

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF TERRITORIES  
RECORDS SECTION

( Part 2)

ALASKA

HIGHWAYS 13

RIGHTS-OF-WAY

IMPORTANT

This file constitutes a part of the official records of the Office of Territories and should not be separated or papers withdrawn without express authority of the Director.

All files should be returned promptly to the Records Section.

Officials and employees will be held responsible for failure to observe these rules, which are necessary to protect the integrity of official records.

WILLIAM C. STRAND  
Director

Dec. 1, 1938  
to  
Jan. 12, 1951



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
WASHINGTON 25, D. C.

FILE COPY  
Surname:

*Goding*  
*Consent/all*

|  |
|--|
|  |
|  |
|  |
|  |
|  |

JAN 12 1951

*1-46*  
*pen.*

Memorandum

To: Assistant Secretary Doty  
From: The Acting Director  
Subject: Width of Rights-of-Way of Alaska Roads

In reply to your memorandum of November 17 on the subject of the width of rights-of-ways of Alaska roads, I attach a copy of a memorandum addressed to Director Davis by Mr. Flakne which has been approved by the Director as reflecting the views of this Office.

*Goding*

(Sgd.) Dan H. Wheeler

Dan H. Wheeler  
Acting Director

Attachment

Goding/gmr

Jan. 12

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



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF TERRITORIES

~~Mr. Wheeler~~  
~~Mr. Davis~~  
Mr. Flakue

November 28, 1950

Jaguar Wheeler  
11/28/50

Memorandum

To: The Director  
From: Chief, Alaska Division  
Subject: Width of Rights-of-ways of Alaska Roads

JDO

This is in reference to Assistant Secretary Doty's memorandum of November 17 on the above subject and the minutes of the Ninth Meeting of the Alaska Field Committee, held October 16-19. I am of the opinion that the arguments against wide rights-of-ways expressed by the Field Committee are largely based upon earlier difficulties encountered in settling the Alaska Highway withdrawal and upon past failures to get surveys completed. I do not feel that those considerations should be allowed to formalize a policy which would lead us to establish inadequate road widths.

It is unlikely that future development will be such to require express highways linking major terminal points. However, that is an added reason for establishing rights-of-ways sufficiently wide to allow future development of existing roads. Many of the States are now experiencing difficulty in widening and otherwise improving their highways because of lack of control over adjacent areas. Establishment of 300 foot rights-of-ways for through roads appears to be adequate for any anticipated future improvement and development while ensuring adequate control over the roadside area. The National Park Service and the Bureau of Public Roads have had considerable experience with all the problems likely to be encountered in Alaska and I believe due weight should be given their recommendations.

With respect to the specific arguments for narrow rights-of-ways raised by the Field Committee, I should say that:

1. Snow drifting and resultant blocking of driveways are overemphasized. This problem occurs only for a few months out of the year and is not excessive in areas where settlement is likely. In any case, settlers should locate their homes a reasonable distance from the roadside in order to avoid dust, traffic noises, and danger to children and livestock.

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

2. The strip of forested land left between the road and "establishments" would necessarily be narrow and not a real obstacle to development. In fact, States are now spending considerable amounts of money to landscape highways in order to provide a more pleasant route for travelers and also to protect homes and other property from road noises, etc. If we had a realistic and effective leasing policy, I see no reason why use permits could not be issued, the forested strip cut and the land put to other use when such use would be of benefit to the general public and the adjoining landowner.

3. This is partly answered by (1) above. Use of a 300 foot right-of-way over the 200 foot right-of-way would only increase the length of driveways a maximum of 50 feet.

4. Since population centers usually grow up along roads, rather than the reverse, it is unlikely that present through roads will be drastically relocated. In any case, present roads would undoubtedly be retained, even as local roads. Under an easement system the excess roadway would automatically revert to the owners as soon as the road is declassified downward.

5. I disagree with the objection to the special use permit expressed in the Field Committee minutes. Permits may be required for driveways, but they would also appear to be equally necessary in the case of narrower rights-of-ways. Filling stations and roadhouses would have to be located only 150 feet from the center lines of through roads; this is not an excessive distance in view of the safety factor and attractiveness of operation. The use of permits, issued by the Bureau of Land Management on recommendation of the Road Commission, would give the Road Commission control of the roadside area and allow supervision of its use. If the Road Commission then should feel the motoring public would better be served and its safety protected, there would be no reason why a use permit could not be granted to the pavement edge. As an extreme example, a permit could even be granted to place pumps, if advantageous, in the center of the highway with the lanes routed around them.

I firmly believe that the 300-200-100 foot ratio for through, feeder and local roads is sound and would lead to future economic development as rapidly as the proposed 200-200-100 foot ratio. It also would serve as better protection to the traveler, businessman, settler and Road Commission. In addition, I strongly support the use of easements rather than withdrawals for road locations and am in full accord with the recommendations of the Field Committee in this instance.

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

I hope that an early decision can be made with respect to both the above questions. It is my opinion that if the Department firmly establishes such policies as to the planning of roads, completes its surveys and operates under liberal use permit policy, we will immediately gain widespread support in Alaska.

*Jos. T. Flakne*

Jos. T. Flakne  
Chief, Alaska Division

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.

