

- 3. Palmer Finger Lake Wasilla (12.0 Miles) This is one of the most important roads in the Matanuska Valley cutting through the heart of the farming region and joining the important towns of Palmer and Wasilla.
- 4. Glenn Highway Fishook Junction Wasilla Knik (34 Miles) This route cuts through the northerly part of the main settlement in the Matanuska Valley and forms a perimeter road along its eastern boundary extending to tidewater on Cook Inlet at the old town of Knik. From it branch numerous farm roads throughout its length.
- Slana Nabesna The original road in the upper Copper River Valley extended from the Richardson Highway through Slana to the Nabesna mine. That part from the Richardson Highway to Slana is now part of the Glenn Highway, and the remainder from the Slana to Nabesna serves an important area at the headwaters of the Copper River reaching 44 miles to the Nabesna River. Although quite inactive at this time, the road will undoubtedly carry considerable traffic in the future as development takes place.
- 6. <u>Kenai Junction Kenai</u> The 10.6 miles included in this road ties the Sterling Highway to the village of Kenai, the Civil Aeronautics Administration airport, and serves an increasing civilian and military population in that area.
- 7. <u>University Ester</u> (5.5 Miles) serves important mining and farming areas as well as projected military installations.
- 8. Manley Hot Springs Landing Eureka (25.7 Miles) extends from the Tanana River northward to Eureka and will eventually be linked with the Elliott Highway at Livengood; will also be extended northward to Rampart on the Yukon River.
- 9. North Park Boundary Kantishna (4.5 Miles) is an extension of the main Mount McKinley National Park Highway and may eventually be linked with Fairbanks and the upper Kuskokwim River area.
- 10. Sterling Landing Ophir (47.0 Miles) This isolated road serves the important mining district of Ophir and also a large military installation now under construction.

 Eventually this road will link with the Ruby-Long-Poorman Road extending south from the Yukon River.
- 11. Iditarod Flat (8.7 Miles) An important road connecting head of navigation on the Iditarod River with the important mining town of Flat and will eventually be linked with a proposed road to the Kuskokwim River between Flat and Georgetown.

- 12. Dillingham Wood River (9.5 Miles) This road starts at Snag Point in Bristol Bay and connects this port with the native village of Kanakanak. An extension will eventually reach an important settlement on Aleknagik Lake where a considerable colony of Seventh Day Adventists has settled.
- 13. Abbert Road (1.2 Miles) Connects the town of Kodiak with the road system within the Naval Reserve on Kodiak Island.
- 14. Nome Bessie (3.2 Miles) This is the principal highway from the beach at Nome towards principal mine workings north of Nome. Several branch roads extend into the mining areas.
- 15. Seward Peninsula Railroad (80.2 Miles) This tramway connects with an important road between Bunker Hill and Taylor on the Seward Peninsula.

Your question as to the advisability of including an extension of the Fishook Junction-Wasilla-Knik Road to the Willow Creek mining district and Willow as a feeder road has previously been considered. Mining activity is at a standstill. The Pass between Fishook and the Lucky Shot Mine is closed for nine months of the year, and when mining operations are in full swing, supplies to the Lucky Shot and adjacent mines are hauled in from Willow. It appears unlikely that this road will ever be maintained as a year round road and especially so in view of proposed construction of a low level road between Wasilla and Willow.

We are in the process of revising A.R.C. Order No. 40 which lists the various categories of roads and will submit several copies for your information as soon as they are prepared.

Sincerely yours,

A. F. Ghiglione

Commissioner of Roads

for Alaska



UNITED STATES DEPARTMENT OF THE INTERIOR OFFICE OF TERRITORIES

Washington 25, D. C. Air Mail FILE COPY Surname:

FILED FLA

SEP 10 1951

Mr. Angelo F. Ghiglione Road Commissioner Aleska Road Commission Juneau, Alaska

My dear Mr. Ghiglione:

The Chief Engineer's letter of August 17, 1951, which lists feeder roads to be included in the proposed order to smend Public Land Order No. 601, has been given careful review. In general we agree with the recommendations of the Alaska Road Commission; however, certain roads appear to have been omitted as "feeder" roads. A check of the enclosed list will show that the Anchorage-Potter-Indian, the Anchorage-Lake Spenard and the Fairbanks-College roads are not included.

We should appreciate being advised whether you wish to classify the three missing roads as "feeder" roads or as "through" roads. In the latter case, a justification should be provided based on importance of the area served, volume of traffic, and such other data as may be pertinent. The Anchorage-Potter-Indian road, as a part of the Seward-Anchorage highway, should, we believe, be classed as a "through" road and included in the proposed public land order.

A brief justification should also be provided for each of the roads which have been added to the list of feeder roads. This material will be used to assist those officials responsible for further processing of the draft order. At the same time please include any additions or corrections to the list which may be necessary.

Review of the listed feeder roads in the Matanuska area raises the further question whether the extension of the Fishook Junction-Wasilla-Knik road to the mining districts and Willow should not also be included as a "feeder" road. The plans for future road development in the area would seem to justify such a classification at this time.

