Right-of-way application

Decision of January 5, 1956 Amended

By decision of January 5, 1956 this office conditionally approved the amended right-of-way application, Fairbanks 012577, of the Cripple Creek Coal Company.

The last paragraph of page five of that decision reads as follows:

"In accordance with amended application, Fairbanks 012577, the Cripple Creek Coal Company is hereby granted (a) to a right-of-way easement over the Usibelli and Suntrana leaseholds for roads to be constructed or already constructed by Cripple Creek along the route indicated on the map submitted with the amended application to the extent of the route not included in part (b), hereof, such right-of-way not to exceed 100 feet in width; and (b) an easement for joint use of the existing road constructed by Usibelli across the Usibelli and Suntrana leases as indicated on said map, to the loading point located on the Suntrana property. The rights granted hereunder shall be subject to the following conditions and stipulations."

It was intended under (b) of that paragraph to grant the Cripple Creek Coal Company an easement for joint use of the existing road constructed by Usibelli across the Usibelli and Suntrana leases as indicated on the map to its loading facilities on the Suntrana spur of the Alaska Railway. Since the loading facilities are not located on the property of the Suntrana Mining Company as stated in the decision of January 5, 1956 and in order to prevent any future misunderstanding as to the location of the loading point, the decision of January 5, 1956 with respect to the last paragraph on page five is amended by deleting the following words from the first sentence thereof: "to the loading point located on the Suntrana property."

*Edward L. [unclear]*  
 Director

Copies to all parties receiving decision of January 5, 1956

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Public Lands in  
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Al-Highway-13

84TH CONGRESS  
1ST SESSION

# H. R. 4096

IN THE SENATE OF THE UNITED STATES

JULY 19, 1955

Read twice and referred to the Committee on Interior and Insular Affairs

## AN ACT

To provide for the disposal of public lands within highway, telephone, and pipeline withdrawals in Alaska, subject to appropriate easements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That upon revocation of a withdrawal for highways, tele-  
4 phone lines, or pipelines, in Alaska, the lands involved shall  
5 be subject to disposal only under laws specified by the  
6 Secretary of the Interior, subject to easements as established  
7 by the Secretary. Notwithstanding any statutory limitation  
8 on the area which may be included in an unpatented claim or  
9 entry, the Secretary may permit the amendment of the land

I

See Log. File - H.R. 4096

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1 description of a claim or entry on adjoining lands to include  
2 the restored lands.

3       SEC. 2. The Secretary may sell such restored lands for  
4 not less than their appraised value, giving an appropriate  
5 preference right to the holders of adjoining claims or entries  
6 and to owners of adjoining private lands. If such lands are  
7 under the jurisdiction of a Federal department or agency  
8 other than the Department of the Interior, any sale thereof  
9 shall be made only with the consent of such department or  
10 agency.

11       SEC. 3. Public lands in Alaska within an easement here-  
12 under established by the Secretary of the Interior may not  
13 be utilized or occupied without the permission of the Secre-  
14 tary, or an officer or agency designated by him. If the lands  
15 crossed by an easement established under this Act are under  
16 the jurisdiction of a Federal department or agency other than  
17 the Department of the Interior, or of a State, Territory, or  
18 other government subdivision or agency, such permission  
19 may be granted only with the consent of such department,  
20 agency, or other governmental unit.

- 1 SEC. 4. Nothing in this Act shall affect adversely any
- 2 valid existing rights.

Passed the House of Representatives July 18, 1955.

Attest:

RALPH R. ROBERTS,

*Clerk.*

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84TH CONGRESS  
1ST SESSION

# H. R. 4096

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## AN ACT

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To provide for the disposal of public lands within highway, telephone, and pipeline withdrawals in Alaska, subject to appropriate easements, and for other purposes.

