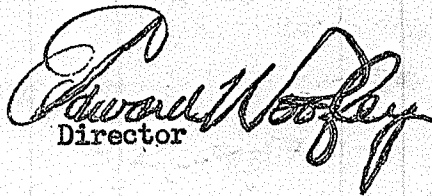


The rights granted herein to the Cripple Creek Coal Company will become effective upon expiration of thirty days from receipt of notice hereof in the absence of appeal by any of the parties mentioned. Any appeal or appeals filed must be in accordance with existing rules of practice.


Director

Distribution:

By Registered Mail:

Mr. Max Barash, Sheraton Building, 711 14th St., N.W., Washington, D.C.
Mr. Robert L. McCarty, Tower Building, Washington, D.C.
Mr. John Marshall, 1625 Eye Street, N.W., Washington, D.C.

By regular mail:

Manager, Land Office, Fairbanks, Alaska
Usibelli Coal Mines, Inc.
Cripple Creek Coal Company
Suntrana Mining Company
Leonard M. Berlin, Area Cadastral Engineering Officer,
Bureau of Land Management, Juneau, Alaska
Ernest Blessing, Regional Mining Supervisor, Geological
Survey, Miami, Oklahoma
H. W. Johansen, District Engineer, Alaska Road Commission,
Fairbanks, Alaska
T. E. Howard, Supervisory Mining Engineer, Bureau of Mines,
Spokane, Washington

ek



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY

PRS No. 5139

WASHINGTON 25, D. C.

JUN 21 1955

Al - Highway - 13
Ly - Al - Highway
FILE COPY
Surname:
Office of Territories
Alaska

[Handwritten signatures and initials in a box]
Edwards 6/13

My dear Mr. Bartlett:

This is in reply to your letter of May 31, 1955, in which you raised the question of reducing the right-of-way withdrawals along the Alaska Highway and the through roads of the Territory.

This is a question which has concerned the Department and we have given it careful attention during the past two years. We are deeply sympathetic with the views of Alaskans concerning the highway withdrawals and believe that remedial action should be taken. As a result of our study of the problem, we have concluded that legislation is required in order first to protect adequately the interests of adjacent land holders or claimants and secondly to protect the interests of the Federal and Territorial Governments in the highways.


On February 8, 1955, we submitted a proposed bill to the Congress saying that "Legislative authority is needed to solve the problem of these large highway, telephone line, and pipeline withdrawals in Alaska. The proposed bill would authorize the Secretary to dispose of the lands, restored from such withdrawal, under any law specified by him or to sell such public lands at not less than their appraised value, giving any adjoining land owners or claimants a preferred right to acquire the lands subject to disposal. The proposed bill also provides for the Secretary to establish easements over the lands to protect the roads, parkways, and lines from use by the owner or anyone else in any way which would interfere with the purposes of the rights-of-way or destroy parkway values. The Secretary, therefore, could fully protect the rights-of-way under this proposal; at the same time he could protect the adjoining land owner against entries by others on the rights-of-way. Much public land, now undeveloped, would undoubtedly receive intense utilization if this bill became law."

The legislation which the Department submitted to the Congress was introduced as H. R. 4096 by Mr. O'Brien of New York on February 16, 1955, and referred to the Committee on Interior and Insular Affairs. It is our hope that this legislation will be enacted at an early date.

TERRITORIES
SECRETARY
JUN - 7 1955
FOR SIGNATURE

RQ 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129

DEF. C
REG. NO. 2332



I greatly appreciate your interest in this matter and hope the foregoing information will be helpful to you.

Sincerely yours,

(sgd) Ormē Lewis

Assistant Secretary of the Interior

Hon. E. L. Bartlett
House of Representatives
Washington, D. C.

Milner:ace
6-3-55

5139

SECRETARY
MISS MARY LEE COUNCIL

ASSISTANT SECRETARY
MRS. MARGERY SMITH

Congress of the United States
House of Representatives
Washington, D. C.

May 31, 1955

INTL. DEPT.
SECRETARY'S
MAIL CENTER

JUN - 1 1955

RECEIVED

Hon. Douglas McKay,
Secretary of the Interior,
Department of the Interior,
Washington, D. C.

Dear Mr. Secretary:

Mr. J. C. Steinard, P. O. Box 285, Fairbanks, Alaska, has put into letter addressed to me and dated May 26 a question which has been raised by many Alaskans regarding the width of the right-of-way along the Alaska Highway. I am quoting here portions of Mr. Steinard's letter to me:

"As you probably know, there is a semi-restricted townsite laid out at Big Delta inside the triangle formed by the Alaska and Richardson Highways. I have two lots along the Alaska Highway in this townsite and now that the Territory is asking to release 150 feet on each side of the highway, as it now is, 300 feet is considered enough.

"It is necessary for all who bought lots there to build or at least get started this year in order to finish the three-year deadline. I am writing you to see if you can urge the Interior Department to reduce the footage so we can have the advantage of buying this extra 150 feet and being able to build close to the traffic as 300 feet is a long way off the road to build."

I should very much appreciate your views as to the possibility that action might be taken to reduce the right-of-way on both sides of the Alaska Highway to 150 feet, a reduction long sought by those interested in developing homes and businesses along the route of the highway. Any information you can give me would be welcome.

Sincerely yours,

E. L. Bartlett
E. L. Bartlett

JUN 1 1955
INTERIOR DEPT.
SECRETARY'S
MAIL CENTER
TO TERRITORIES

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES

Washington 25, D. C.

FILE COPY
Surname:

Rapley

SEP - 1 1954

Memorandum

To: Assistant Secretary Lewis
From: Director, Office of Territories
Subject: Modification of Highway Rights-of-way in Alaska.

Attached is a draft order reducing the width of the Alaska Highway and the "through" roads in Alaska to 200 feet and substituting easements for the withdrawals now in effect. Also attached are memoranda from the Director, Bureau of Land Management, and the Director, Technical Review Staff, concerning the proposed order. In his memorandum of July 14, 1954, Mr. Marr suggests that the width of the Alaska Highway be reduced from its present 600 feet to 300 feet; that a review be made of current thinking on the need for 200 versus 300 foot right-of-ways for through roads; and that a further review be made of the desirability of establishing easements in place of the present withdrawals for through roads.

If any changes are to be made in the status of the present highway reservations, I believe they should be made as soon as possible. The difficulties involved in making such changes will only become more complex with the passage of time and the further development of the Territory. I suggest, therefore, that the Area Administrator of the Bureau of Land Management, in consultation with the Commissioner of Roads, the Governor and others directly concerned, be requested to review this question. His recommendations should be received, if possible, before the end of the year in order that field surveys or studies may be made early in the coming season.

I recommend that the attached order be revised in order to immediately reduce the width of the Alaska Highway to 300 feet with appropriate language concerning future disposition of the released lands. I believe, at the same time this order is issued, that the Secretary should announce that he is having a review made of the width of the through highways of the Territory.

If you approve, we shall ask the Governor and the Commissioner of Roads for Alaska to cooperate with the Area Administrator of the Bureau of Land Management, in making a study of the highway widths and the use of easements rather than withdrawals for through highways.

(Sgd.) William C. Strand

William C. Strand
Director, Office of Territories

Al - Highway - 13
X Area Highway - 13
8-30-54

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES

FILE COPY
Surname:

Oliver

Air Mail

JUL 19 1954

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

My dear Mr. Ghiglione:

This will acknowledge your letter of July 2, 1954, concerning reclassification of the Denali Highway from "feeder" to "through."

We have recommended to the Bureau of Land Management that the highway, with the Copper River Highway and the Nenana Road, be so reclassified. Action on the request, however, has been held in abeyance pending approval by the Secretary of an order revoking the present withdrawals along "through" highways and the Alaska Highway and substituting easements. When a decision has been reached on this matter we shall again recommend reclassification of the Denali, Copper River and Nenana Highways.

Sincerely yours,

(Sgd.) Anthony T. Lausi
Anthony T. Lausi
Deputy Director

Milner/gmr
July 16

Alaska Highways - 13
Copper River Highway - 13

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129

OFF
DEBYBLW. 7/1



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

July 2, 1954

No.	Date
Milner	

Mr. William C. Strand
Director
Office of Territories
U. S. Department of the Interior
Washington 25, D. C.

Dear Mr. Strand:

On December 29, 1953 a recommendation was made for the reclassification of the Denali Highway from "feeder to "through". This action would serve to amend Secretarial Order No. 2665.

We have just been queried by the Park Service regarding action on this matter and they have urged that we take steps to expedite the reclassification. It is therefore requested that we be advised whether Departmental action may be expected on this request in the near future.

Sincerely yours,

A. F. Ghiglione
A. F. Ghiglione
Commissioner of Roads
for Alaska

RQ 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129

EU 00347

MS-97

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1954 JUN 28 PM 12 30

WFD18

OFFICE OF TERRITORIES

YAA31

<i>Milner SM 6/28</i>		

RR UEPDA

DE UKJC 32A

R 2600072

FM A F CHIGLIONE ALASKA RD COM JUNEAU ALASKA

TO A T LAUSI DEPUTY DIR OFFICE OF TERRITORIES DEPT OF INTERIOR

WASHDC

INT GRNC

URLET JUNE TWENTYSECOND DEPARTMENTAL ORDER MODIFYING ORDER TWO SIX
 SIX FIVE CONSIDERED SATISFACTORY AND DESIRABLE PD REFER MYTEL AREA
 ADMINISTRATOR BUREAU LAND MANAGEMENT MAY TWENTYSIXTH SAME SUBJECT
 COPY FURNISHED YOU
 26/0013Z

Al Highway - 13

EU 00352

RG 126, Off. of Territories
 E. 3, Central Files, 1951-71
 Box 129



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES

FILE COPY
Surname:

[Handwritten signature]

JUN 22 1954

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

FILED

Dear Mr. Ghiglione:

We are at present reviewing a draft Public Land Order revoking Public Land Order 601 of August 10, 1949, and Public Land Order No. 757 of October 16, 1951, establishing the width of public highways in Alaska. The draft order and a concurrent Departmental order amending Secretarial Order No. 2665 will substitute easements for rights-of-way, reducing the width of the Alaska Highway and through roads to 100 feet on each side of the center line.

Enclosed is a copy of the draft Departmental order modifying Order No. 2665 of October 16, 1951. Please radio whether you concur or have any comments or suggestions.