We should appreciate an early reply in order that further processing may be done and the order issued as soon as possible.

Sincerely yours, (Sgd.) James P. Davis

James P. Davis Director

Enclosure

GMILNER/emd 9/10/51 af Highways 13

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



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

September 7, 1951

Memorandum for Mr. Flakne.

Attached is the file on Alaska highway rights-of-way together with a list which I made for purposes of comparison.

You will note that the latest list submitted by the Alaska Road Commission fails to include three roads previously listed. The Anchorage-Potter road certainly should be included.

As to the additional roads listed I wonder if such roads as the Northfield Junction Airfield, some of those in the Matanuska valley, and perhaps others, are not actually local roads for which a 100' R/W would suffice.

Goode

Robert K. Coote

Attachments

9/10/51
File sutained in Clarka Division
Pending senipt of suguestion
information from blaskal Road
Commission. File to be
Seturned to Division of Land
Utilization with the information.

Millien

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



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

ALASKA FEEDER ROADS

As described in P.L.O. 601.

Steese Highway
Elliott Highway
McKinley Park Road
Anchorage - Potter - Indian Road
Edgerton Cut-off
Tok - Eagle Road
Ruby - Long - Poorman Road
Fairbanks - College Road
Anchorage - Lake Spenard Road
Circle Hot Springs Road

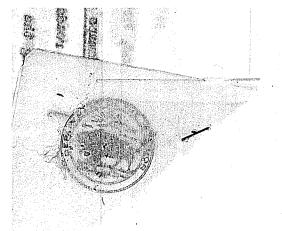
As described in new list by Alaska Road Commission August 7.

Steese Highway Elliott Highway Paxson - McKinley Parkway

Edgerton Cut-off Taylor Highway Ruby - Long - Poorman

Central - Circle Hot Springs -Portage Creek

Northway Junction - Airfield
Palmer - Matanuska - Wasilla Junction
Palmer - Finger Lake - Wasilla
Glenn Highway - Fishook Junction Wasilla - Knik
Slana - Nabesna
Sterling Highway
Kenai Junction - Kenai
University - Ester
Manley Hot Springs Landing - Eureka
North Park Boundary - Kantishna
Sterling Landing - Ophir
Iditarod - Flat
Dillingham - Wood River
Abbert Road (Kodiak)
Nome - Council
Nome - Bessie
Seward Peninsula R.R.



Mr. Fisher

FILED.

Felis

AUG 29 1951

Monrandun

堂公本

The Becretary

Through: Bureau of Land Management

Promi

Director, Office of Territories

Subject:

Rights-of-Way for Highways in Alaska

There is substitled a proposed order fixing the width of all public highways in Aleska established or maintained under the jurisdiction of the Secretary of the Interior and prescribing a uniform procedure for the establishment of rights of way or essements over or ecross the public lands for such highways.

A proposed exercisent of Public Land Order No. 601 of August 10, 19h9, so as to apply only to through meds in Alaska will be submitted for your algusture and should be signed simulteneously herewith. The proposed order transmitted herewith, if approved, will establish rights of way or essensents for feeder roads and local roads in Alaska.

(Sgd.) James P. Davis

Director

******* #: WET 16 1951

(Sgd.) Oscar L. Chapman

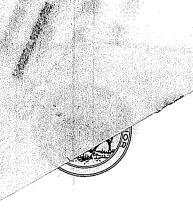
Secretary of the Interior and forwarded to the Chief Clerk

Attachment

Fisher/pgr - 8/27/51

AL Highways 13

RG126, Off. of Territories E.3, Central Files, 1951-71 Box 129



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

OCT 16 1951

The Director,
Division of the Federal Register
National Archives and Records Service
General Services Administration
Washington 25, D. C.

Sir:

Pursuant to the regulations in Chapter I, Title 1 of the Code of Federal Regulations, the enclosed document listed below, with the appropriate category indicated after each document, should be filed, and published as soon as possible, by your office:

Order on Rights-of-way for highways in Alaska

Category 4

Very truly yours,

(sgd) Palmer A. Axtell

Certifying Officer

Enclosure

4-1129 (Aug. 1950)

Interior-Duplicating Section, Washington, D. C.

80736

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

CALCO STATES

DEFENITION OF THE INTERIOR WESTINGTON, D. C.

OCT 16 1951

ana 10. 2665

SUBJECT: RESIDENCE-OF-MAY FOR HUDINATS 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 casements 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 (b? Stat. b)6, b8 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 Righmay shall extend 300 feet on each side of the center line thereof.

The Richardson Righssy, Clean Righssy, Raines Righssy, Senard-Anchorage Righssy, Anchorage-Lake Spenard Righssy and Fairbanks-College Righssy shall extend 150 feet on each side of the center line thereof.