---

JULY 19, 1955

Read twice and referred to the Committee on Interior and Insular Affairs

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PROVIDING FOR THE DISPOSAL OF PUBLIC LANDS WITHIN HIGHWAY, TELEPHONE, AND PIPELINE WITHDRAWALS IN ALASKA, SUBJECT TO APPROPRIATE EASEMENTS

JULY 6, 1955.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs, submitted the following

R E P O R T

[To accompany H. R. 4096]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 4096), to provide for the disposal of public lands within highway, telephone, and pipeline withdrawals in Alaska, subject to appropriate easements, and for other purposes, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Page 2, line 6; after the period on line 6 insert a new sentence as follows:

*If such lands are under the jurisdiction of a Federal department or agency other than the Department of the Interior, any sale thereof shall be made only with the consent of such department or agency.*

EXPLANATION OF THE BILL

The purpose of H. R. 4096, as amended, is to provide for the disposal of public lands within highway, telephone, and pipeline withdrawals subject to appropriate easements.

The construction of highways in Alaska has done much to stimulate the settlement and development of the Territory. To protect these highways, strips of public lands have been reserved for roadway purposes under Public Land Orders 601 of August 10, 1949, and 757 of October 16, 1951. Public Land Order 386 of July 31, 1947, provided for a withdrawal of strips running generally parallel to the highway for a telephone line and an oil pipeline. In many cases the highways and lines cross legal subdivisions of public lands which have been patented to private owners.

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PROVIDE FOR DISPOSAL OF CERTAIN PUBLIC LANDS IN ALASKA  
 This Department has embarked on a general program to reduce the area of public lands in Alaska withdrawn from entry in order to encourage the area of rather than the public lands. The Department has provided for road easements (43 C. F. R. Cum. Supp. 74.20). Departmental Order 2665 of October 16, 1951, authorize the Secretary to dispose of the lands in Alaska, restored to telephone line, and pipeline withdrawals in Alaska. The problem of these lands under the Secretary's authority is needed to solve the problem of these lands appraised value, specified by him or to sell such public lands. The Secretary to establish easements for road easements with the purposes of the disposal of these lands, therefore, could be restored to the purposes of the disposal of these lands. The Secretary could be restored to the purposes of the disposal of these lands. The Secretary could be restored to the purposes of the disposal of these lands.

2 PROVIDE FOR DISPOSAL OF CERTAIN PUBLIC LANDS IN ALASKA

Frequently the withdrawn areas are as large as 600 feet in width and thus full utilization of the area along the highway is practically impossible. The Department favors a general program of reducing the area of public lands in Alaska withdrawn from entry in order to encourage their development. Therefore, Departmental Order 2665 of 1951 established road easements rather than large withdrawal areas.

Section 2 would authorize the Secretary to dispose of the lands restored from these withdrawals under any law specified by him or to sell them at not less than their appraised value. Owners or claimants to land adjoining these withdrawal areas would be given preferred rights of acquisition. The bill in section 2 is amended to provide that if said lands are under the jurisdiction of a department or agency other than the Department of the Interior, sale or disposal of said lands will be subject to the consent of the department or agency concerned.

Section 3 provides authority for the Secretary to establish easements over the lands, to protect the roads, parkways, and lands from use by the owner or anyone else in any way which would interfere with the purposes of the rights-of-way or which would destroy parkway values. The Secretary may fully protect these rights-of-way and at the same time protect the adjoining landowners against entry by others on the rights-of-way.

The Committee on Interior and Insular Affairs believes that much public land now underdeveloped would receive full utilization by the provisions of H. R. 4096, as amended, and, therefore, recommends the enactment of the legislation.

The executive communication from the Department of the Interior which is the basis for H. R. 4096 and the favorable report from the Department of Agriculture are as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
 OFFICE OF THE SECRETARY,  
 Washington 25, D. C., February 8, 1955.

Hon. SAM RAYBURN,  
 Speaker of the House of Representatives,  
 Washington 25, D. C.

MY DEAR MR. SPEAKER: Enclosed is a draft of a proposed bill to provide for the disposal of public lands within highway, telephone, and pipeline withdrawals in Alaska, subject to appropriate easements, and for other purposes.

I suggest that the proposed bill be referred to the appropriate committee for consideration, and I recommend that it be enacted.