INTERIOR DEPT.  
RECEIVED  
NOV 17 1950  
TERRITORIES

NOV 17 1950

| To     | Initial | Date |
|--------|---------|------|
| Shabne |         |      |
|        |         |      |
|        |         |      |
|        |         |      |
| FILES  |         |      |

Memorandum

To: ✓ Director, Office of Territories  
Director, Bureau of Land Management  
Director, National Park Service  
Director, Fish and Wildlife Service  
Commissioner, Bureau of Indian Affairs

From: Assistant Secretary Doty

Subject: Width of Rights of Way of Alaska Roads

Recently the Chairman of the Alaska Field Committee, requested permission to place the matter of Alaska rights of way on the Field Committee agenda. This request was made in view of a criticism of some features of the Department's Alaska rights of way program.

I understand you have received a copy of the Field Committee's report in which is incorporated certain recommendations. I wish that you would review the Field Committee's report and let me have your views by memorandum.

\* Report filed  
1-99  
Minutes of Meeting

*Walter E. Doty*  
Assistant Secretary

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:  
L7019 WASO

~~H. H. H.~~  
~~K...~~

DEC - 8 1950

| Initial | Date     |
|---------|----------|
| Slater  | 12/11    |
| Gadling | 12/12    |
| Bruch   | 12/12    |
| Davis   | 12/26    |
| Whitely | 12/27/50 |
| Schuen  | 12/27    |
| FILES   |          |

Memorandum

To: Assistant Secretary Doty  
From: Director, National Park Service  
Subject: Widths of Rights-of-way for Alaska Roads

My memorandum of November 21, advising you that we were in accord with Mr. Warne's thoughts on Alaska road right-of-way widths, was sent before your request of November 17 for comment on the Alaska Field Committee's recommendations came to our attention.

We still believe that the planning objectives for which Mr. Warne speaks are sound and that it would be unfortunate to give up the gains already made. However, if the Department is seriously considering a change in the present right-of-way widths, we believe and recommend that prudent planning and administration require that they not be compromised beyond the following, subject to the condition stated below:

- All through roads including Alaska Highway - 300 feet
- Secondary, or feeder, roads - 200 feet
- Local roads - 100 feet

It seems to us significant that these are the widths also recommended by the Government's major road building agency, the Bureau of Public Roads, through its Division Engineer.

The 300-200-100-foot widths recommended above are not intended to be taken as an indication of abandonment by this Service of the right-of-way standards we have heretofore advocated for the Alaska Highway or other roads, because the compromise is recommended only with the following condition, which is:

That there be concurrently established and enforced by the Department for the benefit of the Territory and the public, a policy of reasonable, selective control over an additional width or zone of 150 feet on each side of all through roads, including the Alaska Highway, now or hereafter established with a

1-46  
pen.

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



right-of-way width of 300 feet. Control over the additional 300-foot "zone" would be accomplished by covenants or reservations in future deeds or patents which convey the lands. Such a method of control is not intended to restrict agricultural uses or unobjectionable commercial or other enterprises that would fall within the limits of reasonable criteria to be established. Some of the kinds of things that would not be permitted in the two 150-foot zones bordering the right-of-way are billboards; junk yards; stockyards and slaughter houses; automobile graveyards; obnoxious, unsafe or unsightly industrial plants; materials storage yards; road maintenance camps, etc.

We should be glad to assist in developing use criteria for this method which we believe might be less cumbersome to administer than the lease or permit system.

The apparent difficulties with respect to the easement versus withdrawal methods of establishing rights-of-way would seem to stem, at least in part, from outdated methods and from casual road building practices; also, the pros and cons listed in Mr. Kadow's letter of October 24 seem to us to show the withdrawal method to be the least cumbersome. We have no particular preference, so long as the method adopted accomplishes, without loopholes, the preservation and control of the rights-of-way for the public benefit and convenience.

(SGD.) NEWTON B. DRURY

Director

In duplicate

Copy to: Assistant Secretary Warne  
✓ Mr. Jos. T. Flakne

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



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

INTERIOR DEPT. RECEIVED NOV - 8 1950 TERRITORIES

November 6, 1950 Initial Date

Handwritten routing slip with names: Flaherty, Goding, Musher, Andrews, Wheeler, Gurney. Includes a grid and the word 'FILES'.

Memorandum

To: Assistant Secretary Doty
From: Assistant Secretary Warner
Subject: Width of Rights-of-way of Alaska roads

I note that the Alaska Field Committee has been invited to re-open the question of the width of rights-of-way of Alaska roads. I have heard that the committee is about to recommend rights-of-way of 200 and 100 feet, as opposed to the present established rights-of-way of

Notes on 1-55 acc. Admin. Com. 1-55 R. & I. Com. 1-55 Hwy. Com. & Hwy. 1-69-Plan. 1-6-4-Withdrawal Com.

Table with 2 columns: Road Type and Width. Alaska Highway 600 ft., Through Highway 300 ft., Secondary Highway 200 ft., Farm Roads 100 ft.

I find this report difficult to credit, because never before has even rampant sourdoughism advocated the desecration of the Alaska Highway to such an extent.

I remember the fight made by Joel Wolfsohn and others to get the Alaska Highway established on high standards. I and others take pride in achieving such a road in a wilderness, with screened borrow pits, no billboards, etc. It was a bit of planning in war time that has few equals.

I resisted every effort to undo this work and am convinced, though I no longer have direct Departmental responsibility, that such efforts should continue to be resisted with every resource.

Certainly other Alaska roads should have standards with regard to rights-of-way equal to the Bureau of Public Roads standards. Till now, this has been the controlling factor.