(2) For feeder roads:

Abbert Road (Kodiak Island), Edgerton Cutoff, Elliott Highway,
Seward Peninsula Tran road, Steepe Highway, Sterling Highway,
Taylor Highway, Morthway Junction to Airport Road, Palmer to
Matamaska to Masilla Junction Road, Palmer to Finger Lake to
Masilla Road, Clean Highway Junction to Fishbook Junction to Masilla
to Emik Road, Slame to Nabesma Road, Kenai Junction to Remai Road,
Maiveraity to Ester Road, Central to Circle Hot Springs to Fortage
Creek Road, Manley Hot Springs to Eureka Road, North Park Doundary

to Mantishma Road, Person to McMisley Park Road, Starling
Landing to Ophir Road, Iditared to Flat Road, Dillingham to
Wood River Road, Suby to Long to Poerman Road, News to Council Road
and, News to Dessie 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.

Sec. 3. Establishment of rights-of-way or essectants.

- (a) A reservation for highest purposes covering the lands esbraced in the through roads mentioned in section 2 of this order was made by Public Land Order No. 601 of August 10, 1919, as assended by Public Land Order No./ 5 of OCT 16 1951. That order 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.
- (b) A right-of-way or easement for highway purposes covering the lands embraced in the feeder roads and the local roads equal in extent to the width of such roads as established in section 2 of this order, is hereby established for such roads over and across the public lands.
- (c) The reservation mentioned in paragraph (a) and the rightsof-way or essements 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 roads of the new construction specifying
 the type and width of the roads.

Sec. 4. Road-maps to be filed in proper Land Office.

Maps of all public roads in Alaska heretofore or hereafter

constructed showing the location of the roads, together with

appropriate plans and specifications, will be filed by the

Alaska Hoad Commission in the proper Land Office at the earliest

possible date for the information of the public.

Secretary of the Interior

Oscar L. Chapman



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

August 17, 1951

FILED

Flake PAn 8/22 Davis While Tables

la ilia

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

Dear Mr. Davis:

This will acknowledge your letter of August 9, 1951, in which you enclosed a draft of a proposed right of way order designed to amend Public Land Order 601.

The Alaska Road Commission is in agreement with the proposal that easements be substituted for withdrawals for feeder and local roads, and that present widths of rights-of-way-, 200 feet for feeder and 100 feet for local roads, as established by Public Land Order 601, will be retained.

We have no other comments or suggestions as to the proposed draft but do request that the paragraph captioned "Feeder Roads" be changed to read as follows:

FEEDER ROADS

Edgerton Cutoff,
Northway Junction - Air Field,
Palmer - Matanuska - Wasilla Junction,
Palmer - Finger Lake - Wasilla,
Glenn Highway - Fishook Junction - Wasilla - Knik
Slana - Nabesna,

Taylor Highway, Sterling Highway, Kenai Junction - Kenai,

Steese Highway, University - Ester, Central - Circle Hot Springs - Portage Creek,

- Elliott Highway, Manley Hot Springs Landing - Eureka

al- Highneys-13



North Park Boundary - Kantishna Paxson - McKinley Park

Sterling Landing - Ophir

Iditarod - Flat Dillingham - Wood River Abbert Road (Kodiak Island)

Ruby - Long - Poorman Nome - Council Nome - Bessie Seward Peninsula R.R.

Sincerely yours,

Wm. J. Niemi Chief Engineer

Conferred with Mr. Thighouse who is in the field,
- by radiophone was



UNITED STATES DEPARTMENT OF THE INTERIOR OFFICE OF TERRITORIES

FILED

AUG -9 1951

FILE COPY Surname:

Mr. A. F. Ghiglione Commissioner Alaska Road Commission Juneau, Alaska

Dear Mr. Chiglione:

The Secretary of the Interior has approved in principle a proposal to amend Public Land Order 601, withdrawing land for highways and roads under the jurisdiction of the Alaska Road Commission by eliminating feeder and local roads from its provisions, and substituting for such withdrawals rights-of-way in the nature of easements 200 and 100 feet wide for feeder and local roads, respectively. The Eureau of Land Management has undertaken to draft the amendment and has requested the Office of Territories to draft the right-of-way order.

Enclosed is a draft of such an order. Please let us have any comments or criticisms you may care to make. The basis for the proposal is a memorandum approved by Secretary Chapman, a copy of which is also enclosed. We are sending copies of this memorandum and enclosures to Mr. Francis X. Riley at the Alaska Public Works District Office.

Sincerely yours,

(Sgd.) James P. Davis

James P. Davis Director

Enclosures

LFMcCarthy/pgr - 8/6/51

at- Highways-13



C O P V

UNITED STATES DEPARTMENT OF THE INTERIOR Office of The Secretary Washington

Memorandum

To:

The Secretary

From:

Assistant Secretary Doty

Subject: Rights-of-way for highways in Alaska

Public Land Order of August 10, 1949, created rights-of-way for the highways in Alaska by withdrawing from all forms of entry and reserving for highway purposes the public lands as follows:

Alaska Highway, 300 feet on each side of the center line Other through roads, 150 feet on each side of the center line Feeder roads, 100 feet on each side of the center line Local roads, 50 feet on each side of the center line

Prior to the issuance of the Order, very few of the highways in Alaska were protected by rights-of-way, a situation considered as inimical to the proper development and protection of the highways.