Sincerely yours,

(Sgd.) Anthony T. Lausi

Anthony T. Lausi
Deputy Director

Enclosure

Milner:mm 6/21

*cc - Highways - 13
Copy of Acc. Highways - 13*

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129

6/1/54

Koegler says Perchett
mis-understood wire.

Through road easement
100 ft on each side
of centerline.

Files
GM
FILED

ROAD COMMISSION JUNEAU ALASKA

ANCHORAGE ALASKA

FIVE CONCERNING CHANGING

DESIRABILITY SUBSTITUTING

OVER YOUR STATEMENT

FIVE HUNDRED FOOT WIDTH

ONE HUNDRED FOOT WIDTH AS

ORDER TWO SIX SIX FIVE

WHICH THE MORE IMPORTANT

COMMISSION HEARINGS

SPRING GOVERNOR HEINTZLEMAN

THROUGH HIGHWAYS PD

RECOMMENDATIONS WERE RECOMMENDED BY

REGARDING THIS MATTER

cc: Mr. Strand
Area Cadastral Engineer, Juneau

POLICE OF TERRITORIES

JUN 1 1954

RECEIVED

A - Highways - 13

RG 126, OFF. OF TERRITORIES
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Box 129

Files
GM
FILED

PRIORITY MAY 26, 1954

FM COMMISSIONER OF ROADS FOR ALASKA ALASKA ROAD COMMISSION JUNEAU ALASKA
TO AREA ADMINISTRATOR BUREAU LAND MANAGEMENT ANCHORAGE ALASKA

REURMSG TO AREA CADASTRAL ENGINEER MAY TWENTY FIVE CONCERNING CHANGING
WITHDRAWALS ON ALASKA HIGHWAYS I CONCUR IN DESIRABILITY SUBSTITUTING
EASEMENTS FOR WITHDRAWALS HOWEVER AM CONCERNED OVER YOUR STATEMENT
THAT SEPARATE DEPARTMENTAL ORDER SUBSTITUTES ONE HUNDRED FOOT WIDTH
EASEMENTS FOR THROUGH ROADS PD CONSIDER TWO HUNDRED FOOT WIDTH AS
ESTABLISHED FOR FEEDER ROAD EASEMENTS BY SECRETARIAL ORDER TWO SIX SIX FIVE
AND AMENDMENTS TO BE ABSOLUTE MINIMUM WIDTH TO WHICH THE MORE IMPORTANT
THROUGH HIGHWAYS SHOULD BE REDUCED PD IN ROAD COMMISSION HEARINGS
BEFORE INTERIOR APPROPRIATIONS SUBCOMMITTEE THIS SPRING GOVERNOR HEINTZLEMAN
STATED TWO HUNDRED FOOT WIDTH WAS NECESSARY FOR THROUGH HIGHWAYS PD
ALSO YOU WILL RECALL TWO HUNDRED FOOT WIDTH EASEMENTS WERE RECOMMENDED BY
THE ALASKA FIELD COMMITTEE WHEN PREVIOUSLY CONSIDERING THIS MATTER

cc: Mr. Strand
Area Cadastral Engineer, Juneau

OFFICE OF TERRITORIES

MAY 26 1954

RECEIVED

A - Highways - 13

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Box 129



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES

FILE COPY
Surname:

<i>Diomed</i>
<i>Thurke</i>
<i>Edward</i>

JAN 15 1954

Memorandum

To: Director, Bureau of Land Management

From: Acting Director

Subject: Designation of "Denali Highway" as through road pursuant to Secretarial Order No. 2665, dated October 16, 1951.

Reference is made to my memorandum of December 21, 1953, requesting the designation of the Copper River Highway and the proposed Fairbanks-Nenana Highway as "Through" roads under the provisions of Secretarial Order No. 2665.

Section 2 of the above-mentioned Order also includes among the list of "Feeder" roads the Paxson to McKinley Park road, currently under construction. By memoranda dated March 17 and December 21, 1953, Assistant Secretary Orme Lewis approved the redesignation of this route as the "Denali Highway."

In the interest of greater roadside protection and because the route will, when completed, be a major access route to Mt. McKinley National Park, it is requested that Secretarial Order No. 2665 be amended so as to delete the "Paxson to McKinley Park Road" from the list of feeder roads and to add the "Denali Highway" to the list of through roads.

(Sgd.) Anthony T. Lausi

Anthony T. Lausi
Acting Director

GMILNER/emd
1/13/54

*cc - Highways - 13 -
Copy on AdCC - Highways - 13*

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



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

December 29, 1953

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


Dear Mr. Lausi:

This will acknowledge your letter of December 23, 1953, in response to ours of December 15, 1953, both in reference to requested reclassification of the Denali Highway.

Our list of "Through" and "Feeder" roads, which was submitted to the Office of Territories previous to the publication of Secretarial Order 2665, did not include the road system within Mt. McKinley National Park because the National Park Service exercises administrative control and jurisdiction over these roads.

It would seem likely that the National Park Service would wish to apply "Through" road width and standards to that part of the Denali Highway within the Park. There would be no acquisition problem in future widening of the existing right-of-way since the entire Park land area is Public Domain.

Sincerely yours,


A. F. Ghiglione
Commissioner of Roads
for Alaska

cc: National Park Service
San Francisco, Calif.

Stacked Milner		
FILES		

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES

Washington 25, D. C.
Air Mail

FILE COPY
Surname:

W. H. ...

DEC 23 1953

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

My dear Mr. Ghiglione:

This will acknowledge your letter of December 15, 1953,
concerning reclassification of the "Denali Highway."

On December 21, 1953, a copy of the memorandum approved
by Assistant Secretary Orme Lewis was sent you extending the name
"Denali" to the roads in Mt. McKinley National Park which form a
logical extension of the original Highway. Before recommending an
amendment of Secretarial Order No. 2665, we should appreciate being
advised whether any changes in rights of way within the Park will
be involved. The Park road system is not included within the
classification of either "through" or "feeder" roads in Order No. 2665.

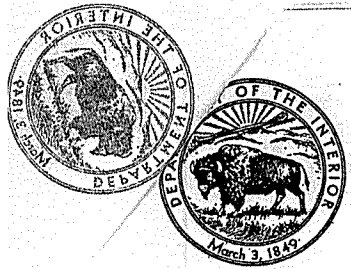
Sincerely yours,

(Sgd.) Anthony T. Lausi
Anthony T. Lausi
Acting Director

GMLLNER/emd
12/22/53

arc - Highways - 13
copy on - (arc - Highways - 13)

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



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

December 15, 1953

<i>Mulroe</i>		

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

Dear Mr. Lausi:

Secretarial Order No. 2665, dated October 16, 1951, fixed the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and, in addition, prescribed a uniform procedure for the establishment of rights-of-way or easements over and across the public lands for such highways.

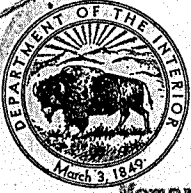
Under the list of Feeder Roads in Secretarial Order No. 2665 of October 16, 1951, appears the Paxson-McKinley Park Road which was designated as the "Denali Highway" by Assistant Secretary of the Interior Orme Lewis on March 17, 1953.

In the interest of greater roadside protection and for other related right-of-way reasons, it is requested that the Denali Highway be reclassified by the Department as a Through Road and notice to that effect be published in the Federal Register, which action will serve to amend Secretarial Order No. 2665 to include the Denali Highway in the list of Through Roads.

Sincerely yours,

A. F. Ghiglione
A. F. Ghiglione
Commissioner of Roads
for Alaska

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES

FILE COPY
Surname:

Filed
Spencer
DeVries

Memorandum

To: Director, Bureau of Land Management

DEC 21 1953

From: Acting Director

Subject: Establishment of right-of-way reservations for the Copper River Highway, Cordova to Chitina, Alaska, and the proposed Fairbanks-Nenana Highway, pursuant to Secretarial Order No. 2665, dated October 16, 1951.

FILED

Reference is made to paragraphs (a) and (b) of Section 3 of Secretarial Order No. 2665, dated October 16, 1951, which read as follows:

"(a) A reservation for highway purposes covering the lands embraced in the through roads mentioned in Section 2 of this order was made by Public Land Order No. 601 of August 10, 1940 (sic.), as amended by Public Land Order No. 757 of October 16, 1951. That order operated as a complete segregation of the land from all forms of appropriation under the public-land laws, including the mining and the mineral leasing laws.

"(c) The reservation mentioned in paragraph (a) and the right-of-way or easements mentioned in paragraph (b) will attach as to all new construction involving public roads in Alaska when the survey stakes have been set on the ground and notices have been posted at appropriate points along the route of the new construction specifying the type and width of the roads."

The proposed Fairbanks-Nenana Highway will connect the City of Fairbanks with the City of Nenana on The Alaska Railroad and traverses an area classified as agricultural. The Highway will ultimately provide a connection with the Healy coal fields and with Mt. McKinley National Park. The Copper River Highway, currently under construction, will add the port of Cordova to the Alaska Highway system and will provide ready surface access to the known mineralized area of South Central Alaska.

The Alaska Road Commission has recommended, and we concur, that the Copper River Highway and the proposed Fairbanks-Nenana Highway should be classified as "through" roads. It is therefore requested that Section 2 of Secretarial Order No. 2665, listing through roads in Alaska, be amended accordingly and that the necessary right-of-way reservations be established. Presumably, Public Land Orders 601 and 757 should be amended so as to include among the through roads the Copper River Highway and the proposed Fairbanks-Nenana Highway.

(Sgd.) Anthony T. Lausi

At - Neighrup - 13
(Copy on Area Neighrup - 13)

Anthony T. Lausi
Acting Director

GMILNER/emc
12/17/53

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



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

December 10, 1953

Subject: Classification of Fairbanks-
Nenana Highway

Smirner

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

My dear Mr. Lausi:

Secretarial Order No. 2665, dated October 16, 1951, fixed the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and, in addition, prescribed a uniform procedure for the establishment of rights-of-way or easements over and across the public lands for such highways.

In order that proper steps can be taken to perfect the right-of-way of the proposed Fairbanks-Nenana Road from Fairbanks to Nenana, it is requested that such highway be classified by the Department as a Through Road and notice to that effect published in the Federal Register, which action will serve to amend Secretarial Order No. 2665 to include the addition of the Fairbanks-Nenana as a Through Road.