The construction of roads in Alaska has done much to stimulate the settlement and development of the Territory. To protect these roads, strips of public lands have been reserved for highway purposes under Public Land Order 601 of August 10, 1949, as modified by Public Land Order No. 757 of October 16, 1951. Public Land Order No. 386 of July 31, 1947, provided for a withdrawal of strips running generally parallel to the highway for a telephone line and an oil pipeline. In many cases, the highways and lines cross legal subdivisions of public lands which have been patented to private persons and organizations.

Unfortunately, the areas withdrawn are often excessive. The withdrawals prevent full utilization of areas along the roads which could be entered by adjoining landowners or others without interfering with the use of the roads and without injury to protective parkway values. In report No. 1460 (April 1, 1954), to accompany H. R. 8680, 83d Congress, at page 6, the House Committee on Appropriations severely criticized these withdrawals, stating:

"The committee has on several occasions called attention to the ridiculous land withdrawals to provide 600-foot rights-of-way for Alaskan highways. This makes commercial or private development practically impossible in areas where it should be occurring. The Department is expected to correct this condition without delay."





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4 PROVIDE FOR DISPOSAL OF CERTAIN PUBLIC LANDS IN ALASKA

telephone, and pipeline withdrawals in Alaska covering Federal land under the administration of other departments and agencies and to sell the released land without the consent of such administering department or agency. Thus, Interior could sell national forest land in Alaska without the consent of this Department. It is felt this is contrary to good administrative procedure and should be done only with the consent of the administering agency or department. This could be provided for by adding at the end of section 2 (line 6, p. 2):

"If such lands are under the jurisdiction of a Federal department or agency other than the Department of the Interior, any sale thereof shall be made only with the consent of such department or agency."

The Bureau of the Budget advises that from the standpoint of the program of the President there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

8478

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Washington 25, D. C.

Reference:  
5.01  
Fairbanks 012577

January 5, 1956

Registered Mail

DECISION

Cripple Creek Coal Company : Right-of-way application

Right-of-way Granted Conditionally

There is pending in this Bureau an application by Ben A. Shallit, doing business as the Cripple Creek Coal Company, serial Fairbanks 012577, for a road right-of-way from the loading point at Suntrana up to the boundary of the Cripple Creek Coal Company lease. As required by the regulations, the applicant submitted a map prepared on tracing linen and three print copies of the survey of the road right-of-way. The route of the proposed right-of-way embraces a portion of the existing road used by Usibelli Coal Mine, Inc., across the Usibelli coal lease and the Suntrana Mining Company coal lease. Thus, joint use of the Usibelli road is contemplated.

A protest was filed by the Usibelli Coal Mine, Inc., against the Cripple Creek Coal Company's application for a road right-of-way pointing out several respects in which the proposed right-of-way would interfere with development of the coal deposits on the Usibelli lease. In its protest Usibelli Coal Mine, Inc., expressed the hope that an on-the-spot examination of the situation would be conducted so that the various points raised in the protest might be better explained.

Since a portion of the right-of-way here under consideration involves the Suntrana leasehold, the Suntrana Mining Company has been considered a party to the case and have been represented in these proceedings either directly or through its attorney. The Suntrana Mining Company shall therefore be entitled to the notice and service and other rights to which adversary parties are entitled under the Rules of Practice.

Lack of an all-weather, year-round access road from the Shallit lease to the loading point at Suntrana has been a problem of much consideration in the Department. For several years consideration had been given to the possibility of the Alaska Railroad constructing a spur up the Healy River Valley to the Shallit lease and beyond that to the Roth property. Although preliminary steps to that end had been taken, the Alaska Railroad abandoned the proposed construction of the spur in 1954 principally because the military demand for coal had fallen off. Thereupon, Shallit filed a petition with the Interior and Insular Affairs Committee of the United States

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Senate requesting an investigation of the circumstances leading to the abandonment by the Alaska Railroad of the proposed construction of the spur. A hearing was held on June 1, 1955, at which representatives of this Department as well as representatives of the three coal lessees who would be affected by the construction of the spur were heard.