Although there was general acceptance of and agreement with the establishment of rights-of-way, there was much criticism of what was considered by some to be the excessive widths established and considerable, though less, criticism of the method used in creating the rights-of-way by withdrawal. In view of this criticism, the Alaska Field Committee requested, and was granted, permission to further review the whole right-of-way question. This was done and a report was submitted coverning all phases of the right-of-way situation, and embracing certain recommendations.

Subsequently, each of the several agencies having an interest in Alaska reviewed the Field Committee's report and commented thereon. These comments have now been carefully reviewed.

It can be safely assumed, in view of the foregoing, that the subject has been most intensively and thoroughly explored, that all interested persons and agencies have had adequate opportunity to express their opinions, and that the Department has had the benefit of all points of view.

There continues to be some difference of opinion, both as to the width of the rights-of-way and as to the withdrawal feature. Those who are primarily concerned with development and closer settlement, and those who are responsible for surveys or have other administrative responsibilities of like nature, generally favor narrower

rights-ofway for the through roads; that is, the roads having a 300 foot right-of-way. This group, which constitutes a majority, also favors substitution of easements for withdrawals for all the roads. The other group is primarily concerned with the scenic and recreational features of the highways, with preventing undesirable encroachments by objectional commercial or other enterprises. This group favors retention of the present width of rights-of-way and continuance of the withdrawals.

Each of these points of view has much to recommend it.

Certainly it would be improper to permit a recurrence in Alaska of the undesirable features which have characterized development along many of the highways in the States. It would also be a short-sighted policy to fail to provide an adequate width of rights-of-way for future development.

However, to those whose primary concern is the development and closer settlement of the Territory, and undue restrictions on such settlement are viewed with understandable misgiving. For those faced with the making of surveys and the administration of the public land laws there are problems created by the withdrawals which could be eliminated in great part by substituting easements for the withdrawals.

Upon consideration of all the factors it appears that a practicable solution to the problem is possible by minor modification of P.L.O. 601. This solution involves only a change of the method by which the rights-of-way for feeder (200 ft. right-of-way width) and local (100 ft. right-of-way width) roads are established; that is, revoke the withdrawals and, in lieu thereof, establish easements. It does not involve modifying the widths of rights-of-way. The present width of rights-of-way as established by Public Land Order 601 would be retained. The Alaska highway and all other through roads would still have their rights-of-way withdrawn from all forms of appropriation. The only difference would be the substitution of easements for withdrawals for feeder and local roads.

It is recommended as follows:

Widths of Rights-of-way as established by P.L.O. 601 be retained.

There has been general acceptance of, and agreement on, the widths of rights-of-way established for feeder and local roads; therefore, no modification of the existing widths is recommended.

There has been considerable criticism of the width of rightsof-way established for through roads and for the Alaska highway. However, after full consideration of all the arguments for reducing the
widths no modification is recommended. As to the Alaska highway, it is
particularly important that this main access to the Territory by road be
given all reasonable protection. The present right-of-way has existed
for some time and there is little current criticism directed to it.

Surveys, land entries, and claims have been accommodated to it. Any general change now would raise new and more complex problems of administration. It will be possible at some future date to reduce the width along selected portions if further study indicates such modification to be desirable.

As to the through roads which are provided with a 300 foot right-of-way, there have been numerous suggestions and recommendations that the width be reduced to 200 feet. However, the arguments for the 300 foot width are considered to outweigh those for the lesser width. In addition to the need for an adequate right-of-way for present and future road purposes, the protection of scenic and recreation values along the main highways is of prime importance. The additional 50 feet on each side would do much toward maintaining those values. At the same time the present width has had little or no adverse effect on development. In large part the surveys, land entries, and claims have been adjusted to the present width. A change now would create new problems without resulting in commensurate benefits.

Right-of-way withdrawals be retained for the Alaska Highway and other through roads. The Alaska highway and the other through roads provide access from the Canadian boundary to the main centers of population in south-central Alaska and to the main scenic and recreational features of that area, particularly to McKinley National Park. It is along these through roads that the prevention of undesirable encroachment and the preservation of scenic and recreational features is particularly important. While an easement reserves a right-of-way against the time when it is required for highway purposes, it does not prevent, during the intervening period, other use of those portions of the right-of-way not used for highway purposes. Withdrawals are therefore considered to be reasonably necessary to insure adequate protection for the main highways. The administrative problems created by these withdrawals have been largely solved. Where the main roads run through surveyed lands, the surveys have been closed against the right-of-way. For the most part the through roads traverse territory that is not particularly desirable for closer settlement or intensive development; accordingly, it is not anticipated that the withdrawals will cause undue survey or other administrative difficulties in the future.

Right-of-way easements be substituted for withdrawals for feeder and local roads. The situation with respect to feeder roads and local roads is somewhat different than that with respect to the Alaka highway andother through roads. The nature of adjoining development is still a concern; however, it is not as important a factor as is the case with the main roads. Moreover, it should be expected that lands along the feeder roads will develop for agriculture, industry, and commerce; in fact, the purpose of feeder roads is mainly to make possible such development. While an adequate right-of-way should be reserved against the time when it may be required for highway use, an easement will achieve this purpose. Substitution of an easement for withdrawal for rights-of-way for the feeder roads will also eliminate most of the administrative difficulties now being encountered.

