

DEB



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

FILE COPY  
Surname:

Thomas  
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JUL 11 1949

Air Mail

Colonel John R. Noyes  
Commissioner of Roads  
for Alaska  
Alaska Road Commission  
Juneau, Alaska

9-1-46  
pen.

My dear Colonel Noyes:

This is in reply to Mr. Ike Taylor's letter of July 6 asking whether public land order has yet been issued covering the width of right of way for the roads through public domain.

The Bureau of Land Management has just received the approval of the Department of Justice and the Bureau of the Budget on the issuance of this land order, which is now in the process of being written up. It should be issued within the next few weeks.

Sincerely yours,

(Sgd.) Jos. T. Flakne

Jos. T. Flakne  
Chief, Alaska Branch

DET/gb  
7/11/49

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

DIVISION OF TERRITORIES  
OFFICE  
DEPARTMENT OF THE INTERIOR



UNITED STATES  
DEPARTMENT OF THE INTERIOR

INTERIOR DEPT.  
RECEIVED  
JUL - 8 1949  
TERRITORIES

ALASKA ROAD COMMISSION  
JUNEAU, ALASKA

July 6, 1949.

To Initial Date

FILES		

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

Dear Mr. Davis:

Reference is made to your letter of January 17, 1949, in which it is proposed that a public land order will be issued covering the widths of right-of-way for roads through public domain, based on the classification of the roads.

We have no record of having received a copy of this land order. Please advise if such an order has been issued and, if not, when such an order probably may be issued.

Very truly yours,

*Ike P. Taylor*  
Ike P. Taylor,  
Chief Engineer.

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

June 24, 1949.

PERSONAL

Mr. Jos. T. Flakne,  
Chief, Alaska Branch,  
Division of Territories & Island  
Possessions,  
Department of the Interior,  
Washington 25, D. C.

9-1-46  
Gen.

Dear Joe:

Thanks for your letter of June 8, 1949, enclosing efficiency rating notices for Mr. Taylor and myself. I will take pleasure in giving Ike's to him personally.

I have just returned from Ketchikan where we had a meeting with the Metlakahtla Town Council on the subject of the right-of-way for the Annette Island Road. I think they are satisfied that we don't intend any monkey business. I rather expect their agreement to give us an easement for the whole 200 foot width within a few days.

With best regards and thanks for your kind wishes,  
I remain

Sincerely yours,

John R. Noyes,  
Commissioner of Roads for Alaska.

Misc. Comm. f.  
9-1-55  
R. & J. - Gen

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

May 6, 1949.

Mr. H. Rex Lee, Assistant Director,  
Division of Territories & Island  
Possessions,  
Department of the Interior,  
Washington 25, D. C.

*9-1-46  
General*

Dear Rex:

In addition to the papers forwarded you with my letter of May 2, 1949, regarding the right-of-way for the Annette Island Road, there is transmitted herewith a copy of a letter from Mr. James E. Curry, 1016 Sixteenth St., N.W., Washington 6, D. C., and of my reply thereto dated May 6, 1949; also a copy of a letter from me to Mr. Jos. T. Flakne dated April 26 on the same subject.

These will make your file complete.

Sincerely yours,

John R. Moyes,  
Commissioner of Roads for Alaska.

Encls.-3

*Miss Conroy  
9-1-50  
Roads & Trails  
JRM*

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REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

CHICAGO, ILLINOIS

UNITED STATES

COMPROPOSED OF INDIAN AFFAIRS

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

Mr. Davis:-

May 5, 1949 and our Dept. has not yet settled the Alaska Highway Right-of-Way question.

Sec. Krug said in the Spring of 1946 that it would open for settlement in a few weeks.

J. J. J.

To	Initial	Date
Alaska	J. J. J.	5/9
Davis	J. J. J.	6/3
Lee	J. J. J.	6/10
Godin	J. J. J.	6/6
FILES		

1949

lrs

9-1-46  
gen.

sions Re Tetlin

office on March 7, meeting was held d right-of-ways Those present ight; Theodore dow; Joseph T. and James A. Lanigan.

was prepared, as circulated for u of Land Manage-taff, and the , the memorandum e to conclusions oy on this matter.

8 that it would nt of view to set The following

suggestions were made:

- (a) It should be bounded on the west by a line on the east side of the Tok-Salina Highway, 150 feet from the center line.
- (b) It should be bounded on the north by a line on the south side of the Alaska Highway, 300 feet from the center line.

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497

REPLY TO



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MAY - 6 1949  
TERRITORIES

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

MAY - 5 1949

To	Initial	Date
Alaska	R. G. F.	5/9
Dawson	gnt	6/3
Lee	John	6/10
Godwin	Woz	6/6
FILES		

Memorandum

To: Commissioner, Bureau of Indian Affairs  
 Director, Bureau of Land Management  
 Director, Division of Territories  
 Director, Alaska Field Staff  
 Director, National Park Service

From: Assistant Secretary Warne

Subject: Boundary and Road Right-of-Way Decisions Re Tetlin Indian Reservation.