Sincerely yours,

A. F. Ghiglione

A. F. Ghiglione
Commissioner of Roads
for Alaska

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



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

Milner

December 10, 1953

Subject: Classification of Copper
River Highway

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

My dear Mr. Lausi:

Secretarial Order No. 2665, dated October 16, 1951, fixed the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and, in addition, prescribed a uniform procedure for the establishment of rights-of-way or easements over and across the public lands for such highways.

In order that proper steps can be taken to perfect the right-of-way of the Copper River Highway from Cordova to Chitina, now under construction, it is requested that such highway be classified by the Department as a Through Road and notice to that effect be published in the Federal Register, which action will serve to amend Secretarial Order No. 2665 to include the addition of the Copper River Highway as a Through Road.

Sincerely yours,

A. F. Ghiglione

A. F. Ghiglione
Commissioner of Roads
for Alaska

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



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

In reply refer to:
D3015 RRR L

M.G. K.
Mr. Milner
9/11/17

NOV 14 1952

Memorandum

To: Regional Director, Region Four
From: Assistant Director
Subject: Alaska Roads

FILED

Although you undoubtedly know about the proposals contained in the letter of October 23 to Mr. Flakne from Mr. William J. Niemi, Chief Engineer of the Alaska Road Commission, concerning certain proposed recommendations, we are attaching three copies of the letter for your information and files.

Mr. Niemi says that two recommendations will probably be submitted to the Chairman of the Alaska Field Committee. One proposes to reduce the widths of rights-of-way for Through Roads and Feeder Roads, and appears also to favor easements instead of withdrawals for Through Roads. We do not understand just what is involved in the proposed substitution of easements for withdrawals, and would appreciate having your advice on this point, if you have additional information and background.

The granting of easements to qualified parties within the Alaska Highway right-of-way might be the logical thing to do in some cases. We are not sufficiently familiar with the details of this proposal, however, to offer any comment at this time.

(SGD) Hillary A. Mason

Assistant Director

OFFICE OF TERRITORIES

NOV 13 1952

RECEIVED

In triplicate

Attachments 3

Copy to: Mr. Flakne, Room 6418

Al - Hedump - 13

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES

FILE COPY
Surname:

OCT 28 1952

Mr. William J. Niemi
Chief Engineer
Alaska Road Commission
Juneau, Alaska

FILED

Dear Mr. Niemi:

This will acknowledge receipt of your letter of October 23 regarding highway rights-of-way. We discussed this with George Rogers when he was here in Washington and I believe he plans to circulate ideas that the subcommittees will present to members of the full Committee for comments and attempt to get the material in here for action at the earliest possible date. I hope it will be possible to get this material in here soon in order that the Field Committee's recommendations can be acted on before the first of the year.

Sincerely yours,

(Sgd.) Jos. T. Flakne

Jos. T. Flakne
Chief, Alaska Division

CC: George Rogers
Alaska Field Committee

JTFLAKNE/ep
10/28/52

(See also Highway - 7 - Code + Regulations)
Al - Highway - 13

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



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

To	Initial	Date
Flakne		
		October 23, 1952
FILES		

Mr. Jos. T. Flakne
Chief, Alaska Division
Office of Territories
Washington 25, D. C.

Dear Mr. Flakne:

Reference is made to your letter of October 17, 1952, concerning recommendations of the Subcommittee on Rights-of-way to be submitted to Washington for action.

No formal recommendations of the Subcommittee were submitted to the Field Committee at the recent meeting in McKinley Park but Mr. George Rogers, Chairman of the Field Committee, did report, informally, on the several subjects previously discussed by the Subcommittee in Anchorage several months ago.

Two specific recommendations will undoubtedly be submitted, in writing, to Mr. Rogers within the next ten days; the first, that easements be used in lieu of withdrawals as regards Through Roads, and that present highway and road right-of-way widths be reduced as follows:

Through Roads from 300 feet to 200 feet, including the Alaska Highway,

Feeder Roads from 200 feet to 150 feet,

Local Road widths to remain at 100 feet.

The subject of easements to be granted to certain qualified parties for land areas within the legal right-of-way limits of the Alaska Highway is to be discussed in more detail at the next meeting of the Subcommittee.

George Rogers will return to Juneau from Washington, D. C. on October 29, after which time a more specific report will be made to you which will be of more real value in your further discussions with Mr. Fisher.

Sincerely yours,

Wm. J. Niemi
Chief Engineer

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129

UNITED STATES
DEPARTMENT OF THE INTERIOR
ALASKA ROAD COMMISSION
Juneau, Alaska

Office of Territories - 2

PRESS RELEASE - FOR IMMEDIATE RELEASE

SUBJECT: Posting of Highways - Right-of-Way Widths

Recent posting of signs on Alaska highways by the Alaska Road Commission to indicate width of right-of-way has caused some concern among land owners, and considerable conjecture and comment in the public press.

The action is not intended to disturb or question the prior legal rights of entrymen, homesteaders, or other claimants whose properties parallel the highways.

The signs are being installed to alert the public to the existence of Public Laws, Land Orders and Departmental Orders of the Interior Department governing right-of-way widths for highways in public domain, or across lands which have been acquired subsequent to the effective date of such Laws or Orders. For the purpose of defining these widths, the highway system has been classified into Through Roads, Feeder Roads, and Local Roads with right-of-way widths of 300, 200, and 100 feet respectively, one-half of such width on each side of the centerline of the road.

Posting will continue on all roads; but consideration will be given to those land owners who are not subject to these recent land laws by placing the signs elsewhere, rather than adjacent to such excepted lands.

October 21, 1952

cc - Highways - 13

*RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129*



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF TERRITORIES

FILE COPY
Surname:

Washington 25, D. C.
Air Mail

OCT 17 1952

FILED

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

Dear Ghig:

You will recall, when I was in Juneau on my last visit to the Territory, a meeting was held in your office attended by Leonard Berlin and Mr. Fisher of the Bureau of Land Management, and Mr. Adams of the Alaska Road Commission, at which time we discussed the matter of the Alaska Highway right-of-way. I understood Mr. Adams to say that a subcommittee of the Field Committee, of which he is a member, would draft a plan which would be discussed at the next Field Committee meeting, and recommendations submitted to Washington for action.

Yesterday morning, October 16, Mr. Fisher asked me whether or not the above-mentioned material had arrived in Wash. I told him I had no further information on the subject. He stated that he hoped that it might arrive soon in order that it could receive proper consideration here in Washington so that the matter might be cleared up to the Field Committee's satisfaction by an early date. I would appreciate learning the present status of that matter.

Sincerely yours,

J. T. Flakne

Joe. T. Flakne
Chief, Alaska Division

JTFLAKNE/emd
10/17/52

cc: George Rogers

al - Highways - 13

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FILED

Mr. Flakne	9/11	7/25
Mr. Silverman	8/23	7/25
Mr. Davis		

FEDERAL REGISTER, Thursday, July 24, 1952

[Order 2665, Amdt. 1]
 ALASKA
 RIGHTS-OF-WAY FOR HIGHWAYS

The right-of-way or easement for highway purposes covering the lands embraced in local roads established over the public lands in Alaska by section 2 (a) (3) and section 3 (b) of Order No. 2665 of October 16, 1951 (16 F. R. 10752), is hereby reduced, so far as it affects the Otis Lake Road, to 30 feet on each side of the center line thereof over the following-described lands only:

SEWARD MERIDIAN
 T. 13 N., R. 3 W.,
 Sec. 21, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$.

OSCAR L. CHAPMAN,
 Secretary of the Interior.

JULY 17, 1952.

[F. R. Doc. 52-8071: Filed, July 23, 1952;
 8:47 a. m.]

Al. Heibump - 13

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 Box 129

PRECEDENT INDEX

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

Mr. Healy 9/11

Files

ORDER NO. 2665 (October 16, 1951) Amendment No. 1

SUBJECT: Rights-of-way for Highways in Alaska

The right-of-way or easement for highway purposes covering the lands embraced in local roads established over the public lands in Alaska by section 2 (a) (3) and section 3 (b) of Order No. 2665 of October 16, 1951 (16 F.R. 10752), is hereby reduced, so far as it affects the Otis Lake Road, to 30 feet on each side of the center line thereof over the following-described lands only:

Seward Meridian

T. 13 N., R. 3 W.,
sec. 21, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Oscar L. Chapman
Secretary of the Interior

July 17, 1952

24309

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DEP
ESTABLISHED
1849



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

IN REPLY REFER TO:

FILED

22506 LUD:ML
Patent 1133973

<i>W. Hubka</i>	<i>7/21</i>	
<i>Malcolm G. M.</i>	<i>7/21</i>	
FILED		

Through: Office of Territories

Memorandum

JUL 7 - 1952

To: Secretary of the Interior
 From: Director, Bureau of Land Management
 Subject: Order reducing right-of-way for local road in Alaska

I submit the draft of an order reducing the right-of-way or easement for local roads established by Order No. 2665 of October 16, 1951, from 50 feet to 30 feet on each side of the center line of the Otis Lake Road over 120 acres of land which have been patented to the Alaska Housing Authority under section 6 of the act of April 23, 1949 (63 Stat. 60; 48 U.S.C. 484c).

This action has been requested informally by the attorney for the company erecting houses on the lands, subject to the road easement. It affects 19 lots. The Alaska Road Commission has agreed to the modification of Order No. 2665 to this extent.

Marvin Clawson
 Director

JUL 17 1952
 Enclosures approved by
 (Sgd.) *Oscar L. Chapman*

Secretary of the Interior and returned

Copy to: Office of Territories ✓
 Information Officer BLM
 R.A. Reg. VII, Anchorage
 Housing and Home Finance Agency (Att. Mr. Hubka or Mrs. Parks)

Al - Highway - 13

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 Box 129



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

B. L. M.

22506 LUD:ML
Patent 1133973

JUL 17 1952

Memorandum

To: Manager, Land Office, Anchorage, Alaska
From: Certifying Officer
Subject: Order reducing right-of-way for local road in
Alaska

Attached is a copy of the above order which will soon be published in the Federal Register. The lands affected have been patented to the Alaska Housing Authority in Anchorage 014979, patent No. 1133973.

Please acknowledge the receipt of this memorandum immediately to the Director, Bureau of Land Management, and make the appropriate notations on your records.