Feeder and local roads are usually constructed to something less than ultimate standards. Ordinarily they are subject to realignment, changes of grade, and the like. This creates a major problem for those responsible for the survey of adjoining tracts, because the withdrawn right-of-way must be segregated from the tract survey. A right-of-way easement does not have to be so eliminated. Substitution of an easement for a withdrawal will allow the timely adjudication of land claims without the necessity of segregating the right-of-way, a procedure which requires special surveys and which has delayed the processing of claims.

Your approval of the foregoing recommendations is requested.

(Sgd.) Dale E. Doty Assistant Secretary

APR 23 1951

Approved, and referred to Bureau of Land Management for necessary action.

(Sgd.) Oscar L. Chapman Secretary of the Interior

4



UNITED STATES DEPARTMENT OF THE INTERIOR OFFICE OF TERRITORIES

FILE COPY Surname:



FILED

Memorandum

Mr. William Zimmerman, Jr.

Associate Director

Bureau of Land Management

From:

To:

James P. Davis

Director

Subject: Rights-of-way for Highways in Alaska

Reference-Your memorandum of June 18, 1951.

Attached is a draft of a proposed Public Lend Order which would establish rights of way for feeder and local roads in Alaska pursuant to your memorandum and the memorandum on the same subject from Assistant Secretary Doty to Secretary Chapman approved April 23, 1951.

It is my understanding that you desired the Office of Territories to draft a companion order to the one you have prepared as an amendment to Public Land Order No. 601. The effect of the two orders would be to cancel withdrawals of land for feeder and local roads and to substitute rights of way therefor. I would appreciate your comments on the attached draft.

I am forwarding a copy to the Commissioner of the Alaska Road Commission for comment and criticism.

(Sgd.) James P. Davis

AUG -9 1951

Attachment

cc: Mr. Gluglione Mr. Riley

Al- Highways - 13 X Al- Lands - 7-4



PUBLIC ORDER NO. _

Establishing rights of way over public lands for highway purposes.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, 3 CFR 1943 Supp. it is ordered as follows:

Subject to valid existing rights and to existing surveys and withdrawals for other than highway purposes there is hereby established over the public lands in Alaska lying within 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 a right of way for highway purposes for the use of the Alaska Road Commission in connection with the construction, operation and maintenance of feeder and local roads as follows:

FEEDER ROADS:

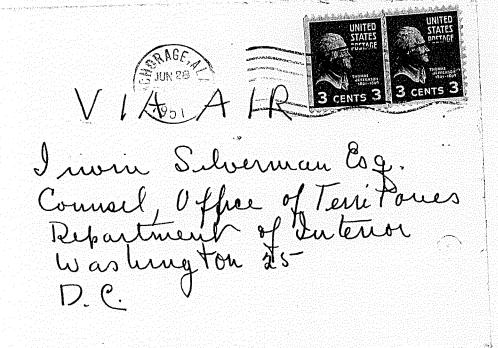
Steese Highway, Elliott Highway, McKinley Park Road, Anchorage-Potter-Indian Road, Edgerton Cut-Off, Tok Eagle Road, Ruby-Long-Poorman Road, Nome-Solomon Road, Kenai Lake-Homer Road, Fairbanks-College Road, Anchorage-Lake Spenard Road, Circle Hot Springs Road, as well as any road hereafter surveyed and laid out as a feeder road by the Alaska Road Commission.

LOCAL ROADS:

All roads not classified as through roads under Public Land
Order 601 or as Feeder Roads under this order presently or hereafter
established or maintained under the jurisdiction of the Secretary of the
Interior.

Secretary of the Interior

Dear Irwin See Holy and I confirmed with towell Bucket of BIM and his evenuation distributed and a very information distributed and transle mentioned casually and transle mentioned beautiful to handle the Road Commissions local light problems. They are exceeded to Public Standard Colly your attention for a great one electron for a great one electron for a great one electron grant the familiar with the problem list as a got it is been until drawing profits of many for allowing profits of way for allowing the with responsed to first with the surposed to first with the and of a facility with the area and for all in forms but he was and take exceptions.



believes that unless the worder be established by the order be for the wild as wow into ablished by law. To call regulates of way were fixed at soo feet and feeder words at any feet under the organial order.

I am not sure what needs to be is but the feels that the order should not be usual entitle some procedure is established to keep homesteaders from the 66 feet wow specified. He feels that the Road Countission is also writing to grant more than the feels that the Road Countission is also writing to get get gatery and into to getter shoes of each your and into to getter shoes of each fure and into the getter shoes of each fure and into the getter shoes of each fure and each fu

IN REPLY REFER TO



UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

WASHINGTON 25, D. C.

22506 ADL:WK

FILES

Infilm!

JUN 1819

Memorandum

To:

The Director, Office of Territories

From:

The Director, Bureau of Land Management

Subject: Rights-of-way for Highways in Alaska

Attached are copies of the memorandum approved by the Secretary of the Interior on April 23, 1951, which provides that the withdrawal made by Public Land Order No. 601 of August 10, 1949 shall be revoked so far as it affects the lands within 100 feet on each side of the center line of feeder roads and within 50 feet on each side of the center line of local roads, and that easements shall be substituted for such withdrawals.