In a letter dated June 29, 1955, to Acting Secretary of the Interior Davis, Senator Alan Bible, Special Chairman, Territories Subcommittee, said in part:

"At the hearing the thought was expressed several times that there was no reason why Cripple Creek Coal Company should not be permitted to use the same all-weather road which is being used by Usibelli Coal Mines, Inc., to truck coal to the railroad siding at Suntrana. This road is a right-of-way across public lands of the United States and as I read section 446 of Title 48 U.S.C., and related sections, the United States reserves the right in every coal lease on Federal land 'to grant or use such easements in, over, through, or upon the land leased, entered, located, occupied, or used as may be necessary or appropriate to the working of same or other coal lands by or under authority of the government and for other purposes \* \* \*'. It would appear, therefore, that the Department of the Interior has ample authority to permit Cripple Creek Coal Company to utilize the existing roads across the Suntrana and Usibelli leases."

In his reply of July 28 to Senator Bible, Under Secretary Davis stated, in pertinent part, as follows:

"After the hearing of June 1, 1955, was completed, Mr. Shallit contacted the Bureau of Land Management requesting advice as to how he might proceed to obtain a better route and specifically inquired into the possibility of joint usage of the Usibelli road. Mr. Shallit was informed that he was at liberty to submit to the Fairbanks land office an application for an amendment to his present right-of-way which would include the desired changes and that action by the Bureau would be taken as soon as possible.

"Early this year Mr. Shallit had filed with the land office an application for an amended right-of-way which would alter a comparatively small portion of his present road north of the Usibelli camp site. Mr. Usibelli filed a protest to the changes proposed by Shallit. The case was referred to the Area Administrator and is now being considered in the regular channels.

"I have been informed that Mr. Shallit on or about the 8th of this month has filed a second application for an amended right-of-way, a copy of which is on file here. It

appears that the amendment will embrace joint use of a portion of the Usibelli road and will supersede his prior application for amendment. A cover letter addressed to the Director of the Bureau of Land Management and the application, copies of which are attached hereto, state that the amended right-of-way will provide for the applicant year-round highway access for hauling coal.

"Mr. Edward Wozley, Director of the Bureau of Land Management, has proposed a plan calling for a field examination and resurvey, if necessary, of the properties involved by an advisory group of engineers. This group will consist of representatives of various bureaus and organizations within the Department who can qualify to judiciously weigh the merits of the application and recommend adjustment of differences or conflicts that might arise. The presence of Mr. Shallit and Mr. Usibelli or their appointed agents will be requested at the field examination conducted by the advisory group."

Subsequently, an engineer advisory group composed of representatives of the Bureau of Mines, Geological Survey, Alaska Road Commission, and Bureau of Land Management was appointed by the Secretary and the members thereof proceeded to Alaska for an on-the-ground investigation. The properties of the Cripple Creek Coal Company, Usibelli Coal Mines, Inc., and Suntrana Mining Company, Inc., were inspected on September 20 and 21 and detailed discussions were held with the principals and mine operations were thoroughly considered and discussed. All the parties were given full and complete opportunity to present their views. Under date of September 27, 1955, the engineer advisory group submitted its report and recommendations. I have reviewed the report and recommendations of the Advisory Group with great care and it is my considered judgment that they reflect sound, fair, and well-reasoned views.

One of the recommendations of the Advisory Group was that Cripple Creek Coal Company be permitted to make joint use of the existing road constructed by Usibelli on certain lands in the Usibelli and Suntrana leases. Authority to permit joint use of the Usibelli road is implicit in section 11 of the act of October 20, 1914 (48 U.S.C., sec. 446), under which act coal lands in Alaska are leased. This authority is carried into the provisions of the Usibelli coal lease both in the granting clause and in article I, section 1. Having such authority the Secretary may in the exercise thereof prescribe the terms and conditions upon which joint use of the road should be made.

On the basis of the report of the Advisory Group, I hereby find that joint use of a portion of the existing Usibelli road, as proposed in Shallit's right-of-way application, Fairbanks 012577, is feasible and proper. I fully concur in the opinion of the Advisory Group that an all-weather year-round access road on Shallit's present approved right-of-way that would hold during high water would be costly to build and difficult

to maintain and thus is not considered reasonable access to the Cripple Creek leasehold.