(sgd) Harold L. Carlson

Certifying Officer

Attachment

MCopy to: Governor of Alaska (with copy of order)
Office of Territories ✓
R.A. Reg. VII, Anchorage
R.C.EF, Juneau

RG 126, Off. of Territories
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Box 129



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

To: [] Initial: [] Date: []
Flakne 977 1/7/52
JAN - [] 1/8/52
Lightwood [] 1/7/52
FILE [] [] []

Memorandum

To: Director, National Park Service

From: Assistant Secretary Doty

Subject: Your suggestion for simplifying administration and control of permissible uses of the Alaskan Road Rights-of-Way

Your memorandum of November 2 on the above-mentioned subject has been reviewed. A recent conference was held on the subject attended by representatives of my staff, the Bureau of Land Management, the Office of Territories, and the National Park Service.

I appreciate the views and recommendations of the National Park Service on this subject. It appears, however, that there is some misunderstanding of the present situation with respect to the administration of the highway rights-of-way and issuance of use permits. The problem is not so complex as indicated in your memorandum. Under present policy, which was enunciated in Assistant Secretary Warns's memorandum of March 24, 1949, no use permits are issued on highways with rights-of-way of 300 feet or less. The right-of-way areas on all roads except the Alaska Highway are under the sole administration of the Alaska Road Commission. The Bureau of Land Management was given the responsibility of drawing up regulations and administering issuance of use permits on portions of rights-of-way over 150 feet from the center line (the Alaska Highway from Boundary to Big Delta).

Your memorandum raises the question as to whether the policy adopted in 1949 should be reconsidered as it applies to the 300-foot through roads. Consideration could be given as to the desirability of providing for issuance of use permits on outer portions of the right-of-way on the 300-foot through highways. The local and feeder roads whose rights-of-way consist of easements would not appear to be subject to use permits for non-highway purposes.

Highway - 13

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Box 129



Under present policy, the magnitude of the zoning job contemplated in your memorandum is not large inasmuch as it would apply only to the 200 mile section of the Alaska Highway from Big Delta to the Alaska Boundary.

In accordance with your suggestion, a copy of your memorandum and this reply are being forwarded to the Alaska Field Committee for consideration and recommendation.

(sgd) Dale E. Doty

Assistant Secretary

Copy to: Bureau of Land Management
Office of Territories
Program Staff
Alaska Field Committee

OFFICE OF TERRITORIES

JAN 27 1951

RECEIVED

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E. L. BARTLETT
DELEGATE FROM ALASKA

SECRETARY
MISS MARY LEE COUNCIL

ASSISTANT SECRETARY
MRS. MARGERY SMITH

Congress of the United States
House of Representatives
Washington, D. C.

December 21, 1951

Flakne	977	12/26

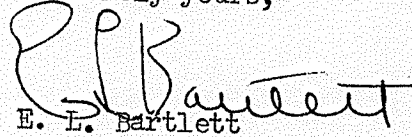
Mr. Joseph T. Flakne,
Chief, Alaska Division,
Office of Territories,
Department of the Interior,
Washington 25, D. C.

Dear Mr. Flakne:

I appreciate your furnishing me, as you did with
your letter of December 18, copies of Circulars 1750
and 1806 both having to do with rights-of-way on Alaska
roads.

FILED

Sincerely yours,


E. L. Bartlett

Al - Highways - 13

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

FILE COPY
Surname:

DEC 18 1951

FILED

Hon. Ernest Gruening
Governor of Alaska
Juneau, Alaska

My dear Governor Gruening:

Quite likely you have received the enclosed circulars through other fields, but I am sending you copies to make sure because these orders are of interest to you and should be placed in your files for future reference.

Sincerely yours,

(Sgt.) Jos. T. Flakne

Jos. T. Flakne
Chief, Alaska Division

Enclosures 2

FLAKNE/emd
12/18/51

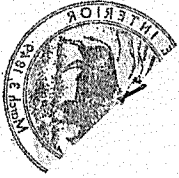
An identical letter is being sent to the following:

ARR
ARC
Delegate Bartlett
George Rogers
George Collins

Al - Highway - 13

*RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129*

DEBAYLI
OF



TITLE 43—PUBLIC LAND INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1806]

PART 74—RIGHTS-OF-WAY

RESERVATIONS OR EASEMENTS FOR PUBLIC HIGHWAYS IN ALASKA

The following text is substituted for §§ 74.28 to 74.33, inclusive:

ESTABLISHMENT OF RESERVATIONS OR EASEMENTS FOR PUBLIC HIGHWAYS IN ALASKA

Sec.

- 74.28 Reservation for through roads.
- 74.29 Rights-of-way or easements for feeder roads and local roads.
- 74.30 Appropriation of lands crossed by roads.
- 74.31 Homestead settlement or entry, exclusive of a strip reserved for a local road.
- 74.32 Statement required of applicants as to public roads.
- 74.33 Adjustment to official survey closing on through road.

AUTHORITY: §§ 74.28 to 74.37 issued under R. S. 2478; 43 U. S. C. 1201.

§ 74.28 *Reservation for through roads.* Public Land Order No. 757 of October 16, 1951, amended Public Land Order No. 601 of August 10, 1949, so as to eliminate provisions affecting feeder roads and local roads. The order which, as amended, applies only to designated through roads, provides:

Subject to valid existing rights and to existing surveys and withdrawals for other than highway purposes, the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway and within 150 feet on each side of the center line of the Richardson Highway, Glenn Highway, Haines Highway, the Seward-Anchorage Highway (exclusive of that part thereof within the boundaries of the Chugach National Forest), the Anchorage-Lake Spenard Highway, and the Fairbanks-College Highway are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for highway purposes.

§ 74.29 *Rights-of-way or easements for feeder roads and local roads.* (a) In addition to establishing the width of the through roads, reserved as set forth in § 74.28, Order No. 2865 of October 16, 1951 of the Secretary of the Interior also established rights-of-way or easements for highway purposes covering the lands embraced in feeder roads and local roads equal in extent to the width of such roads, as set forth in paragraphs (b) and (c) of this section.

(b) Feeder roads: Abbert Road (Kodiak Island), Edgerton Cutoff, Elliott Highway, Seward Peninsula Tram road, Steese Highway, Sterling Highway, Taylor Highway, Northway Junction to Airport Road, Palmer to Matanuska to

Wasilla Junction Road, Palmer to Finger Lake to Wasilla Road, Glenn Highway Junction to Fishhook Junction to Wasilla to Knik Road, Slana to Nebesna Road, Kenai Junction to Kenai Road, University to Ester Road, Central to Circle Hot Springs to Portage Creek Road, Manley Hot Springs to Eureka Road, North Park Boundary to Kantishna Road, Paxson to McKinley Park Road, Sterling Landing to Ophir Road, Iditarod to Flat Road, Dillingham to Wood River Road, Ruby to Long to Poorman Road, Nome to Council Road and Nome to Bessie Road shall each extend 100 feet on each side of the center line thereof.

(c) Local roads: All public roads not classified as through roads or feeder roads shall extend 50 feet on each side of the center line thereof.

§ 74.30 *Appropriation of lands crossed by roads.* (a) The reservation for through roads made by public land order No. 601 of August 10, 1949, as amended, operates as a complete segregation of the land from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws. Unless under the law or regulations such right or claim may embrace non-contiguous land, a right or claim to public land in the Territory initiated on or after August 10, 1949, and abutting on public land reserved for a through road, must be restricted to land on one side of the withdrawn area.

(b) Subject to paragraph (a) of this section public land on either side of the area reserved for through roads, both surveyed and unsurveyed, if otherwise available, may be included in claims extending up to but not including any part of the reserve. Where the land has been surveyed under the rectangular system and the surveys have not been closed on the reserved area, applications may be filed and entries allowed for portions of the legal subdivisions outside of the reserved area without awaiting additional surveys. Where the surveys have been closed on the reserved area, the land must be identified in the terms of such surveys. Settlements on unsurveyed public lands must conform to § 65.2, of this chapter so far as practicable.

(c) Public land crossed by a feeder road or a local road may be appropriated under any applicable public land law, subject to the roadway right-of-way or

easement. No deduction in the area chargeable to the claim will be made on account of the area included in the public highway right-of-way or easement. So long as the land is used for public highway purposes, complete jurisdiction thereover for all highways and highway-related purposes will remain in the Federal Government. If the highway is abandoned, such jurisdiction will terminate without action by the Federal Government; where the land crossed by the highway has passed into private ownership.

§ 74.31 *Homestead settlement or entry, exclusive of a strip reserved for a local road.* Where prior to October 16, 1951, a homestead settlement or entry was made, exclusive of a strip reserved for a local road, under the regulations then in effect (15 F. R. 1874, 43 CFR 1950 Supp. 74.29) the claim may stand in that form, or, in the option of the claimant, it may be amended to include the reserved strip, provided the total area involved does not exceed the total area permitted by law.

§ 74.32 *Statement required of applicants as to public roads.* Every applicant for public lands in Alaska whose right or claims was initiated on or after August 10, 1949, will be required to state in his application, or in a written statement furnished with the application, whether or not the land applied for is crossed by a public road. If it is, such road must be identified by name or otherwise.

§ 74.33 *Adjustment to official survey closing on through road.* Every application made for public land abutting on the area reserved for a through road not described in the terms of an official plat of survey closing on that area, will be subject to adjustment, both as to description and area, after such an official survey has been made.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

R. D. SEARLES,

Acting Secretary of the Interior.

DECEMBER 3, 1951.

[F. R. Doc. 51-14553; Filed, Dec. 7, 1951; 8:45 a. m.]

Published in 16 F.R. 12397 of December 8, 1951

Copies to: R.A. for distribution, Reg. 1	-	50	R.A. for distribution, Reg. 5	-	50
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" " " " 4	-	50			

Washington Division & Branch Chiefs

Miss Rosenberg, Room 5648 - 40

Mrs. Mann, Geological Survey, Rm. 3228, GSA Bldg. - 10

10062

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**TITLE 43—PUBLIC LANDS:
INTERIOR**

**Chapter I—Bureau of Land Management,
Department of the Interior**

**Subchapter A—Alaska
[Circular 1750]**

PART 74—RIGHTS-OF-WAY

**RESERVATION OF PUBLIC LAND FOR HIGHWAY
PURPOSES; APPROPRIATION OF ADJOINING
LAND**

§ 74.28 *Establishment of reservation.* Public Land Order No. 601 of August 10, 1949 (14 F. R. 5049) provides:

Subject to valid existing rights and to existing surveys and withdrawals for other than highway purposes, the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway, 150 feet on each side of the center line of all other through roads, 100 feet on each side of the center line of all feeder roads, and 50 feet on each side of the center line of all local roads, in accordance with the following classifications, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for highway purposes:

Through roads. Alaska Highway, Richardson Highway, Glenn Highway, Haines Highway, Tok Cut-Off.