A public land order has been prepared amending Public Land Order No. 601 so as to eliminate feeder roads and local roads from its provisions, and the matter is referred to your office for action in connection with the procedure for establishing easements outlined on pages 2 and 3 of the Chief Counsel's opinion of February 7, 1951, copies of which are also attached.

Associate Director

Attachments



UNITED STATES DEPARTMENT OF THE INTERIOR OFFICE OF THE SECRETARY

WASHINGTON

Hemorandum

Tos

The Secretary

Prom:

Assistant Secretary Doty

Subject: Rights-of-way for highways in Alaska

Public Land Order of August 10, 1949, created rights-of-way for the highways in Alaska by withdrawing from all forms of entry and reserving for highway purposes the public lands as follows:

Alaska Highway, 300 feet on each side of the center line Other through roads, 150 feet on each side of the center line Feeder roads, 100 feet on each side of the center line Local roads, 50 feet on each side of the center line

Prior to the issuance of the Order, very few of the highways in Alaska were protected by rights-of-way, a situation considered as inimical to the proper development and protection of the highways.

Although there was general acceptance of and agreement: with the establishment of rights-of-way, there was much criticism of what was considered by some to be the excessive widths established and considerable, though less, criticism of the method used in creating the rights-of-way by withdrawal. In view of this criticism, the Alaska Field Committee requested, and was granted, permission to further review the whole right-of-way question. This was done and a report was submitted covering all phases of the right-of-way situation, and embracing certain recommendations.

Subsequently, each of the several agencies having an interest in Alaska reviewed the Field Committee's report and commented thereon. These comments have now been carefully reviewed.

It can be safely assumed, in view of the foregoing, that the subject has been most intensively and thoroughly explored, that all interested persons and agencies have had adequate opportunity to express their opinions, and that the Department has had the benefit of all points of view.

There continues to be some difference of opinion, both as to the width of the rights-of-way and as to the withdrawal feature. Those who are primarily concerned with development and closer settlement, and those who are responsible for surveys or have other administrative responsibilities of like nature, generally favor narrower

rights-ofway for the through roads; that is, the roads having a 300 foot right-of-way. This group, which constitutes a majority, also favors substitution of easements for withdrawals for all the roads. The other group is primarily concerned with the scenic and recreational features of the highways, with preventing undesirable encroachments by objectional commercial or other enterprises. This group favors retention of the present width of rights-of-way and continuance of the withdrawals.

Each of these points of view has much to recommend it. Certainly it would be improper to permit a recurrence in Alaska of the undesirable features which have characterized development along many of the highways in the States. It would also be a short-sighted policy to fail to provide an adequate width of rights-of-way for future development.

However, to those whose primary concern is the development and closer settlement of the Territory, any undue restrictions on such settlement are viewed with understandable misgiving. For those faced with the making of surveys and the administration of the public land laws there are problems created by the withdrawals which could be eliminated in great part by substituting easements for the withdrawals.

Upon consideration of all the factors it appears that a practicable solution to the problem is possible by minor modification of P.L.O. 601. This solution involves only a change of the method by which the rights-of-way for feeder (200 ft. right-of-way width) and local (100 ft. right-of-way width) roads are established; that is, revoke the withdrawals and, in lieu thereof, establish easements. It does not involve modifying the widths of rights-of-way. The present width of rights-of-way as established by Public Land Order 601 would be retained. The Alaska highway and all other through roads would still have their rights-of-way withdrawn from all forms of appropriation. The only difference would be the substitution of easements for withdrawals for feeder and local roads.

It is recommended as follows:

Widths of Rights-of-way as established by P.L.O. 601 be retained.

There has been general acceptance of, and agreement on, the widths of rights-of-way established for feeder and local roads; therefore, no modification of the existing widths is recommended.

There has been considerable criticism of the width of rightsof-way established for through roads and for the Alaska highway. However, after full consideration of all the arguments for reducing the
widths no modification is recommended. As to the Alaska highway, it is
particularly important that this main access to the Territory by road be
given all reasonable protection. The present right-of-way has existed
for some time and there is little current criticism directed to it.

Surveys, land entries, and claims have been accommodated to it. Any general change now would raise new and more complex problems of administration. It will be possible at some future date to reduce the width along selected portions if further study indicates such modification to be desirable.

As to the through roads which are provided with a 300 foot right-of-way, there have been numerous suggestions and recommendations that the width be reduced to 200 feet. However, the arguments for the 300 foot width are considered to outwelch those for the lesser width. In addition to the need for an adequate right-of-way for present and future road purposes, the protection of scenic and recreation values along the main highways is of prime importance. The additional 50 feet on each side would do much toward maintaining those values. At the same time the present width has had little or no adverse effect on development. In large part the surveys, land entries, and claims have been adjusted to the present width. A change now would create new problems without resulting in commensurate benefits.