Some of the objections raised by Usibelli to the location of a section of Shallit's proposed road right-of-way upstream from the Usibelli bridge were found to be valid by the Advisory Group. To minimize possible interference with Usibelli's mining operations in certain beds, the Advisory Group recommended that Shallit amend his pending road right-of-way application, Fairbanks 012577, as to the section of the proposed road upstream from the Usibelli bridge so that it would be located about 100 feet west of the present Cripple Creek Coal Company road right-of-way which was originally granted September 10, 1952. Acting pursuant to this recommendation and in conformity therewith, Shallit filed in this office on November 18, 1955, an amendment of his pending road right-of-way application, Fairbanks 012577, which is satisfactory and acceptable.

The Advisory Group found that "Mr. Waugman's point that the section of the road proposed for joint use was built and paid for by Usibelli is well taken" and recommended that Shallit pay a toll for each ton of coal hauled over it. It said that "A toll of \$0.15 per ton of coal hauled should be adequate". In a supplemental report the Advisory Group recommended that since the estimated cost of the portion of the Usibelli road proposed for joint use was \$100,000, half of the 15¢-per-ton toll to be paid to Usibelli (or 7½ cents) should be applied toward the original cost of the road until a total of \$50,000 has been paid by Shallit to Usibelli; that the other half of the 15¢-per-ton toll (or 7½ cents) should be Shallit's contribution to the future maintenance cost of the road; and that the 15¢-per-ton toll should be reduced to 7½ cents when Shallit shall have hauled a total of 667,000 tons of coal over the road proposed for joint use. The supplemental report further states that while an accurate estimate of the cost of maintenance of the road is difficult to make in view of the unpredictable weather and other conditions, it was felt that the 7½ cents per ton figure would adequately reimburse Usibelli for Shallit's portion of that maintenance cost.

The estimate of \$100,000 as the cost of constructing the portion of the Usibelli road proposed for joint use appears to be reasonable, and while it may be presumed that part, if not all, of the original cost of construction has been amortized for tax purposes, I believe it is fair that Shallit be required to pay a fair share of the cost of construction as well as future maintenance. Therefore, the easement for joint use of the existing Usibelli road granted to Shallit hereunder shall be conditioned on payment of the 15¢-per-ton toll to Usibelli, with 7½ cents thereof to be applied toward the capital investment of Usibelli in the original cost of construction of the road, and the remaining 7½ cents to represent Shallit's contribution to the future maintenance costs as recommended by the Advisory Group.

Considerable study has been given to the problem of future road relocations so that the rights and equities of the parties would receive full recognition. From this study it has been concluded that since any

future relocations of the existing road on the Usibelli leasehold would be for the accommodation or convenience of operations on that lease and would therefore have to be provided by Usibelli regardless of any joint usage by Shallit, the initial cost of any such relocations should be borne by Usibelli. The payment of the toll recommended by the Advisory Group will eventually provide Usibelli with the sum of \$50,000 for application to road construction costs, (i.e. half the cost estimate of \$100,000 for the existing road to be fully amortized when 667,000 tons have been hauled by Shallit by application of 7½¢ per ton of the toll to road construction costs) and I feel that in the circumstances this sum is a fair contribution by Shallit towards construction costs of the joint-use road as it now exists or to the extent that future relocations of any portion of the road may be required for the accommodation or convenience of Usibelli's operations on his lease.