9-1-46  
gen.

As an outgrowth of a meeting held in my office on March 7, on Alaska road right-of-way problems, another meeting was held on March 8 concerning special problems of road right-of-ways and boundaries of the Tetlin Indian Reserve. Those present were Messrs. R. C. Price (Chairman); J. E. Dwight; Theodore Haas; T. W. Wheat; J. M. Brown; Kenneth J. Kadow; Joseph T. Flakne, Robert E. Coote, Earl G. Harrington, and James A. Lanigan.

A draft memorandum dated March 16, 1949, was prepared, outlining the conclusions reached, and this was circulated for review to the Bureau of Indian Affairs, Bureau of Land Management, Division of Territories, Alaska Field Staff, and the National Park Service. Following that review, the memorandum has been appropriately modified with reference to conclusions (c) and (e) as the basis of Departmental policy on this matter.

It was concluded at the meeting on March 8 that it would be highly desirable from the Department's point of view to set new boundaries for the Tetlin Indian Reserve. The following suggestions were made:

- (a) It should be bounded on the west by a line on the east side of the Tok-Salina Highway, 150 feet from the center line.
- (b) It should be bounded on the north by a line on the south side of the Alaska Highway, 300 feet from the center line.

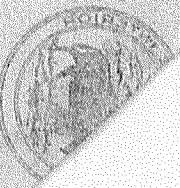
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TERRETTORIEZ

WVA - e 1248

RECEIVED

OFFICE OF THE  
INTERIOR DEPT. OF THE



(c) Land lost by Tetlin Indians on the west of the Tok-Salina Highway and on the north of the Alaska Highway should be exchanged for other lands south or east of the Tetlin Reserve on a comparable value basis and so far as possible, on an acre for acre basis.

(d) Special use permits of the outer 150 feet on the south side of the Alaska Highway bordering the Tetlin Reserve shall be issued by the Bureau of Land Management only with the permission of the duly constituted representatives of the peoples of the Tetlin Reserve.

(e) It was agreed that the above objectives would solve most effectively all the problems of the Department with regard to the highway right-of-ways, would simplify surveys, and reduce materially the cost of running them. However, it was also agreed that the wishes of the peoples of the Tetlin Reserve must be ascertained on the above proposals and their counter proposals discussed before final action is taken.

I fully concur with the above expressions and request the Bureau of Indian Affairs to take immediate steps through the Alaska Native Service to ascertain the views of the Tetlin Indians on the above proposals. If they agree, the Bureau of Land Management should determine as soon as possible the new boundaries of the Tetlin Reserve and take whatever steps are necessary with the Alaska Road Commission to establish properly the titles for the Tok-Salina and Alaska Highways as they relate to the Tetlin Reserve.

cc: Director, Bureau of Land Management

(sgd) William E. Warr

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

MAY - 5 1949

Memorandum

To: Commissioner, Bureau of Indian Affairs  
From: Assistant Secretary Warne  
Subject: Boundary and Road Right-of-Way Decisions Re Tetlin  
Indian Reservation.

In response to the point made by Acting Commissioner Zimmerman in his memorandum of April 5 on the above subject, I have deleted from the attached memorandum the reference to the manner of negotiations.

I wish that you would have in mind that the Department has an obligation to protect the rights of the Indians and that the Department, in its disposition of the public domain, has an obligation to protect the public property. In this Departmental proposal, both should be kept fully in mind as we work out a solution for the boundaries of the Tetlin Indian Reserve.

There will be provision made necessarily for the location of proper ingress roads and consequently it has not seemed necessary to add such a provision to the basic memorandum.

Enclosure.

((sgd)) Wm. E. Warne

cc: Director, Bureau of Land Management  
Director, Division of Territories  
Director, Alaska Field Staff  
Director, National Park Service

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

May 2, 1949.

Mr. H. Rex Lee, Assistant Director,  
Division of Territories & Island Possessions,  
Department of the Interior,  
Washington 25, D. C.

*9-1-46  
General*

Dear Rex:

There is enclosed herewith an exchange of correspondence between the Chamber of Commerce of Ketchikan, Alaska, and ourselves regarding the right-of-way for the Annette Island Road. This will show you some of the problems we have to contend with concerning rights-of-way as wide as those now prescribed.

The above correspondence is furnished simply for your information.

Sincerely yours,

John R. Noyes,  
Commissioner of Roads for Alaska.

Encls. 2

*Miss Christy  
9-1-55  
Roads & Trails  
JRN*

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

April 26, 1949.

Mr. Jos. T. Flakne,  
Chief, Alaska Branch,  
Division of Territories & Island Possessions,  
Department of the Interior,  
Washington 25, D. C.