With right-of-way in Alaska, in nearly all instances, available free from public lands, there is not even an immediate economic argument against adequate rights-of-way.

In Alaska, the Department has a golden opportunity to assure that the mistakes, which now plague the other states, are not repeated.

Highways

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

RECEIVED  
MAY 10 1951  
OFFICE OF THE SECRETARY  
TERRITORIES DEPT.  
WASHINGTON

Sufficient vision now, when Alaska is virtually a blank sheet of paper upon which sound highway planning may go forward unrestrained by the burden of high-cost rights-of-way, will be rewarded by a highway pattern which, for a welcome change, may be adequate 25 or 30 years hence. Lack of such vision is, in my opinion, a default in the trust in which the Department now holds the Territory for future development of the new state.

I understand that one of the reasons for the downward revision suggested in the reserved rights-of-way is that certain individuals have established attractive highway facilities within the reservation despite prior knowledge of the land's status. While I recognize that such facilities are needed and desirable, I trust that pressures of this type will not be taken into account in reducing the reservations established. Such condoning of trespass is likely to lead to encroachment on even reduced rights-of-way, with the unhappy future result of having to re-acquire land for rights-of-way which should never have been surrendered initially. In any event, I have seen these facilities, and there are as many which have obeyed the law. Those who have not are not much more than shanties, according to my recollection.

I see no requirement for modifying the highway right-of-way reservations now established, since they were carefully reviewed only a short time ago and there is nothing new in the situation today.

(sgd) William E. Warnø

Assistant Secretary

cc: Nat'l. Park Sv.  
Territories  
Noyes, Alaska Road Com.  
Kadow, Juneau  
BIM  
Wolfsohn



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

WASHINGTON 25, D. C.  
Office of Territories

25, D. C.

FILE COPY  
Surname:

*Flakne*  
*1-46*  
*Gen.*

Memorandum

SEP 28 1950

To: Assistant Secretary Doty  
From: Director, Office of Territories  
Subject: Right-of-way widths for roads in Alaska

I refer to Mr. Kadow's letter of September 11, addressed to you, inquiring whether the matter of right-of-way widths for roads in Alaska should be reopened for discussion at the forthcoming meeting of the Field Committee.

I believe that this is a subject which should be reopened, in accordance with the recommendations of Governor Gruening, Colonel Noyes, and Lowell Puckett. The problem should be re-examined by the Field Committee and upon receipt of their recommendations should be reappraised in the Department with full opportunity for participation and recommendation by the Office of Territories, the Bureau of Land Management, and the National Park Service before further action is taken.

Furthermore, and perhaps even more important, I believe that the policy of establishing rights-of-way by making withdrawals should be reappraised. This method requires much more surveying and other work which is nonessential, expensive, and time-consuming. Rights-of-way are adequately protected without such withdrawals. Easements for roads are contained in all land patents. As matters now stand, we have to survey fractional subdivisions along all roads which do not happen to fall on the township or section lines (and such roads are few indeed in Alaska). If a road location is changed, the withdrawn abandoned right-of-way must be surveyed, subdivided, and disposed of without reference to the adjoining fractional sections of which it is actually a part. I believe that both the ARC and BLM agree that the present method of handling the rights-of-way by withdrawals is unnecessarily complicated.

(Sgd.) James P. Davis

James P. Davis  
Director

Flakne;vm, Sept. 25

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

IN REPLY REFER TO:



RECEIVED  
SEP 14 1950  
TERRITORIES

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
ALASKA FIELD STAFF  
JUNEAU, ALASKA

Gov. Gruening -  
any comment?  
JPD

Yes: I heartily concur  
that something should be done.

September 11, 1950

We should go back to 200 ft right of way on Alaska highway and primary roads, 100 feet for secondary and local roads. Secretary Chapman should issue such an order immediately.

Mr. Dale E. Doty  
Assistant Secretary  
Department of the Interior  
Washington 25, D. C.

Dear Mr. Doty:

Governor Gruening, Colonel Noyes, and Lowell Puckett are interested in having several matters on the forthcoming Field Committee agenda dealing with problems associated with roads and road right-of-ways. Among the several things which they wish discussed is a request to reopen consideration of the road right-of-way widths. As you probably are aware, these widths are now set at 600 ft. for the Alaska Highway, 300 ft. for primary roads, 200 ft. for secondary roads, and 100 ft. for local roads.

Realizing that the Department has given a great deal of time in arriving at these rights-of-way, I thought it advisable to ascertain your wishes as to whether or not this phase of the problem should be reopened. The original Field Committee recommendation was 300 ft. for the Alaska Highway in keeping with the right-of-way throughout Canada; 200 ft. for primary and secondary roads in Alaska, and 100 ft. for all others. The rights-of-way actually adopted by the Department have been opposed by Delegate Bartlett, Governor Gruening, as well as most members of the Field Committee.

Please let me know your wishes in this matter.

Sincerely yours,

(Sgd) K. J. Kadow  
Kenneth J. Kadow  
Director

cc: Jim Davis ✓

To follow up for discussion

| To       | Initial | Date |
|----------|---------|------|
| Davis    | JPD     | 9/21 |
| Flaherty |         |      |
|          |         |      |
|          |         |      |
| FILES    |         |      |

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

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS File Number 1-46  
WASHINGTON 25, D. C. Jan.

Date

Aug. 8, 1950.

CROSS REFERENCE

To:

Subject:  
EXTRACT:

Re road rights-away 300 feet less be administered by ARC.