Consideration has also been given to the question of responsibility for maintenance of the joint-use road in the event Usibelli's operations do not require that he make further use of the road, or any portion thereof. After carefully weighing the facts involved in such an eventuality, it has been concluded that Shallit should bear full responsibility for maintenance of all that portion of the road abandoned or not used by Usibelli in his operations, and that Usibelli should continue to maintain that portion of the road used by both parties subject to payment by Shallit to Usibelli of 2½¢ per-ton-mile as his share of the maintenance cost. In other words, upon notice by Usibelli to Shallit of intention to abandon further use of any portion of the joint-use road, (1) Shallit shall bear full responsibility for maintenance of that portion of the road no longer used by Usibelli; (2) Usibelli shall continue to be responsible for maintenance of that portion of the road he continues to use jointly with Shallit; and, (3) the 7½¢ portion of the 15¢-per-ton toll applicable to maintenance costs shall be reduced proportionately and be thereafter paid by Shallit to Usibelli on the basis of 2½¢ per-ton-mile of coal hauled. Thus, if Usibelli should abandon further use of the three miles of joint-use road for all but two miles thereof, Usibelli would continue to be responsible for maintenance of that two miles of road and Shallit's toll would be the 7½¢ per ton applicable toward Usibelli's capital investment in construction costs, plus 5¢ per ton applicable to maintenance costs, or a total of 12½¢ per ton of coal hauled by Shallit over the Usibelli leasehold.

In accordance with amended application, Fairbanks 012577, the Cripple Creek Coal Company is hereby granted (a) to a right-of-way easement over the Usibelli and Suntrana leaseholds for roads to be constructed or already constructed by Cripple Creek along the route indicated on the map submitted with the amended application to the extent of the route not included in part (b), hereof, such right-of-way not to exceed 100 feet in width; and (b) an easement for joint use of the existing road constructed by Usibelli across the Usibelli and Suntrana leases as indicated on said map, to the loading point located on the Suntrana property. The rights granted hereunder shall be subject to the following conditions and stipulations.

1. The easements described herein shall continue in effect only until such time as any portion thereof shall be required by the Alaska Road Commission or the Alaska Railroad for highway or railroad use, at which time the grant shall cease to be effective.

2. The applicable provisions of 43 CFR 244.7 through 244.9.

3. Prior to any road construction, except for normal maintenance, Cripple Creek Coal Company engineers shall consult with engineers from either Usibelli Coal Mine, Inc., or Suntrana Mining Company, Inc., when the new construction will cross portions of their respective leaseholds, so that these companies may provide for the incorporation of culverts or similar structures as may be necessary for the operation of the Usibelli or Suntrana mines.

4. Any new road to be constructed under the authority of this grant by the Cripple Creek Coal Company over either the Usibelli or Suntrana leases shall be surveyed with an engineer in attendance from Usibelli or Suntrana, as the case may be.

5. Within the limits of the lease of Usibelli Coal Mine, Inc., Usibelli shall have the right to cut the road built by Cripple Creek or its own road from time to time as may be reasonably necessary to its operations; provided, however, that when such cuts are made Usibelli shall construct temporary by-passes or permit use by Cripple Creek of Usibelli roads in order to assure uninterrupted transit by road over the Usibelli leasehold. Usibelli shall have the right to flag Cripple Creek trucks when necessary to allow landing and take-off planes using the Usibelli airstrip.

6. Within the limits of the Usibelli leasehold, Usibelli shall have the further right to relocate any portion of the joint-use road at his own expense, provided that during and after any such relocation Shallit shall have uninterrupted transit over the Usibelli lease. Upon completion of any such relocation, the joint-use easement granted hereunder shall automatically transfer to the road as relocated, and the toll payable by Shallit to Usibelli shall be at the same rate, and applicable to construction and maintenance costs in the same proportions, as provided in paragraph 7, below.

7. Cripple Creek Coal Company shall pay Usibelli Coal Mine, Inc., a toll of 15¢ per ton for coal hauled over the present Usibelli road or any by-pass or relocated road



constructed in accordance with paragraphs 3 and 6 above. Half of the toll, or  $7\frac{1}{2}\text{¢}$  per ton, shall be credited to original construction costs of the road and shall be paid to Usibelli until a total of 667,000 tons shall have been so hauled by Cripple Creek whereupon such payment towards construction costs shall cease. The remaining half of the toll, or  $7\frac{1}{2}\text{¢}$  per ton, shall be paid by Cripple Creek Coal Company to Usibelli Coal Mine, Inc., as its contribution to the future maintenance cost of that portion of the Usibelli road for which a joint-use easement is granted herein for so long as such joint-use is continued.