Right-of-way withdrawals be retained for the Alaska Highway and other through roads. The Alaska highway and the other through roads provide access from the Canadian boundary to the main centers of population in south-central Alaska and to the main scenic and recreational features of that area, particularly to McKinley National Park. It is along these through roads that the prevention of undesirable encroachment and the preservation of scenic and recreational features is particularly important. While an easement reserves a right-of-way against the time when it is required for highway purposes, it does not prevent, during the intervening period, other use of those portions of the right-of-way not used for highway purposes. Withdrawals are therefore considered to be reasonably necessary to insure adequate protection for the main highways. The administrative problems created by these withdrawals have been largely solved. Where the main roads run through surveyed lands, the surveys have been closed against the right-of-way. For the most part the through roads traverse territory that is not particularly desirable for closer settlement or intensive development; accordingly, it is not anticipated that the withdrawals will cause undue survey or other administrative difficulties in the future.

Right-of-way easements be substituted for withdrawals for feeder and local roads. The situation with respect to feeder roads and local roads is somewhat different than that with respect to the Alaska highway and other through roads. The nature of adjoining development is still a concern; however, it is not as important a factor as is the case with the main roads. Moreover, it should be expected that lands along the feeder roads will develop for agriculture, industry, and commerce; in fact, the purpose of feeder roads is maily to make possible such development. While an adequate right-of-way should be reserved against the time when it may be required for highway use, an easement will achieve this purpose. Substitution of an easement for withdrawal for rights-of-way for the fleeder roads will also eliminate most of the administrative difficulties now being encountered.

Feeder and local roads are usually constructed to something less than ultimate standards. Ordinarily they are subject to realignment, changes of grade, and the like. This creates a major problem for those responsible for the survey of adjoining tracts, because the withdrawn right-of-way must be segregated from the tract survey. A right-of-way easement does not have to be so eliminated. Substitution of an easement for a withdrawal will allow the timely adjudication of land claims without the necessity of segregating the right-of-way, a procedure which requires special surveys and which has delayed the processing of claims.

Your approval of the foregoing recommendations is requested.

(Sgd.) Dale E. Doty
Assistant Secretary

APR 23 1951

Approved, and referred to Bureau of Land Management for necessary action.

(Sgd.) Oscar L. Chapman Secretary of the Interior

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

February 7, 1951

LEGAL SANCTIONS AND ALMINISTRATIVE PROCEDURES FOR EMPLOYMENT OF EASEMENTS IN LIEU OF WITHDRAWAL FOR HIGHWAY RIGHTS-OF-WAY IN ALASKA

Alaska Highways—Withdrawal—Rights-of-way—Easements

In the case of public highways in Alaska constructed or maintained under the jurisdiction of the Secretary of the Interior, the width of the highways may be fixed by that official.

Procedure outlined for the establishment of highways of prescribed widths.

Regardless of whether the Alaska highway withdrawal made by Public Land Order No. 601 is modified or revoked, it is desirable that the width of all public highways in the Territory should be fixed by or under the direction of the Secretary of the Interior.

ABAB ABALB ABBV PB

Copy to: Regional Counsel, Regions 1, 2, 3, 4, 5, 7 — (15 each)
Solicitor's Office — (2)
Division of Adjudication — (25)
Region VI — (5)

RG 126, Off. of Territories E.3, Central Files, 1951-71 Box 129 UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington 25, D. C.

DL:CGF

February 7, 1951

Memorandum

To:

Director

From:

Chief Counsel

Subject:

Legal sanctions and administrative procedures for employment of easements in lieu of withdrawal for highway rights-of-way in Alaska.

This memorandum is prepared to accompany a memorandum of even date making certain recommendations with reference to the employment of easements in lieu of withdrawal for highway rights-of-way in Alaska.

Prior to the issuance of Public Land Order No. 601 of August 10, 1949 (14 F.R. 5048), nearly all public roads in Alaska were protected only by easements. Right-of-way easements were acquired under section 2477 of the Revised Statutes (43 U.S.C. sec. 932) by the construction of the roads. This section granted a right-of-way for the construction of highways over public lands not reserved for public uses.

Section 2 of the Act of January 27, 1905 (33 Stat. 616), incorporated with amendments into 48 U.S.C. secs. 321-323, established a Board of Road Commissioners in the then Territory of Alaska to function under the jurisdiction of the Secretary of War. This section provided:

"Sec. 2. * * * The said board shall have the power, and it shall be their duty, upon their own motion or upon petition, to locate, lay out, construct, and maintain wagon roads and pack trails * * *. The said board shall prepare maps, plans, and specifications of every road or trail they may locate and lay out, * * *."

Section 3 of the Act of August 24, 1912 (37 Stat. 512, 48 U.S.C. secs. 23 and 24), under which Alaska was organized as a Territory, provided that the authority of the legislature of the Territory should not extend to certain statutes of the United States including the Act of January 27, 1905, supra, and the several acts amendatory thereof.

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

Reproduced from the Unclassified / Declassified Holdings of the National Archives

Section 2 of the Act of June 30, 1932 (47 Stat. 446, 48 U.S.C. sec. 32la), provides:

"Sec. 2. The Secretary of the Interior shall execute or cause to be executed all laws pertaining to the construction, and maintenance of roads and trails and other works in Alaska heretofore administered by said board of road commissioners under the direction of the Secretary of War: * * *".