"You will recall Field Committee position that road rights-of-away 300 feet and less be administered by ARC. On Alaska Highway inner 300 feet be administered by ARC and outer 150 foot fringe on each side be administered by BLM. Would appreciate knowing if Department has adopted this position. I am assuming that ARC then would deal with all trespassers except those in outer fringe of Alaska Highway. Please ascertain if Department's position is that no special use permits be granted within rights-of-away 300 feet or less. I believe that was the recommendation of Field Committee".

Signed:

James P. Davis, Director

See File Number:

1 55 - BRIT. COL.-ALASKA HIGHWAY

49515

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

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
WASHINGTON 25, D. C.

File Number

7-96

General

Date

Jun. 10, 1949

CROSS REFERENCE

To:

Subject:

**EXTRACT:**

As soon as the Interior Department Appropriation bill is enacted containing language which will make funds available to the Alaska Road Commission for acquisition of rights-away, a draft of a Secretarial order will be prepared which will delegate authority to the Commissioner or such officers as he may designate, to approve and accept options and offers to sell rights-of-away, and to accept deeds of conveyance.

Signed:

James P. Davis, Director

See File Number:

1 55 - TURNAGAIN ARMS PROJECT

49515

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

INTERIOR DEPT.  
RECEIVED  
JUN 16 1950  
TERRITORIES

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Office of the Secretary

77504

June 5, 1950

1-46  
Gen.

ORDER NO. 2565

Subject: Delegation of Authority--The Alaska Road Commission

The Commissioner of Roads for Alaska and the Chief Engineer of the Alaska Road Commission, severally, are authorized to acquire for the Alaska Road Commission rights-of-way by purchase or donation under any Interior Department appropriation act authorizing such acquisitions.

*Quinn L. Chapman*  
Secretary of the Interior

copy on  
0-1  
orders  
gen.

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



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

May 29, 1950

Division of Territories and Island Possessions  
Department of the Interior  
Washington 25, D.C.

1-46  
Gen.

Gentlemen:

Papers in relation to the purchase of a tract of land containing 2.185 acres from James J. Delaney and Nancy M. Delaney at Indian, Alaska, are being transmitted to your office herewith.

As there undoubtedly will be numerous transactions of a similar nature in the future, it seems that the procedure employed in obtaining the ground in this instance is unsatisfactory, both from the standpoint of the correspondence involved, and the time consumed in obtaining final title. An even more serious objection to this procedure is found in the lack of qualified abstractors in the Territory of Alaska. As the Department of Justice procedure requires title abstracts as well as warranty deeds, it is felt that title abstracts may be difficult, if not impossible to obtain in many instances, but that sufficient documentary evidence such as recordings with the U. S. Commissioners could be obtained to assure a clear title to the land being purchased.

Reference is made to my letter of March 29, 1950, and subsequent wire of May 1, 1950, which requested the issuance of a Secretarial order to me as Commissioner of Roads for Alaska, and to Mr. A. F. Ghiglione, Chief Engineer of the Road Commission, delegating authority for procurement of lands or interests in land for road purposes. Since it appears that some land problems of this character will become even more involved than those encountered in the Delaney purchase, any action that can be taken by your office to expedite the issuance of the Secretarial order will be much appreciated.

Yours very truly,

John R. Noyes  
Commissioner of  
Roads for Alaska

Mic Corp  
1-55  
Jernigan  
Cross Project

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





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

May 29, 1950

Division of Territories and Island Possessions  
Department of the Interior  
Washington 25, D.C.

1-46  
Jen

Gentlemen:

Reference is made to the enclosed letter from the Attorney General addressed to the Secretary of the Interior, which accompanied the Division Director's letter of April 13, 1950, to the Commissioner of Roads for Alaska, concerning the proposed purchase by the Alaska Road Commission of 2.185 acres of land from James J. Delaney and Nancy M. Delaney. The replies to the objections listed by the Attorney General follow:

It is understood that evidence satisfactorily disposing of objections numbered 1, 2, 3 and 8 will be presented by the seller at the close of title.

Objection No. 4 - We have no knowledge of any existing easement for road right-of-way and public utilities not shown of record. The possibility of the existence of such easement is not regarded as interfering with the contemplated use of the land.

Objection No. 5 - We have no knowledge of any existing rights of third parties under the reservation referred to in this objection, and the possibility of the existence of such rights as well as the possibility of the exercise of the right-of-way for ditches or cables, Railroads, Telephone and Telegraph Lines constructed by or under the authority of the United States, which is also contained in the reservation, are not regarded as interfering with the contemplated use of the land.

Objection No. 6 - We have no knowledge of any existing easements used by third persons in connection with vested and accrued water rights. The possibility of the existence of such easement is not regarded as interfering with the contemplated use of the land.

Objection No. 7 - As the deed is in favor of the United States, the rights of the United States thereunder are considered fully covered.

*Rainie Compt.*  
1-55  
Jernigan's Am  
Project

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



An option for the purchase was not secured. In lieu thereof the owner executed the Warranty Deed and is still desirous of closing the title under the conditions set forth therein.

In recent discussions with the Assistant U. S. Attorney handling this matter, we were advised that the only method under which they are authorized to handle and complete transactions of this type consists of a reply to the Attorney General's letter by the Secretary of the Interior answering the objections listed by the Attorney General. A check, drawn in favor of the sellers, should accompany this reply to the Attorney General.

The Attorney General will in turn forward all papers, including the check, to the U. S. Attorney at Anchorage and that office will then complete the transaction and deliver the check to the sellers.