Feeder roads. Steese Highway, Elliott Highway, McKinley Park Road, Anchorage-Potter-Indian Road, Edgerton Cut-Off, Tok Eagle Road, Ruby-Long-Poorman Road, Nome-Solomon Road, Kenai Lake-Homer Road, Fairbanks-College Road, Anchorage-Lake Spenard Road, Circle Hot Springs Road.

Local roads. All roads not classified above as Through Roads or Feeder Roads, established or maintained under the jurisdiction of the Secretary of the Interior.

§ 74.29 *Effect of reservation.* The reservation made by Public Land Order No. 601 of August 10, 1949, operates as a complete segregation of the land from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws. Unless under the law or regulations such right or claim may embrace non-contiguous land, a right or claim to public land in the territory fronting on a withdrawal made by Public Land Order 601 and initiated on or after August 10, 1949, must be restricted to land on one side of the withdrawn area, except that a homestead settlement or entry may be made for land crossed by the strip withdrawn in connection with a local road, exclusive of such strip.

§ 74.30 *Statement required of applicants as to public roads.* Every applicant for public lands in Alaska whose right or claim does not antedate the withdrawal will be required to state in his application, or in a written statement furnished with the application, whether or not the land applied for is crossed by a public road. If it is, such road must be identified by name or otherwise.

§ 74.31 *Appropriation of land up to reserved area; advance surveys not required.* Subject to § 74.29, public land on either side of the reserved area, both surveyed and unsurveyed, if otherwise available, may be included in claims extending up to but not including any part of the reserve. Where the land has been surveyed under the rectangular system and the surveys have not been closed on the reserved area, applications may be filed and entries allowed for portions of the legal subdivisions outside of the reserved area without awaiting additional surveys. Where the surveys have been closed on the reserved area, the land must be identified in the terms of such surveys. Settlements on unsurveyed public lands must conform to 43 CFR 65.2, so far as practicable.

§ 74.32 *Acreage limitation.* An application presented in advance of the approval of an official survey closing on the reserved area must show that the area described does not exceed the maximum area permitted by the law under which the application is made.

§ 74.33 *Adjustments after survey.* Every application made for public land abutting on the reserved area, not described in the terms of an official plat of survey closing on that area, will be subject to adjustment, both as to description and area, after such an official survey has been made.

(R. S. 2478; 43 U. S. C. 1201)

MARION CLAWSON,
Director.

Approved: March 28, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50-2706; Filed, Mar. 31, 1950;
8:48 a. m.]

Published in Federal Register,
Vol. 15, No. 63, of April 1, 1950,
page 1874

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73934



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

FILE COPY
Surname:

Lightfoot

FILED FILED

Mr. George Rogers, Chairman
Alaska Field Committee
Juneau, Alaska

DEC 17 1951

My dear Mr. Rogers:

Attached is a memorandum concerning the simplification of the administration and control of uses of Alaskan road rights-of-way which speaks for itself. It is hoped that, with the concurrence of the Regional Administrator, Bureau of Land Management, the problem will be discussed and a solution arrived at during the coming Field Committee meeting.

The Bureau of Land Management, the Alaska Road Commission and the National Park Service appear to be the primary interested agencies. The Bureau of Land Management will be the administering agency and it is hoped, therefore, that the expressions of the field personnel of the Bureau of Land Management will be given highest priority and consideration in the discussions.

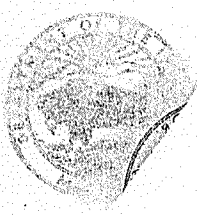
It is felt here that if a system of zoning such as is outlined were acceptable that residential use of the reserve strips would defeat the purpose of the withdrawal. It has been suggested that the residential classification be eliminated and possibly a commercial classification substituted. It is also felt on the other hand that zoning should be very broad at first, possibly limited to two classifications - one where permits would be allowed and the other in which no permits would be allowed. All applications for permits would be considered on their individual merits. It is felt that comprehensive zoning would tend to invite complicated appeal actions, particularly in built-up areas.

Actually in the built-up areas the zoning is essentially a local problem. Unfortunately, most embryonic communities along the highways do not have formal organizations capable of handling such matters with authority.

Al - Highways - 13

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DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250



The above considerations have been brought up in discussions here but they are not intended to be final as the problem is essentially a field and local one subject to influences and conditions which can be determined only by field personnel. A copy of the memorandum is being sent to Lowell Puckett, Regional Administrator, Bureau of Land Management; George Collins, Chief, Alaska Recreation Survey, National Park Service and A. F. Ghiglione, Commissioner of Roads for Alaska, Alaska Road Commission.

Sincerely yours,

(Sgd.) Joe
Joe T. Flakne
Chief, Alaska Division

Attachment

MLIGHTWOOD/emd
12/17/51

cc: A. F. Ghiglione, Commissioner of Roads for Alaska, ARC
Mr. George Collins, Chief, Alaska Recreation Survey, NPS
Mr. Lowell Puckett, Regional Administration, BLM

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129



UNITED STATES
DEPARTMENT OF THE INTERIOR

~~OFFICE OF TERRITORIES~~

NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

Memorandum

November 2, 1951

To: Assistant Secretary Doty

From: Acting Director, National Park Service

Subject: Suggestion for Simplifying Administration and Control of Permissible Uses of the Alaskan Road Rights-of-way.

As you know, this Service has been called upon a number of times in recent years for recommendations concerning right-of-way widths for Alaskan roads and the extent, if any, to which permits might appropriately be issued for use of those rights-of-way.

We are pleased, therefore, to see the extent to which our recommendations for adequate rights-of-way have been accepted and reflected in Secretary Chapman's Order No. 2665, of October 16, establishing widths of 600 feet, 300 feet, 200 feet and 100 feet for the various classes of roads in the Territory.

I believe, however, that the several Bureaus of the Department concerned with road and land problems would agree that there is room for improvement in the matter of handling permits for uses within the established road rights-of-way. A different method might be more economically and expeditiously applied, result in fewer cases of trespass, have greater public understanding and support and thus reflect more favorably on the Department's policies. We have had informal discussions along these lines with Mr. Flakne, who also, we understand, has explored improvement possibilities with Alaska Road Commission and Bureau of Land Management representatives and others interested.


The following suggestions are offered as an approach to improving present administrative practices:

1. Center all highway right-of-way permit issuance in the Bureau of Land Management within limits and criteria to be agreed upon. As it is, the Alaska Road Commission administers 50 feet each side of the pavement center line and the Bureau of Land Management administers the remainder of the right-of-way strips, if any, varying from 50 to 250 feet in width each side of the center line.

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DEPT. OF TERRITORIES

44-101



2. Develop an interbureau agreement, to be approved by the Secretary, between the Bureau of Land Management, the Alaska Road Commission and the National Park Service (the latter as the Department's adviser on scenic, recreational and roadside protection matters) within which BIM would function largely on its own. Provide for those classes of uses, if any, which would require clearances by ARC, NPS or, in exceptional cases, the Department.

What we have in mind is that qualified representatives of the three agencies who are thoroughly familiar with the Alaska roadside problems would make an on-the-ground zoning survey and:

(a) Determine a minimum of zoning classifications foreseeable for present and future needs for each road and locate these zones. The zones might be, for example:

- Agricultural
- Industrial
- . Residential.
- Recreational
- Others, if necessary

The whole zoning job would not necessarily have to be done at once. The agreement could provide for its eventual completion, but the areas of greatest activity, importance, or those having urgent administrative problems on one or more roads could come first.

(b) Determine the kind and extent of right-of-way uses that could be permitted in each of the zones and develop criteria, standards or conditions to be met by permittees. These need not be overly complicated but would give BIM a set of agreed-to standards to go by. Many routine applications could be acted upon "while you wait" or "by return mail." It would also give BIM backing in cases where rejections were indicated. There would be cases where applications for a certain use might be inappropriate in one zone but perfectly permissible in one or more other zones. In controversial or pressure cases or those where exceptions might reasonably be considered, BIM would refer applications to ARC and NPS for clearance, comment or rejection.

(c) Establish the classes of use permits, if any, which, because of their importance, magnitude or novelty would require ARC and NPS or Departmental clearance before a permit could issue.

For those cases in which the right of way is reserved (in part or in whole) by the Alaska Highway Commission, the Commission should receive no greater consideration than would individuals for road right-of-way use permits unless their uses are inoffensive, critical or required in the public interest, convenience or the discharge of duty.

The idea behind this proposal is not to defeat the purpose of the right-of-way reservations, but to govern those reasonable and appropriate uses that could be permitted as a convenience to private and public parties without detriment to the public interest. We believe also that Government agencies should receive no greater consideration than would individuals for road right-of-way use permits unless their uses are inoffensive, critical or required in the public interest, convenience or the discharge of duty.

If you believe that these ideas have merit we should be glad, to the extent that we can, to assist in developing them. We believe, however, that the job should be tackled first at field level by those concerned, possibly with the help and advice at the appropriate time of the Alaska Field Committee

(SGD) CONRAD L. WIRTH

Conrad L. Wirth
Acting Director

RG 126, Off. of Territories
E. 3, Central Files, 1951-71
Box 129

**TITLE 43—PUBLIC LANDS:
INTERIOR**

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska
[Circular 1806]

PART 74—RIGHTS-OF-WAY

RESERVATIONS OR EASEMENTS FOR PUBLIC HIGHWAYS IN ALASKA

The following text is substituted for §§ 74.28 to 74.33, inclusive:

ESTABLISHMENT OF RESERVATIONS OR EASEMENTS FOR PUBLIC HIGHWAYS IN ALASKA

- Sec.
74.28 Reservation for through roads.
74.29 Rights-of-way or easements for feeder roads and local roads.

than highway purposes, the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway and within 150 feet on each side of the center line of the Richardson Highway, Glenn Highway, Haines Highway, the Seward-Anchorage Highway (exclusive of that part thereof within the boundaries of the Chugach National Forest), the Anchorage-Lake Spenard Highway, and the Fairbanks-College Highway are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for highway purposes.