8. In the event that operations on the Usibelli lease should make it unnecessary for Usibelli to make further use of the road over which a joint-use easement is granted to Shallit hereby, or any portion thereof, Usibelli shall give notice of his intention to abandon further use of the road, or portion thereof, to Shallit, whereupon Shallit shall have full responsibility for maintenance of that portion of the road no longer used by Usibelli, for so long as Shallit continues to use that portion. In such an event Usibelli shall continue to have full responsibility for maintenance of that portion of the road he continues to use jointly with Shallit, provided, however, that the  $7\frac{1}{2}\text{¢}$  per-ton portion of the toll applicable to maintenance costs under paragraph 7, above, shall then be reduced proportionately and be thereafter payable to Usibelli on the basis of  $2\frac{1}{2}\text{¢}$  per ton-mile of coal hauled. The  $7\frac{1}{2}\text{¢}$  per-ton portion of said toll applicable to construction costs shall be payable at all times until 667,000 tons have been hauled by Shallit, as provided in paragraph 7 above, in addition to the  $2\frac{1}{2}\text{¢}$  per-ton-mile maintenance payment provided for herein.

9. All toll charges payable by Shallit to Usibelli hereunder shall be paid at the end of each calendar year quarter, and in the event of default in such payment for a period of more than 15 days after due date, the joint-use easement rights granted to Shallit hereby shall cease unless other arrangements for payment thereof are accepted by Usibelli. The coal tonnage actually delivered by Shallit to the loading point shall govern the amount of toll payable to Usibelli under the provisions and conditions of this grant.

10. In the exercise of the joint-use rights granted hereunder, Shallit shall observe such bad limits as are reasonable under existing circumstances of weather, safety requirements, and road conditions.

11. If coal bed "C" on the Suntrana lease is developed by Suntrana Mining Company, and when the underground working extends to a point below the presently constructed

Usibelli road, or other road locations crossing "C" bed, the road or roads are to be realigned if necessary to cross "C" bed, at approximately a right angle to the strike of the bed. At that time representatives of the Bureau of Mines and the United States Geological Survey are to determine the size of pillar, if one is required, to be left as protection to the road and underground openings with a further determination of a just compensation to Suntrana Mining Company, Inc., for any coal developed and left. This compensation is to be shared equally by Cripple Creek Coal Company and Usibelli Coal Mine, Inc., in the event a joint-use road is involved.

12. Usibelli Coal Mine, Inc., shall have the right to use any or all of that portion of road built by Cripple Creek on the Usibelli leasehold. The Suntrana Mining Company shall have the right to use any road built by either or both Usibelli and Cripple Creek on the Suntrana leasehold.

13. Should joint-use of the haulage road by both Usibelli and Cripple Creek increase the present rate for liability insurance, then the increased cost shall be borne by the Cripple Creek Coal Company.

The attorney for Usibelli Coal Mine, Inc., has recently brought to my attention that Usibelli has suggested the abandonment of a major portion of the existing road on which Shallit is granted joint-use rights hereunder and desires to construct a new road along a somewhat different route. This proposal was submitted with a request that a decision by this Bureau be postponed until consideration can be given to the new proposal. The attorney for Cripple Creek Coal Company has objected to any postponement of a decision on Mr. Shallit's pending application on the ground that to do so would cause his client irreparable injury and damage and would result in the Cripple Creek Coal Company mine being shut down indefinitely.

I find no real justification for withholding this decision. The urgency of the situation requires expeditious action on the Shallit application. The new suggestions by Usibelli for relocation of the existing road were not before the Advisory Group at the time of their examination of these properties, and were not then mentioned to the members of the Group by the Usibelli representatives. In any event, I see no reason why the Cripple Creek Coal Company should be deprived of reasonable access to their leasehold pending the actual relocation of the road as now proposed by Usibelli. The right to make such relocations as are necessary or convenient to the Usibelli operations is provided for in paragraphs 5 and 6 of the above conditions and stipulations.