As it appears that this office can do nothing more towards completing this purchase, the pertinent papers are transmitted herewith and it is requested that the necessary action be taken by the Division to obtain the property for the use of the Alaska Road Commission.

Very truly yours,

John R. Noyes,  
Commissioner of  
Roads for Alaska

Enclosures - Letter from Attorney General  
Abstract  
Warranty Deed

C  
O  
P  
Y

May 24, 1950

1-46  
General

Memorandum

To: The Secretary

From: The Director

Subject: Delegation of Authority--The Alaska Road Commission

The Interior Department appropriation act for the fiscal year ending June 30, 1950, permits the use of funds for the acquisition of rights-of-way in connection with the road-building program in Alaska. The Alaska Road Commission has been negotiating for several rights-away needed in connection with specific road projects and the Commissioner of Roads for Alaska has requested that a Secretarial order be issued delegating authority to the Commissioner and the Chief Engineer of the Alaska Road Commission in order that they may readily acquire these rights-away.

Accordingly, I have had prepared a draft of such a delegation of authority, and I recommend that it be issued.

(SGD) James P. Davis

James P. Davis

SEE FILE: 1 55 - ALASKA ROAD COMMISSION ADMINISTRATIVE-GENERAL

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

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
WASHINGTON 25, D. C.

File Number *1-46*

Date

May 24, 1950

CROSS REFERENCE

To:

Subject: Delegation of Authority to Alaska Road Commission  
to Purchase Private Own Land for Rights-of-Way.

EXTRACT:

Reference is made to your radiogram requesting information as to the status of the request for the issuance of a Secretarial order delegating authority to the Commissioner of Roads, and the Chief Engineer to acquire rights of way. The Secretarial order has been drafted and is in process of being cleared in the Department. Upon its issuance, copies of the Secretarial order will be forwarded to you.

Signed: James P. Davis, Director

See File Number: 1 55 - ALASKA ROAD COMMISSION -ADMINISTRATIVE- GENERAL

49515

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



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
THE ALASKA RAILROAD  
ANCHORAGE, ALASKA

April 14, 1950

(AIR MAIL)

*f-46  
General*

Mr. James P. Davis, Director  
Division of Territories & Island Possessions  
U. S. Department of the Interior  
Washington 25, D. C.

Dear Mr. Davis:

The Alaska Railroad needs additional land at Willow for track and station facilities. Attached hereto find copy of my letter of this date addressed to Mr. L. W. Friberg, Division Engineer, Public Building Service, Seattle, Washington, regarding acquisition of an additional 100 feet of right-of-way extending 2880.58 feet along the westerly side of the present right-of-way in this area, and also an additional 100 feet at the railroad wye in order to permit reduction of curvature of the wye track.

There are also enclosed copies of the drawings referred to in my letter to Mr. Friberg.

Very truly yours,

(SIGNED) J. P. JOHNSON

J. P. Johnson  
General Manager

Enclosures

*Basic Copy  
18.4  
Withdrawals  
J.P.*

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



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

March 29, 1950

Mr. James P. Davis, Director  
Division of Territories and Island Possessions  
Department of the Interior  
Washington 25, D. C.

My dear Mr. Davis:

During May and June 1949 there was an exchange of correspondence between you and this office concerning the legal authority of the Alaska Road Commission to procure rights-of-way, the question having arisen at that time because of the insertion in the 1950 appropriation language of authority to use funds for that purpose.

In your letter of June 10, 1949, you indicated that a draft of a Secretarial order would be prepared to delegate authority to the Commissioner of Roads for Alaska or such officers as he might delegate to approve and accept options for securing rights-of-way, and to accept deeds of conveyance.

We are becoming more and more involved in the problems arising from real estate matters, and I believe that a Secretarial order should be issued as quickly as possible to delegate authority for procurement of lands or interests in lands for road purposes to me as Commissioner of Roads for Alaska, and to Mr. A. F. Ghiglione, Chief Engineer of the Road Commission.

I would appreciate it very much if you will take such action as might be necessary to secure this authorization.

Sincerely yours,

John R. Noyes  
Commissioner of  
Roads for Alaska

*Mic Comp.*  
*1-55*  
*AK-Adm.*  
*Jan.*

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

8JL-2P

1000

33-2-130

March 16, 1950

1-46  
Perm.

Honorable Oscar L. Chapman  
Secretary of the Interior  
Washington, D. C.

My dear Mr. Secretary:

An examination has been made of the title data relating to 2,185 acres of land, more or less, Alaska Road Commission Project, in Anchorage Recording District, Third Judicial Division, Territory of Alaska. This land is to be acquired for a consideration of \$190.00 by authority of existing legislation. The file number of this Department is 33-2-130.

The land is described in the enclosed deed dated November 23, 1949, executed by James J. Delaney and Nancy M. Delaney, husband and wife, to the United States of America.

The abstract, consisting of 9 pages, was last satisfactorily certified as of November 25, 1949, by Davis & Renfrew, Abstracters.

The abstract and accompanying data disclose the title to be vested in James J. Delaney and Nancy M. Delaney, subject to:

1. All taxes and assessments.
2. Rights or claims of persons in possession, if any, not shown of record.
3. Mechanics' liens, if any, not shown of record.
4. Easements for roads, highways and public utilities, if any, not shown of record.
5. Rights of the United States and third persons, if any, under reservations contained in the patent shown at page 1 of the abstract.