§ 74.29 *Rights-of-way or easements for feeder roads and local roads.* (a) In addition to establishing the width of the through roads, reserved as set forth in § 74.28, Order No. 2665 of October 16, 1951 of the Secretary of the Interior also established rights-of-way or easements for highway purposes covering the lands embraced in feeder roads and local roads equal in extent to the width of such roads, as set forth in paragraphs (b) and (c) of this section.

(b) Feeder roads: Abbert Road (Kodiak Island), Edgerton Cutoff, Elliott Highway, Seward Peninsula Tram road, Steese Highway, Sterling Highway, Taylor Highway, Northway Junction to Airport Road, Palmer to Matanuska to Wasilla Junction Road, Palmer to Finger Lake to Wasilla Road, Glenn Highway Junction to Fishhook Junction to Wasilla to Knik Road, Slana to Nebesna Road, Kenai Junction to Kenai Road, University to Ester Road, Central to Circle Hot Springs to Portage Creek Road, Manley Hot Springs to Eureka Road, North Park Boundary to Kantishna Road, Paxson to McKinley Park Road, Sterling Landing to Ophir Road, Iditarod to Flat Road, Dillingham to Wood River Road, Ruby to Long to Poorman Road, Nome to Council Road and Nome to Bessie Road shall each extend 100 feet on each side of the center line thereof.

(c) Local roads: All public roads not classified as through roads or feeder roads shall extend 50 feet on each side of the center line thereof.

§ 74.30 *Appropriation of lands crossed by roads.* (a) The reservation for through roads made by public land order No. 601 of August 10, 1949, as amended, operates as a complete segregation of the land from all forms of appropriation under the public-land laws, including

the mining and mineral-leasing laws. Unless under the law or regulations such right or claim may embrace non-contiguous land, a right or claim to public land in the Territory initiated on or after August 10, 1949, and abutting on public land reserved for a through road, must be restricted to land on one side of the withdrawn area.

(b) Subject to paragraph (a) of this section public land on either side of the area reserved for through roads, both surveyed and unsurveyed, if otherwise available, may be included in claims extending up to but not including any part of the reserve. Where the land has been surveyed under the rectangular system and the surveys have not been closed on the reserved area, applications may be filed and entries allowed for portions of the legal subdivisions outside of the reserved area without awaiting additional surveys. Where the surveys have been closed on the reserved area, the land must be identified in the terms of such surveys. Settlements on unsurveyed public lands must conform to § 65.2, of this chapter so far as practicable.

(c) Public land crossed by a feeder road or a local road may be appropriated under any applicable public land law, subject to the roadway right-of-way or easement. No deduction in the area chargeable to the claim will be made on account of the area included in the public highway right-of-way or easement. So long as the land is used for public highway purposes, complete jurisdiction thereover for all highways and highway-related purposes will remain in the Federal Government. If the highway is abandoned, such jurisdiction will terminate without action by the Federal Government, where the land crossed by the highway has passed into private ownership.

§ 74.31 *Homestead settlement or entry, exclusive of a strip reserved for a local road.* Where prior to October 16, 1951, a homestead settlement or entry was made, exclusive of a strip reserved for a local road, under the regulations then in effect (15 F. R. 1874, 43 CFR 1950 Supp. 74.29) the claim may stand in that form, or, in the option of the claimant, it may be amended to include the reserved strip, provided the total area involved does not exceed the total area permitted by law.

§ 74.32 *Statement required of applicants as to public roads.* Every applicant for public lands in Alaska whose right or claims was initiated on or after August 10, 1949, will be required to state in his application, or in a written statement furnished with the application, whether or not the land applied for is crossed by a public road. If it is, such road must be identified by name or otherwise.

§ 74.33 *Adjustment to official survey closing on through road.* Every application made for public land abutting on the area reserved for a through road not described in the terms of an official plat of survey closing on that area, will be subject to adjustment, both as to description and area, after such an official survey has been made.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

R. D. SEARLES,
Acting Secretary of the Interior.

DECEMBER 3, 1951.

F. R. Doc. 51-14553; Filed, Dec. 7, 1951;
8:45 a. m.]

Mr. Flakne 12/7 12/17

Mr. Silvers

Mr. Davis 12/10 12/11

FILED

Al Highway 13

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Box 129



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

*noted
g.H.*

*Davis
Wheeler 11/8
Mush 11/14
Silverman
File*

NOV - 2 1951

Memorandum

To: Assistant Secretary Doty

From: Acting Director, National Park Service

Subject: Suggestion for Simplifying Administration and Control of Permissible Uses of the Alaskan Road Rights-of-way

FILED

As you know, this Service has been called upon a number of times in recent years for recommendations concerning right-of-way widths for Alaskan roads and the extent, if any, to which permits might appropriately be issued for use of those rights-of-way.

We are pleased, therefore, to see the extent to which our recommendations for adequate rights-of-way have been accepted and reflected in Secretary Chapman's Order No. 2665, of October 16, establishing widths of 600 feet, 300 feet, 200 feet and 100 feet for the various classes of roads in the Territory.

I believe, however, that the several Bureaus of the Department concerned with road and land problems would agree that there is room for improvement in the matter of handling permits for uses within the established road rights-of-way. A different method might be more economically and expeditiously applied, result in fewer cases of trespass, have greater public understanding and support and thus reflect more favorably on the Department's policies. We have had informal discussions along these lines with Mr. Flakne, who also, we understand, has explored improvement possibilities with Alaska Road Commission and Bureau of Land Management representatives and others interested.

The following suggestions are offered as an approach to improving present administrative practices:

1. Center all highway right-of-way permit issuance in the Bureau of Land Management within limits and criteria to be agreed upon. As it is, the Alaska Road Commission administers 50 feet each side of the pavement center line and the Bureau of Land Management administers the remainder of the right-of-way strips, if any, varying from 50 to 250 feet in width each side of the center line.

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2. Develop an interbureau agreement, to be approved by the Secretary, between the Bureau of Land Management, the Alaska Road Commission and the National Park Service (the latter as the Department's adviser on scenic, recreational and roadside protection matters) within which BLM would function largely on its own. Provide for those classes of uses, if any, which would require clearances by ARC, NPS or, in exceptional cases, the Department.

What we have in mind is that qualified representatives of the three agencies who are thoroughly familiar with the Alaska roadside problems would make an on-the-ground zoning survey and:

(a) Determine a minimum of zoning classifications foreseeable for present and future needs for each road and locate these zones. The zones might be, for example:

- Agricultural
- Industrial
- Residential
- Recreational
- Others, if necessary

The whole zoning job would not necessarily have to be done at once. The agreement could provide for its eventual completion, but the areas of greatest activity, importance, or those having urgent administrative problems on one or more roads could come first.

(b) Determine the kind and extent of right-of-way uses that could be permitted in each of the zones and develop criteria, standards or conditions to be met by permittees. These need not be overly complicated but would give BLM a set of agreed-to standards to go by. Many routine applications could be acted upon "while you wait" or "by return mail." It would also give BLM backing in cases where rejections were indicated. There would be cases where applications for a certain use might be inappropriate in one zone but perfectly permissible in one or more other zones. In controversial or pressure cases or those where exceptions might reasonably be considered, BLM would refer applications to ARC and NPS for clearance, comment or rejection.

(c) Establish the ^{classes of use} ~~classes of use~~ permits, if any, which, because of their importance, magnitude or novelty would require ARC and NPS or Departmental clearance before a permit could issue.

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The idea behind this proposal is not to defeat the purpose of the right-of-way reservations, but to govern those reasonable and appropriate uses that could be permitted as a convenience to private and public parties without detriment to the public interest. We believe also that Government agencies should receive no greater consideration than would individuals for road right-of-way use permits unless their uses are inoffensive, critical or required in the public interest, convenience or the discharge of duty.

If you believe that these ideas have merit we should be glad, to the extent that we can, to assist in developing them. We believe, however, that the job should be tackled first at field level by those concerned, possibly with the help and advice at the appropriate time of the Alaska Field Committee.

(SGD) CONRAD L. WIRTH

Conrad L. Wirth
Acting Director

Copy to: ✓ Mr. Joseph T. Flakne, Chief, Alaska Division, Office of Territories

OFFICE OF TERRITORIES

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*with to Mr. Flakne
Re: even*

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UNITED STATES
DEPARTMENT OF THE INTERIOR
~~OFFICE OF TERRITORIES~~

NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

FILED

November 2, 1951

Memorandum

To: Assistant Secretary Doty
From: Acting Director, National Park Service
Subject: Suggestion for Simplifying Administration and Control of Permissible Uses of the Alaskan Road Rights-of-way.

As you know, this Service has been called upon a number of times in recent years for recommendations concerning right-of-way widths for Alaskan roads and the extent, if any, to which permits might appropriately be issued for use of those rights-of-way.

We are pleased, therefore, to see the extent to which our recommendations for adequate rights-of-way have been accepted and reflected in Secretary Chapman's Order No. 2665, of October 16, establishing widths of 600 feet, 300 feet, 200 feet and 100 feet for the various classes of roads in the Territory.


I believe, however, that the several Bureaus of the Department concerned with road and land problems would agree that there is room for improvement in the matter of handling permits for uses within the established road rights-of-way. A different method might be more economically and expeditiously applied, result in fewer cases of trespass, have greater public understanding and support and thus reflect more favorably on the Department's policies. We have had informal discussions along these lines with Mr. Plaine, who also, we understand, has explored improvement possibilities with Alaska Road Commission and Bureau of Land Management representatives and others interested.

The following suggestions are offered as an approach to improving present administrative practices:

1. Center all highway right-of-way permit issuance in the Bureau of Land Management within limits and criteria to be agreed upon. As it is, the Alaska Road Commission administers 50 feet each side of the pavement center line and the Bureau of Land Management administers the remainder of the right-of-way strips, if any, varying from 50 to 250 feet in width each side of the center line.

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2. Develop an interbureau agreement, to be approved by the Secretary, between the Bureau of Land Management, the Alaska Road Commission and the National Park Service (the latter as the Department's advisor on scenic, recreational and roadside protection matters) within which BLM would function largely on its own. Provide for those classes of uses, if any, which would require clearances by ARC, NPS or, in exceptional cases, the Department.

What we have in mind is that qualified representatives of the three agencies who are thoroughly familiar with the Alaska roadside problems would make an on-the-ground zoning survey and:

(a) Determine a minimum of zoning classifications foreseeable for present and future needs for each road and locate these zones. The zones might be, for example:

Agricultural
Industrial
Residential
Recreational
Others, if necessary

The whole zoning job would not necessarily have to be done at once. The agreement could provide for its eventual completion, but the areas of greatest activity, importance, or those having urgent administrative problems on one or more roads could come first.