9-1-46  
Jem.

Dear Joe:

Your letters of April 21, 1949, to Hon. Rod Davis, Mayor of Metlakatla, and to Mr. James C. Curry of Washington, D. C., regarding the proposed Annette Island road, have come to hand.

A few weeks ago Mr. Davis and Mr. Ziegler visited my office together and the situation regarding the proposed road was fully explained to them. I told them that we were prepared to make a survey to determine the cost and advisability of the proposed road and that this was only being held up awaiting action of the town of Metlakatla in agreeing to furnish the necessary right-of-way for the road. So far, nothing has been heard from Mr. Davis, Mr. Ziegler, or the town of Metlakatla on this subject. I told them exactly what width would be required; namely, 200 feet.

If they will agree to the right-of-way, there is no reason why the survey cannot be made this summer. Construction might then follow in due course. If, however, they will not get busy and give us the right-of-way, it is probable that they will have no road.

It is exasperating to have these people take the matter up with Washington when they have not fulfilled their obligations here. I think they understand perfectly what they have to do, and, as I mentioned before, Mr. Ziegler was in my office at the meeting with Mr. Davis. Just exactly what his object was in asking you for further information, I cannot tell; but at least you told him the right thing.

Sincerely yours,

John R. Moyes,  
Commissioner of Roads for Alaska.

Basic Copy  
9-1-55  
Roads &  
Trails - Jan.

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

*Goding  
Fluker*

25, D. C.

APR 22 1949

*G-1-46  
Gen.*

Memorandum

To: Assistant Secretary *Warne*

From: The Director

Subject: Boundary and Road Right-of-Way Decisions regarding Tetlin Indian Reservation

The Division of Territories and Island Possessions agrees with the recommendations for action on the above subject contained in your memorandum of March 16. We wish to urge that the necessary action be undertaken as soon as possible in view of the fact that a long delay in reaching a solution to this problem will work to the detriment of all concerned, Natives and Whites alike.

It hardly seems necessary to add the subsection suggested by Mr. Zimmerman with respect to permitting the construction of ingress and egress roads and trails. It does not seem at all probable that there will be any difficulty in arranging for such roads at any suitable point whenever the need may occur.

(Sgd.) James P. Davis

James P. Davis  
Director

Attachments

MWGODING:ggo  
4/21/49

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

*See*

MAR 28 1949

*9-1-46  
pen.*

Air Mail

Col. John R. Noyes,  
Commissioner of Roads for Alaska,  
Alaska Road Commission,  
Juneau, Alaska.

My dear Col. Noyes:

There is enclosed a copy of a memorandum from Assistant Secretary Warns dated March 24, subject: Alaska Road Right-of-way Problems, for your information and necessary action.

Sincerely yours,

(Sgd.) James P. Davis

James P. Davis,  
Director.

Enclosure

HRL:adg  
3/25/49

To	Initial	Date
<i>Alaska</i>	<i>J.P.D.</i>	<i>3/31</i>
<i>Thomas</i>	<i>A.E.J.</i>	<i>3/31</i>



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OFFICE OF THE SECRETARY  
WASHINGTON 25, D. C.

RECEIVED  
MAR 24 1949  
SECRETARIES

To	Initial	Date
Donis	JPJ	3/25
Lee		
Alaska		

March 25, 1949.  
FILES

MEMORANDUM

To: Director, Bureau of Land Management  
Director, National Park Service  
Director, Territories and Island Possessions  
Acting Commissioner, Bureau of Indian Affairs  
Director, Alaska Field Staff

From: Assistant Secretary Warne

Subject: Alaska Road Right-of-way Problems.

Forward to Moyes for  
necessary action.

Pursuant to a discussion in my office Monday afternoon, March 7, on the above subject, attended by Messrs. Clawson, Coote, Flakne, Province, Brown, Wirth, Demaray, Price, Kadow and myself, the following conclusions were reached.

1. The Alaska Road Commission will be responsible for the administration and care of all roads up to 150-feet from center line.
2. Road right-of-ways in excess of 150-feet from the center line will be administered by the Bureau of Land Management on the basis of special use permits.
3. There are to be no special use permits granted on any highway that does not have a right-of-way in excess of 300-feet.
4. It is agreed that the Tok and Haines Highways will be reduced from their present width to 300-feet.
5. The Alaska Highway will be maintained at 600-feet through the (Tetland) Indian Reservation. Mr. Kadow will work with the proper officials in the Indian Service and the Bureau of Land Management to effect a complete title transfer of right-of-way to the Alaska Road Commission. It is understood that Indians of the Tetland Reservation will be given prior consideration regarding special use permits along the Alaska Highway in the Reservation.
6. The Bureau of Land Management shall draw up immediately and make available in printed form the detailed regulations governing special permits along the highway.