*Basic convey. and  
buying of private  
land for right-of-way  
re- 1-55  
Furnogain Area Proj.*

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

6. Easements, if any, used by third persons in connection with vested and accrued water rights.
7. Rights of the United States under the enclosed deed.
8. The registration of the land with the Territorial Assessor for the Third Division, Territory of Alaska, under the 1949 Session Laws of Alaska.

As a copy of the option was not submitted to this Department, the consideration for the purchase is not stated herein.

Prior to the consummation of this purchase it should be determined that the deed to the United States and the caption to the abstract include all the land described in the option.

When the above requirement and objections numbered 1, 2, 3 and 8 have been met, the enclosed deed to the United States, properly stamped, has been recorded, the purchase price has been paid, the abstract has been continued and certified to a date subsequent to the recordation of the deed, disclosing that nothing has occurred since the date of the present certificate to affect the title adversely, and showing the vesting of a valid title in the United States of America, and this Department has been informed in writing that objections 4, 5 and 6 will not interfere with the contemplated use of the land, the title will be approved subject to the rights and easements referred to in objections 4, 5 and 6.

The abstract and related papers are enclosed.

Sincerely yours,

Attorney General

Enclosure  
No. 20663

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





UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
WASHINGTON 25, D. C.

FILE COPY  
Surname:

|  |
|--|
|  |
|  |
|  |
|  |
|  |
|  |

25, D.C.

Air Mail

FEB 10 1950

*1-116  
Glen.*

Col. J. P. Johnson  
General Manager, The Alaska Railroad  
Anchorage, Alaska

My dear Colonel Johnson:

There are enclosed, for your information, a copy of a letter dated December 5 from Colonel Noyes to Lowell Puckett, and a copy of my memorandum of February 2 to Mr. Lee. This correspondence is self-explanatory.

Sincerely yours,

(Sgd.) Jos. T. Flakne

Jos. T. Flakne  
Chief, Alaska Branch

Enclosures

Rafter  
Feb. 10

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



UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 OFFICE OF THE SECRETARY  
 DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
 WASHINGTON 25, D.C.

*File*

*Mr Lee  
has seen*

February 2, 1950

Memorandum

To: Mr. Lee  
 From: Chief, Alaska Branch  
 Subject: Colonel Noyes' letter of December 5 to Mr. Puckett

*9-1-46  
General*

The last three paragraphs of Colonel Noyes' letter of December 5 to Lowell Puckett covers items on which the Division may wish to establish a policy as a guide to The Alaska Road Commission.

All have a direct and very noticeable effect on the scenery; therefore, I think we should do everything reasonably possible to retain the natural beauty of our roadway and where possible improve it. In these cases it can be done by:

1. Keeping gravel pits for enough off the road right-of-way so as not to be readily noticeable.
2. Leaving trees wherever possible between road and gravel pit to block off unsightliness of the gravel pit.
3. When part or all of gravel pits are no longer needed, attempts should be made to refill and reseed as both will improve appearances and lessen mosquito breeding pools.
4. The value of leaving all good trees and shrubs is well known.
5. Old fallen trees, brush and other inflammable rubbish left by road construction crews are both unsightly and a fire hazard, and should, therefore, be removed or burned when safe or practicable to do so.

*Jos. T. Flakne*  
 Jos. T. Flakne  
 Chief, Alaska Branch

*2/10/50  
copies of correspondence  
sent Col. Johnson  
BR*



1849 A Century of Conservation 1949

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



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

December 9, 1949

*Mailed  
9-7-7  
W. H. Files*

Mr. Jos. R. Flakne, Chief  
Alaska Branch  
Division of Territories and Island Possessions  
Interior Department  
Washington, D. C.

Dear Mr. Flakne:

There are transmitted herewith two copies of a letter from the Alaska Road Commission to Mr. Lowell M. Puckett, Regional Administrator of the Bureau of Land Management, Anchorage, covering the results of certain conferences with Mr. Puckett and certain studies made as a result of the conferences.

While the matter is not yet entirely settled on a field level, it is thought that you would want to be informed so that you could follow the matter with the Bureau of Land Management in the Department of Interior in Washington.

Sincerely yours,

*John R. Noyes*  
John R. Noyes  
Commissioner of  
Roads for Alaska

Enclosure

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



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

Mr. Lowell M. Puckett  
Regional Administrator  
Bureau of Land Management  
Department of the Interior  
Anchorage, Alaska

December 5, 1949

Dear Mr. Puckett:

This is in reply to your letters to this office of September 7, September 19, and October 5, 1949, and we also refer incidentally to your letter of September 9, 1949, to Mr. Kenneth J. Kadow, Director, Alaska Field Staff, a copy of which was furnished to our office. The matters referred to in your letters have been under close study for the past several weeks, and it is realized that you are governed by regulations which we must endeavor to meet. It must be recognized that these regulations impose a considerable burden upon the Alaska Road Commission and will serve to increase the cost of our work. In the interest of economy and efficiency of road construction, it is desirable to simplify as far as possible the procedures required.

On November 29th, 1949, a conference was held between you and our engineering personnel in Juneau at which time some of the matters covered in your letters were discussed in the light of our studies. The present letter is an effort to cover our conclusions at this conference.