The authority of the Secretary of the Interior conferred by the above-cited acts to "locate, lay out, construct and maintain" public roads in Alaska clearly implies the right to fix the width of the roads. The width is not fixed by any statute.

Notwithstanding that section 2477 of the Revised Statutes (43 U.S.C. sec. 932) does not fix the width of the rights-of-way granted by it, the width when fixed by a positive act of the proper State or Territorial authorities has been held valid. Costain vs. Turner County, S.D. (1949) 36 N.W. 2d 382; Butte vs. Mikosowitz (1909) 102 P. 593. In both cases, the width fixed included an area in excess of the beaten path or track. The reasons which sustain the conclusion reached in those cases support the conclusion that in the case of public highways in Alaska constructed or maintained under the jurisdiction of the Secretary of the Interior, the width of the highways may be fixed by that official.

The following procedure is suggested for the establishment of highway easements of prescribed widths in Alaska:

- (1) The issuance of an order by the Secretary of the Interior to be published in the Federal Register fixing the width for existing roads and the width for new construction, including changes in the location of existing roads, and extensions of such roads. In the case of new construction, the order can only be effective when the survey stakes have been set on the ground.
- (2) In the case of existing roads, the preparation of maps, plans or specifications where this has not already been done, showing the width of the roads as prescribed in the order of the Secretary.
- (3) In the case of new construction, the locating or laying out of the reads by the setting of survey stakes on the ground and the preparation of maps, plans, and specifications showing the definite location of the reads.

- . (4) The posting of notices at appropriate points along the route of all new construction, specifying the width of the road.
- (5) The filing in the proper land office of copies of all road maps.

The act of July 24, 1947 (61 Stat. 418, 48 U.S.C. sec. 321d), which requires the insertion in all patents for lands thereafter taken up entered or located in the Territory of Alaska of a right-of-way for road-way purposes does not specify the width of the right-of-way. In order to remove uncertainty as to the width, it is desirable, regardless of whether Public Land Order No. 601 is modified or revoked, that the width of all public highways in the Territory should be fixed by or under the direction of the Secretary of the Interior.

Jacob D. Wasserson
Chief Counsel

Approved: February 7, 1951

Marion Clas

Director

TITLE 49—PUBLIC LANDS: INTERIOR

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

Appendix-Public Land Orders Public Land Order 601]

ALASKA

RESERVING PUBLIC LANDS FOR HIGHWAY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 9145 of April 23, 1942, reserving public lands for the use of the Alaska Road Commission in conof the Alaska Road Commission in con-nection with the construction, operation, and maintenance of the Palmer-Rich-ardson Highway (now known as the Glenn Highway), is hereby revoked. Public Land Order No. 386 of July 31, 1947, is hereby revoked so far as it relates to the withdrawal, for highway purposes, of the following-described lands: (a) A strip of land 600 feet wide, 300 feet on each side of the center-line of the Alaska Highway (formerly the Cana-dian Alaskan Military Highway) as con-

dian Alaskan Military Highway) as con-structed from the Alaska-Yukon Terri-tory boundary to its junction with the Richardson Highway near Big Delta,

Alaska.
(b) A strip of land 600 feet feet on each side of the center line of the Gulkana-Siana-Tok Road as constructed from Tok Junction at about Mile 1319 on the Alaska Highway to the junction with the Richardson Highway near Gulkana, Alaska.

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 or iands in Alaska lying within 300 feet or each side of the center line of the Alash 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 publicand laws, including the mining and mineral-leasing laws, and reserved for highway purposes: way purposes:

THEOUGH ROADS

Alaska Highway, Richardson Highway, Glenn Highway, Haines Highway, Tok Cut-

FEEDER ROADS

Steese Highway, Eiliott Highway, McKinley Park Road, Anchorage-Potter-Indian Road, Edgerton Cut-Oif, 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 Reads

All reads not the fired above as Through Roars or feeder areals, established or main-tained under the jurisdiction of the Secretary of the Interior.

9-1-68 henred

of the Interior.

With respect to the lands released by the revocations made by this order and not rewithdrawn by it, this order shall become effective at 10:00 a. m. on the 35th day after the date hereof. At that time, such released lands, all of which are unsurveyed, shall, subject to valid existing rights, be opened to settlement under the homestead laws and the homestea act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), only, and to that form of appropriation only by qualified veterans of World War II and other qualified persons entitled to preference under the act of world war if and other quantica persons entitled to preference under the act of September 27, 1944, 58 Stat. 747, as amended (43 U.S. C. 279-284). Commencing at 10:00 a.m. on the 126th day mencing at 10:00 a. iii. on the 120th day after the date of this order, any of such lands not settled upon by veterans shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations. priate laws and regulations.

OSCAR L. CHAPMAN, Under Secretary of the Interior.

AUGUST 10, 1949.

[F. R. Doc. 49-6642; Filed, Aug. 15, 1949; 8:46 a. m.]

Lights - army