(b) Determine the kind and extent of right-of-way uses that could be permitted in each of the zones and develop criteria, standards or conditions to be met by permittees. These need not be overly complicated but would give BLM a set of agreed-to standards to go by. Many routine applications could be acted upon "while you wait" or "by return mail." It would also give BLM backing in cases where rejections were indicated. There would be cases where applications for a certain use might be inappropriate in one zone but perfectly permissible in one or more other zones. In controversial or pressure cases or those where exceptions might reasonably be considered, BLM would refer applications to ARC and NPS for clearance, comment or rejection.

(c) Establish the classes of use permits, if any, which, because of their importance, magnitude or novelty would require ARC and NPS or Departmental clearance before a permit could issue.

The idea behind this proposal is not to defeat the purpose of the right-of-way reservations, but to govern those reasonable and appropriate uses that could be permitted as a convenience to private and public parties without detriment to the public interest. We believe also that Government agencies should receive no greater consideration than would individuals for road right-of-way use permits unless their uses are inoffensive, critical or required in the public interest, convenience or the discharge of duty.

If you believe that these ideas have merit we should be glad, to the extent that we can, to assist in developing them. We believe, however, that the job should be tackled first at field level by those concerned, possibly with the help and advice at the appropriate time of the Alaska Field Committee

(SGD) CONRAD L. WIRTH

Conrad L. Wirth
Acting Director

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT WASHINGTON, D. C. 20506



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

AM
JAL Mr. Flakne

IN REPLY REFER TO:

Perkins 03248 ADL:ML
1917035
22506

Oct 20 1951

Memorandum

To: Regional Administrator, Region VII, Anchorage, Alaska
From: Director, Bureau of Land Management
Subject: Public Land Order 386 Cathedral Bluffs, Alaska

Reference is made to the report approved July 11, 1950, on the proposed withdrawal for the Alaska Communications System of 2.978 acres of additional lands at Cathedral Bluffs.

The Alaska Road Commission objected to the proposed withdrawal as to the strip approximately 200 feet long and 200 feet wide which conflicts with the 600-foot right-of-way for the Alaska Highway reserved by Public Land Order No. 601. The Commission stated, however, that it has no objection to a permit.

Pursuant to the Departmental policy as stated in Assistant Secretary Hame's memorandum of March 24, 1949, the Alaska Road Commission is responsible for the administration and care of the highway, up to 150 feet of the center line. The policy of this Bureau with respect to special use permits on the outer 150 feet of highways in excess of 300 feet (28506, May 6, 1949) states that in no case shall the right-of-way area be used for the erection of substantial structures.

The report on the report states that the additional land is desired for use as a site for a public telephone and repeater station near the road and that the present withdrawal is not adequate, as the present buildings are too close together for safety's sake.

It seems that no one questions the need for the improvements suggested by the Alaska Communications System. If this is the case it is difficult to understand why the several government agencies concerned cannot agree on the most expeditious way of accomplishing the substantive purpose without becoming entangled in procedural difficulties. In this connection it should be mentioned that a withdrawal order is the more complicated of the possible procedures.

It is suggested that pursuant to Part 57.130(c) of the BLM Manual, you consult with the representatives of the Alaska Road Commission and the Alaska Communications System, San Pedro to affect an arrangement that will be satisfactory to both agencies.

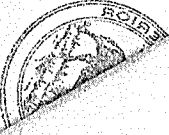
The application is returned herewith for your use. Please report when a settlement is reached.

Copy to: Div. of Territories ✓
Office of Engineers - Real Estate Branch, Washington 25, D.C.
Assistant (Sgd) William Pinous
Director

Attachment (Perkins 03248)

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BUREAU OF
DEPARTMENT OF
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FEDERAL REGISTER Saturday, October 20 1951

Mr. Flakin		
Mr. Silverman		
Mr. DAVIS		
FILES		

**TITLE 43—PUBLIC LANDS:
INTERIOR**

**Chapter I—Bureau of Land Management,
Department of the Interior**

Appendix—Public Land Orders
(Public Land Order 757)

ALASKA

**AMENDMENT OF PUBLIC LAND ORDER NO. 601
OF AUGUST 10, 1949, RESERVING PUBLIC
LANDS FOR HIGHWAY PURPOSES**

By virtue of the authority vested in the President and pursuant to Executive Order 9837 of April 24, 1949, it is ordered as follows:

The sixth paragraph of Public Land Order No. 601 of August 10, 1949, reserving public lands for highway purposes, commencing with the words "Subject to valid existing rights", is hereby amended to read as follows:

Subject to valid existing rights and to existing surveys and withdrawals for other than highway purposes, the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway and within 150 feet on each side of the center line of the Richardson Highway, Glenn Highway, Haines Highway, the Seward-Anchorage Highway (exclusive of that part thereof within the boundaries of the Chugach National Forest), the Anchorage-Lake Spenard Highway, and the Fairbanks-College Highway are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for highway purposes.

Easements having been established on the lands released by this order, such lands are not open to appropriation under the public-land laws except as a part of a legal subdivision, if surveyed, or an adjacent area, if unsurveyed, and subject to the pertinent easement.

OSCAR L. CHAPMAN,
Secretary of the Interior.

OCTOBER 16, 1951.

[F. R. Doc. 51-12674; Filed, Oct. 19, 1951;
9:03 a. m.]

Pub. Lands & Federal Register

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Washington, D. C.

Mr. Flahne

ORDER NO. 2665

October 16, 1951

SUBJECT: RIGHTS-OF-WAY FOR HIGHWAYS IN ALASKA

Sec. 1. Purpose. (a) The purpose of this order is to (1) fix the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and (2) prescribe a uniform procedure for the establishment of rights-of-way or easements over or across the public lands for such highways. Authority for these actions is contained in Section 2 of the Act of June 30, 1932 (47 Stat. 446, 48 U.S.C. 321a).

Sec. 2. Width of Public Highways. (a) The width of the public highways in Alaska shall be as follows:

(1) For through roads:

The Alaska Highway shall extend 300 feet on each side of the center line thereof.

The Richardson Highway, Glenn Highway, Haines Highway, Seward-Anchorage Highway, Anchorage-Lake Spenard Highway and Fairbanks-College Highway shall extend 150 feet on each side of the center line thereof.

(2) For feeder roads:

Abbott Road (Kodiak Island), Edgerton Cutoff, Elliott Highway, Seward Peninsula Tram road, Steese Highway, Sterling Highway, Taylor Highway, Northway Junction to Airport Road, Palmer to Matanuska to Wasilla Junction Road, Palmer to Finger Lake to Wasilla Road, Glenn Highway Junction to Fishhook Junction to Kenai Road, University to Ester Road, Central to Circle Hot Springs to Portage Creek Road, Manley Hot Springs to Eureka Road, North Park Boundary to Kantishna Road, Paxson to McKinley Park Road, Sterling Landing to Ophir Road, Iditarod to Flat Road, Dillingham to Wood River Road, Ruby to Long to Poorman Road, Nome to Council Road and Nome to Bessie Road shall each extend 100 feet on each side of the center line thereof.

(3) For local roads:

All public roads not classified as through roads or feeder roads shall extend 50 feet on each side of the center line thereof.

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**TITLE 43—PUBLIC LAND
INTERIOR**

**Chapter I—Bureau of Land Management,
Department of the Interior**

Subchapter A—Alaska
[Circular 1806]

PART 74—RIGHTS-OF-WAY

**RESERVATIONS OR EASEMENTS FOR PUBLIC
HIGHWAYS IN ALASKA**

The following text is substituted for §§ 74.28 to 74.33, inclusive:

ESTABLISHMENT OF RESERVATIONS OR EASEMENTS FOR PUBLIC HIGHWAYS IN ALASKA

- Sec.
- 74.28 Reservation for through roads.
- 74.29 Rights-of-way or easements for feeder roads and local roads.
- 74.30 Appropriation of lands crossed by roads.
- 74.31 Homestead settlement or entry, exclusive of a strip reserved for a local road.
- 74.32 Statement required of applicants as to public roads.
- 74.33 Adjustment to official survey closing on through road.

AUTHORITY: §§ 74.28 to 74.37 issued under R. S. 2478; 43 U. S. C. 1201.

§ 74.28 Reservation for through roads. Public Land Order No. 757 of October 16, 1951, amended Public Land Order No. 601 of August 10, 1949, so as to eliminate provisions affecting feeder roads and local roads. The order which, as amended, applies only to designated through roads, provides:

Subject to valid existing rights and to existing surveys and withdrawals for other than highway purposes, the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway and within 150 feet on each side of the center line of the Richardson Highway, Glenn Highway, Haines Highway, the Seward-Anchorage Highway (exclusive of that part thereof within the boundaries of the Chugach National Forest), the Anchorage-Lake Spenard Highway, and the Fairbanks-College Highway are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for highway purposes.

§ 74.29 Rights-of-way or easements for feeder roads and local roads. (a) In addition to establishing the width of the through roads, reserved as set forth in § 74.28, Order No. 2665 of October 16, 1951 of the Secretary of the Interior also established rights-of-way or easements for highway purposes covering the lands embraced in feeder roads and local roads equal in extent to the width of such roads, as set forth in paragraphs (b) and (c) of this section.

(b) Feeder roads: Abbert Road (Kodiak Island), Edgerton Cutoff, Elliott Highway, Seward Peninsula Tram road, Steese Highway, Sterling Highway, Taylor Highway, Northway Junction to Airport Road, Palmer to Matanuska to

Wasilla Junction Road, Palmer to Finger Lake to Wasilla Road, Glenn Highway Junction to Fishhook Junction to Wasilla to Knik Road, Slana to Nehesna Road, Kenai Junction to Kenai Road, University to Ester Road, Central to Circle Hot Springs to Portage Creek Road, Manley Boundary to Kantishna Road, Paxson to McKinley Park Road, Sterling Landing to Ophir Road, Iditarod to Flat Road, Dillingham to Wood River Road, Ruby to Long to Poorman Road, Nome to Council Road and Nome to Bessie Road shall each extend 100 feet on each side of the center line thereof.

(c) Local roads: All public roads not classified as through roads or feeder roads shall extend 50 feet on each side of the center line thereof.