Rights-of-way; Withdrawals or Easements

There is enclosed herewith a copy of a letter we have written to Mr. James P. Davis, Director, Division of Territories & Island Possessions, calling attention to apparent inconsistency between Public Land Order No. 601 and the act of July 24, 1947 (Pub. Law 229, 80th Cong., 1st Session, 48 U.S.C., 1946 Ed., Supp. 1, 321D). Public Law 229 was passed at the request of the Department of the Interior in order to simplify the acquisition of rights-of-way through lands upon which entry had been made. It is our contention that this Law was intended to avoid the difficulty of determining for each entry or patent the exact location of the road. Public Land Order No. 601, on the other hand, calls for withdrawals, and unless present regulations governing withdrawals can be broadened to permit the passage of a road through land upon which entry has been made without invalidating the entry, the purpose of Public Law 229 is defeated. We will support strongly any action you may take to correct this situation.

Maps of Road Locations

The Alaska Road Commission does not have the necessary engineering and drafting staff available at the present time to reduce our maps of

RG 126, OFF. OF TERRITORIES  
E. 3, Central Files, 1951-71  
Box 129

new road locations in all cases to a scale of 1,000 to 2,000 feet to the inch. On the other hand, maps on the scale of 400 feet to the inch are standard for construction purposes and can readily be furnished. At the conference it was suggested that you consider accepting maps on the scale of 400 feet to the inch and let us know the minimum number of sets you will require. If you will inform us further about this, we will endeavor to comply and we will also advise your office in each case of the width of right-of-way applicable to each particular road in question. Maps of existing roads not hitherto mapped will be provided as rapidly as they can be surveyed, and we will use the 1,000 feet to the inch scale for such maps. A party will start on this in the spring, and our District Engineer in Anchorage is being directed to contact you regarding the most urgent locations.

#### Use of Gravel

The Alaska Road Commission is in entire agreement with your office that gravel permits are sufficient for construction purposes and that gravel withdrawals should only be sought where a particular pit is desired for permanent maintenance purposes. We will endeavor to see that our applications for gravel permits and withdrawals are kept current. A special case arises where the gravel must be obtained from the beds of navigable streams. Your letter of October 5, 1949, indicates the legal difficulties involved in this case. A copy of our letter of December 1, 1949, to Mr. James P. Davis, Director, Division of Territories & Island Possessions, Department of the Interior, is enclosed, wherein we request Federal legislation intended to permit the use of gravel from navigable streams in Alaska for road purposes. It should be noted that in certain places the beds of navigable streams are our only practicable source of such gravel.

#### Arrangement and Screening of Gravel Pits

It is realized that much can be done to improve our practices in this regard. An effort will be made to conform to the desires of your office and our District Engineers will be informed of the action by them necessary for this purpose. We agree with your remarks about the limitation of size of gravel pits. Matters of arrangement with reference to the road must be considered in the light of economy, as well as beauty; however, we will do what we can in this regard.

#### Timber

It appears that most of the area in which roads are built by the Alaska Road Commission are not covered with timber which actually has a merchantable value. Therefore, it was suggested at the conference that the Bureau of Land Management restrict its attention to timber that is of a size too heavy to be handled with a bulldozer. If the principle could be established that timber which is small enough to be cleared by a bulldozer is not considered "merchantable," then the problem would be greatly simplified, both for your office and for ours. It is requested, therefore, that you consider the adoption of this policy and advise us accord-

RG 126, OFF. OF Territories  
E. 3, Central Files, 1951-71  
Box 129

ingly. We will then undertake to follow carefully your regulations for the disposal and use of merchantable timber and hope you will leave us a free hand in the disposal of the smaller timber, not coming within merchantable classification. Here again, considerations of appearance conflict in some cases with considerations of economy. We are fully cognizant with both requirements and will endeavor to improve our practices, insofar as this can be accomplished without greatly increasing costs.

#### Fire Hazards

✓ With regard to fire hazards it has been our experience in the past that burning of cut timber was sometimes the cause of forest fires. For this reason, and for reasons of economy, it is not considered desirable in all cases to burn the timber cleared from land necessary for road construction. In this case also, we will endeavor to improve our practices so as to avoid objectionable appearance.

I hope that the policies enunciated in this letter will go far toward removing causes of complaint which your Bureau has had in the past against the Alaska Road Commission. I desire, however, to emphasize the fact that even the minimum compliance with the regulations as set forth in your letters will very measurably increase our road construction costs and thereby decrease the amount of road that can be constructed with the funds available to us. Also, it may be necessary to assign an employee or employees to the full time duty of interpreting and complying with your regulations and of making the necessary follow up to insure that our District offices also conform to these requirements. The total cost of this cannot be accurately estimated at this time.

Sincerely yours,

John R. Noyes  
Commissioner of  
Roads for Alaska

Enclosures (2)

RG 126, OFF. OF Territories  
E. 3, Central Files, 1951-71  
Box 129



INTERIOR DEPT  
RECEIVED  
DEC 21 1949  
TERRITORIES

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

IN REPLY REFER TO:  
22506 "L:RKC"

*F. L. E.*

DEC 20 1949

Memorandum

To: Director, Division of Territories  
and Island Possessions

From: Director, Bureau of Land Management

Subject: Rights-of-way withdrawal, Alaska

*9-1-46  
Ben.*

I have your memorandum of December 7 by which you forwarded a copy of letter from Colonel Noyes on this subject.

Since Colonel Noyes wrote this letter the matter has been discussed with Assistant Secretary Warne with Colonel Noyes present. It has been decided to keep Public Land Order 601 in force. Further, at the Assistant Secretary's direction, an agreement has been reached between this Bureau and the Alaska Road Commission as to certain procedures looking toward early location of Alaska highways in relation to the rectangular surveys.