§ 74.30 Appropriation of lands crossed by roads. (a) The reservation for through roads made by public land order No. 601 of August 10, 1949, as amended, operates as a complete segregation of the land from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws. Unless under the law or regulations such right or claim may embrace non-contiguous land, a right or claim to public land in the Territory initiated on or after August 10, 1949, and abutting on public land reserved for a through road, must be restricted to land on one side of the withdrawn area.

(b) Subject to paragraph (a) of this section public land on either side of the area reserved for through roads, both surveyed and unsurveyed, if otherwise available, may be included in claims extending up to but not including any part of the reserve. Where the land has been surveyed under the rectangular system and the surveys have not been closed on the reserved area, applications may be filed and entries allowed for portions of the legal subdivisions outside of the reserved area without awaiting additional surveys. Where the surveys have been closed on the reserved area, the land must be identified in the terms of such surveys. Settlements on unsurveyed public lands must conform to § 65.2, of this chapter so far as practicable.

(c) Public land crossed by a feeder road or a local road may be appropriated under any applicable public land law, subject to the roadway right-of-way or

easement. No deduction in the area chargeable to the claim will be made on account of the area included in the public highway right-of-way or easement. So long as the land is used for public highway purposes, complete jurisdiction thereover for all highways and highway-related purposes will remain in the Federal Government. If the highway is abandoned, such jurisdiction will terminate without action by the Federal Government; where the land crossed by the highway has passed into private ownership.

§ 74.31 Homestead settlement or entry, exclusive of a strip reserved for a local road. Where prior to October 16, 1951, a homestead settlement or entry was made, exclusive of a strip reserved for a local road, under the regulations then in effect (15 F. R. 1874, 43 CFR 1950 Supp. 74.29) the claim may stand in that form, or, in the option of the claimant, it may be amended to include the reserved strip, provided the total area involved does not exceed the total area permitted by law.

§ 74.32 Statement required of applicants as to public roads. Every applicant for public lands in Alaska whose right or claims was initiated on or after August 10, 1949, will be required to state in his application, or in a written statement furnished with the application, whether or not the land applied for is crossed by a public road. If it is, such road must be identified by name or otherwise.

§ 74.33 Adjustment to official survey closing on through road. Every application made for public land abutting on the area reserved for a through road not described in the terms of an official plat of survey closing on that area, will be subject to adjustment, both as to description and area, after such an official survey has been made.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

R. D. SEARLES,
Acting Secretary of the Interior.

DECEMBER 3, 1951.

[F. R. Doc. 51-14553; Filed, Dec. 7, 1951; 8:45 a. m.]

Published in 16 F.R. 12397 of December 8, 1951

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Washington Division & Branch Chiefs
Miss Rosenberg, Room 5648 - 40
Mrs. Mann, Geological Survey, Rm. 3228, GSA Bldg. - 10

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**TITLE 43—PUBLIC LANDS:
INTERIOR**

**Chapter I—Bureau of Land Management,
Department of the Interior**

Subchapter A—Alaska
[Circular 1750]

PART 74—RIGHTS-OF-WAY

**RESERVATION OF PUBLIC LAND FOR HIGHWAY
PURPOSES; APPROPRIATION OF ADJOINING
LAND**

§ 74.28 *Establishment of reservation.* Public Land Order No. 601 of August 10, 1949 (14 F. R. 5049) provides:

Subject to valid existing rights and to existing surveys and withdrawals for other than highway purposes, the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway, 150 feet on each side of the center line of all other through roads, 100 feet on each side of the center line of all feeder roads, and 50 feet on each side of the center line of all local roads, in accordance with the following classifications, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for highway purposes:

Through roads. Alaska Highway, Richardson Highway, Glenn Highway, Haines Highway, Tok Cut-Off.

Feeder roads. Steese Highway, Elliott Highway, McKinley Park Road, Anchorage-Potter-Indian Road, Edgerton Cut-Off, Tok Eagle Road, Ruby-Long-Poorman Road, Nome-Solomon Road, Kenai Lake-Homer Road, Fairbanks-College Road, Anchorage-Lake Spenard Road, Circle Hot Springs Road.

Local roads. All roads not classified above as Through Roads or Feeder Roads, established or maintained under the jurisdiction of the Secretary of the Interior.

§ 74.29 *Effect of reservation.* The reservation made by Public Land Order No. 601 of August 10, 1949, operates as a complete segregation of the land from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws. Unless under the law or regulations such right or claim may embrace non-contiguous land, a right or claim to public land in the territory fronting on a withdrawal made by Public Land Order 601 and initiated on or after August 10, 1949, must be restricted to land on one side of the withdrawn area, except that a homestead settlement or entry may be made for land crossed by the strip withdrawn in connection with a local road, exclusive of such strip.

§ 74.30 *Statement required of applicants as to public roads.* Every applicant for public lands in Alaska whose right or claim does not antedate the withdrawal will be required to state in his application, or in a written statement furnished with the application, whether or not the land applied for is crossed by a public road. If it is, such road must be identified by name or otherwise.

§ 74.31 *Appropriation of land up to reserved area; advance surveys not required.* Subject to § 74.29, public land on either side of the reserved area, both surveyed and unsurveyed, if otherwise available, may be included in claims extending up to but not including any part of the reserve. Where the land has been surveyed under the rectangular system and the surveys have not been closed on the reserved area, applications may be filed and entries allowed for portions of the legal subdivisions outside of the reserved area without awaiting additional surveys. Where the surveys have been closed on the reserved area, the land must be identified in the terms of such surveys. Settlements on unsurveyed public lands must conform to 43 CFR 65.2, so far as practicable.

§ 74.32 *Acreage limitation.* An application presented in advance of the approval of an official survey closing on the reserved area must show that the area described does not exceed the maximum area permitted by the law under which the application is made.

§ 74.33 *Adjustments after survey.* Every application made for public land abutting on the reserved area, not described in the terms of an official plat of survey closing on that area, will be subject to adjustment, both as to description and area, after such an official survey has been made.

(R. S. 2478; 43 U. S. C. 1201)

MARION CLAWSON,
Director.

Approved: March 28, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50-2706; Filed, Mar. 31, 1950;
8:48 a. m.]

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DEPARTMENT OF THE INTERIOR
INFORMATION SERVICE

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BUREAU OF LAND MANAGEMENT

For Release to EM's, OCTOBER 24, 1951

CHAPMAN SIGNS ORDERS FIXING ALASKA HIGHWAY WIDTHS AND ESTABLISHING RIGHTS-OF-WAY

Orders fixing the width of reservations or easements for all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and prescribing a uniform procedure for the establishment of rights-of-way over or across the public lands for such highways, have been signed by Secretary of the Interior Oscar L. Chapman, it was announced today.

Lands lying within 300 feet of each side of the center line of the Alaska Highway, and within 150 feet of the center of several other through highways, will be withdrawn from all forms of appropriation under the public land laws and reserved for highway purposes, while lands lying within 100 feet from the center of feeder roads and 50 feet from the center of all other public and local roads will be reserved by easements instead of withdrawals, Bureau of Land Management Director Marion Clawson explains.

According to Director Clawson, easements permit the settlement and private ownership of the land crossed by the public roads--subject to the roadway easements--and, if road plans are changed and the rights-of-way or easements are abandoned, the roadway land is acquired automatically by adjacent owners.

In addition to the Alaska Highway (with lands protected by withdrawal 300 feet on each side of the center line), the through highways of Alaska subject to withdrawal of the lands 150 feet on each side of the center line are: the Richardson Highway, Glenn Highway, Haines Highway, Seward-Anchorage Highway, Anchorage-Lake Spenard Highway and Fairbanks-College Highway.

The feeder roads (protected by easement, extending 100 feet on each side of the center line) are: Abbert Road (Kodiak Island), Edgerton Cutoff, Elliott Highway, Seward Peninsula Tramroad, Steese Highway, Sterling Highway, Taylor Highway, Northway Junction to Airport Road, Palmer to Matanuska to Wasilla Junction Road, Palmer to Finger Lake to Wasilla Road, Glenn Highway Junction to Fishhook Junction to Wasilla to Knik Road, Slana to Nabesna Road, Kenai Junction to Kenai Road, University to Ester Road, Central to Circle Hot Springs to Portage Creek Road, Manley Hot Springs to Eureka Road, North Park Boundary to Kantishna Road, Paxson to McKinley Park Road, Sterling Landing to Ophir Road, Iditarod to Flat Road, Dillingham to Wood River Road, Ruby to Long to Poorman Road, Nome to Council Road, and Nome to Bessie Road.

When the survey stakes of new road construction in Alaska are set on the ground and notices have been posted at appropriate points along the route of the new construction, the reservation or easement for roadway purposes will apply.

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

FILED

To	Initial	Date
Flakne	JFM	9/19/51
McCarthy	McCarthy	9/24/51
Files		

September 14, 1951

Mr. James P. Davis
Director, Office of Territories
Department of the Interior
Washington 25, D. C.

My dear Mr. Davis:

Reference is made to your letter of September 10, 1951, pertaining to a proposed order to amend Public Land Order No. 601.

The list of feeder roads submitted to you under date of August 17, 1951, included our latest classification (February 6, 1951) for a number of feeder roads which did not appear on original Public Land Order 601. The three roads, Anchorage-Potter-Indian (now Seward-Anchorage Highway), Anchorage-Lake Spenard, and Fairbanks-College roads have since been classified through roads as they are important arterials which have been rebuilt to the "through" road standard and are or will soon be paved. This should have been invited to your attention at the time. The Seward-Anchorage Highway, when opened in the fall of 1951, will undoubtedly become one of the most heavily travelled highways in the Territory.

The Anchorage-Lake Spenard Highway is now carrying slightly under nine thousand cars per day, is paved, and is part of a loop connecting with the Seward-Anchorage Highway, and serving the new International airport which is to be opened this month.

The Fairbanks-College Road also serves a suburban area as well as the University of Alaska. In 1951 the traffic count is averaging 5,000 cars per day and is on the increase.

Roads added to the feeder roads list include the following:

1. Northway Junction - Airfield (6.0 Miles) which leads to Northway Airfield and the native village of Northway.
2. Palmer - Matanuska - Wasilla Junction (13.9 Miles) is the main artery connecting these three points and from which branch off numerous farm roads. It is a perimeter road encircling the west and south sides of the principal settlement in the Matanuska Valley.

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