It is possible that the policy suggested by Mr. Puckett as to the contiguity of lands lying on both sides of a withdrawn strip may be adopted with respect to local roads. This possibility is now being considered.

The proposed change in the language of Public Land Order 601 would have no effect on the operation of the order. Actually, a public land order of this kind does two things: it withdraws the land from all forms of appropriation and reserves the land for a specific use.

Under the policy outlined by the Assistant Secretary recently I think we are now well on the way toward solving the administrative problems created by the withdrawal.

*Russell Beer*

Associate Director

*Copy on  
9-1-55,  
C. R. C.  
John L. ...*

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



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS  
WASHINGTON 25, D. C.

FILE COPY  
Surname:

Thomas  
Loring

DEC 7 - 1949

Memorandum

To: Director, Bureau of Land Management

From: Acting Chief, Alaska Branch

Subject: Road rights-of-way withdrawals and reservations

Attached is a copy of a letter received from Colonel John R. Hoyer, Commissioner of Roads for Alaska, summarizing the results of his discussions with Mr. Lowell Puckett, Regional Director of your Bureau. We also wish to add our support to urging the favorable consideration of the recommendations made.

(Sgd.) H. Rex Lee

H. Rex Lee  
Acting Director

Attachment

GWRogers-pt  
12/6/49

Notes on  
9-1-55  
ARC-Admin. Sec.  
off. Sec.  
R.H. Sec.  
Brit. Col. Alaska Hwy.  
Col. R.H. Hwy. Com. Jns.  
9-1-68  
Gen.

9-1-46  
Gen.

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





RECEIVED  
DEC - 5 1949  
TERRITORIES

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

| To           | Initial | Date |
|--------------|---------|------|
| <i>Yoder</i> |         |      |
|              |         |      |
|              |         |      |

December 1, 1949

Mr. James P. Davis, Director  
Division of Territories and Island Possessions  
Department of the Interior  
Washington 25, D. C.

My dear Mr. Davis:

At a recent meeting with Mr. Lowell Puckett, Regional Administrator, Bureau of Land Management, the method of handling withdrawals or reservations for roads rights-of-way was fully discussed.

The immediate problem is our deficiency in accurate maps of old roads which are required by the District Land Offices in connection with locating entrymen and in issuance of patents.

It was brought out by Mr. Puckett that because of the language of Public Land Order 601, all entries in surveyed areas affected by a road must be limited to one side only of the existing road. This is because the order used the word "withdrawn" and the Bureau of Land Management has ruled that no new entry can be made covering noncontiguous areas. One solution of the problem has been proposed by Mr. Puckett to his Washington office. Under Land Decisions Volume 43, page 551, it was held that a right-of-way withdrawal did not render the tracts lying on opposite sides of the withdrawn strip noncontiguous, and an entry embracing both sides of such strip should be allowed. I desire to strongly support Mr. Puckett's request and urge favorable consideration. Application of this decision would avoid much present confusion. By the time entrymen apply for patents in future, it is planned to have available in the District Land Offices accurate maps of our roads.

We believe the best solution of this problem would be a revision of Public Land Order 601 to change the language to read "are hereby reserved from all forms of appropriation". This language would be in accordance with the act of July 24, 1947 (Pub. Law 229, 80th Cong., 1st Session, 48 U.S.C., 1946 Ed., Supp. 1, 321D). It is our contention that this law was intended to avoid the difficulty of determining for each entry or patent the exact location of the road. The act provides in part:

"In all patents for lands hereafter taken up, entered, or located in the Territory of Alaska, and in all deeds by the United States hereafter conveying any lands to which it may have

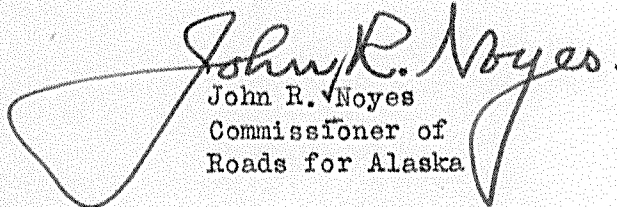
RG 126, Off. of Territories  
E. 3, Central Files, 1951-71  
Box 129

reacquired title in said Territory not included within the limits of any organized municipality, there shall be expressed that there is reserved, from the lands described in said patent or deed, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges and appurtenant structures constructed or to be constructed by or under the authority of the United States or of any State created out of the Territory of Alaska."

It will be noted the act provides for a blanket reservation for rights-of-way for roads constructed or to be constructed. It is our contention that determination of the exact location of a road now existing through an entry made after the date of approval of the act is not necessary. The history of the bill indicates this was one of the specific difficulties to be corrected. The other was to avoid the necessity of obtaining easements for future roads which obviously could not be described in the patent.

The actual width of right-of-way to be reserved is determined by the class of road. It is believed Public Land Order 601 was primarily intended to establish these widths. With this information in the District Land Offices, entrymen or applicants for patent can be informed of the width of right-of-way in each case. It is probable certain roads will be reclassified in the future, in which case the right-of-way width would be changed. It is recommended favorable consideration be given to a revision of Public Land Order 601 to permit the Alaska Road Commission full latitude of operation under Public Law 229.

Sincerely yours,

  
John R. Noyes  
Commissioner of  
Roads for Alaska

cc: Mr. Puckett