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7. Alaska Road Commission in cooperation with the Bureau of Land Management, Park Service, and Territorial Highway officials will draw up immediately and make available in printed form the rules and regulations concerning billboards and other road right-of-way use considerations.

8. The boundaries of the (Tetland) Indian Reservation will be reviewed by Bureau of Land Management, Indian Service, and Mr. Price, Mr. Flakne, and Mr. Kadow as soon as possible. Recommendations for further consideration will be made by them.

The above conclusions should be regarded as departmental policy and, consequently, the agencies involved should notify their field organizations and take any other steps that are necessary to bring about proper and immediate action.

*William F. Gram*



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

Flaherty	J.F.F.	3/14
Davis	gnd	3/14
Lee	gnd	3/15
Quincy	WWS	3/16
Taylor	5	3/16
Winn	gnd	3/17

March 11, 1949

*files*

Memorandum

To: Kenneth J. Kadow, Director, Alaska Field Staff  
Lowell Puckett, Bureau of Land Management, Anchorage, Alaska  
Col. John Noyes, Alaska Road Commission  
Clarence Rhode, Fish and Wildlife Service, Juneau, Alaska  
Don C. Foster, Alaska Native Service, Juneau, Alaska  
Col. J. P. Johnson, Alaska Railroad, Anchorage, Alaska  
G. D. Germain, Bureau of Mines, Juneau, Alaska  
Joseph M. Morgan, Bureau of Reclamation  
Grant Pearson, National Park Service, Mt. McKinley National Park, Alaska  
John Need, Geological Survey  
Alfred Kuehl, National Park Service, Region IV, San Francisco, California

*9-1-46  
General*

From: Assistant Secretary Warne

Subject: Delegate Bartlett's letter of February 22, 1949, re highway rights of way in Alaska.

On February 22, 1949, Delegate Bartlett addressed to the Secretary a rather intemperate letter commenting on rights of way for roads in Alaska. In addition, he sent a copy of the letter to each of the persons addressed in this memorandum.

I wanted to let you know that the Department has given full consideration to views expressed within the Territory by the Alaska Field Committee, by the heads of appropriate bureaus in Washington, and other expressions. As a result, it has been determined by the Department that rights of way for highways in Alaska shall be as follows:

- Alaska Highway - 600 ft.
- Other primary roads - 300 ft.
- Secondary roads - 200 ft.
- Feeder and branch roads - 100 ft.

I wanted you to know that the thorough consideration suggested above has been given and that a Departmental decision has been reached.

cc Division of Territories

(sgd) William E. Warne

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

PRS 5445  
22506 "L:RKC"

Air Mail

Mr. Kenneth J. Kadow,  
Director, Alaska Field Staff,  
P. O. Box 3093,  
Juneau, Alaska.

Dear Ken:

With respect to your letter of January 11 concerning the matter of rights-of-way for Alaska highways, I think there is somewhat of a misunderstanding as to procedure. It is true, as you were notified, that a decision was reached concerning the widths of rights-of-way that would be put into effect. This decision represented the Department's views and as such is, of course, binding on everyone in the Department. However, such a decision must be followed up and be made effective by formal action. In this case, it was agreed that the rights-of-way would be established by a public land order.

The authority to make public land orders rests with the Secretary upon delegation of authority from the President. The authority has not been delegated further. Accordingly, no members of the Alaska Field Committee have the authority to make such a public land order.

I am quite certain that neither Puckett nor Hayes questions the authoritative character of the decision reached with respect to the widths of rights-of-way. Also I do not see how they could be puzzled as to what action was required, of them, especially since Puckett is well aware that a public land order must be promulgated before the action becomes official.

The public land order is now being drafted. Before it can be signed by the Secretary and sent to the Federal Register for publication it must first be approved at several levels in the Department and approved by the Bureau of the Budget and the Attorney General. Since this process sometimes takes considerable time and results in modifications along the way, it may be premature at this time to announce the establishment of rights-of-way as a definite fact. This, of course, is something different from the announcement of Departmental policy with respect to the establishment of rights-of-way.

As to the "fairly delicate problem," I think that we might have a two-way approach. When the occasion arises I shall send you a written instructive, outlining particular assignments. On the other hand, you

To	Initial	Date
Flakem	977	2/20
Godwin	ms	2/24
Hilken	MS	3/2
Lee	BSK	3/3
Davis	pd	3/3

BLM  
FEB - 8 1949

9-1-46  
General

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may realize that action along a particular line is required, and under such circumstances, I suggest that you write for my signature a memorandum addressed to yourself containing the particular instructions that appear necessary.

Sincerely yours,

(sgd) William E. Warner  
Assistant Secretary.

RKC:mg  
1-19-49

Rewritten  
RCP:ewn  
2 8 49

cc: R.A., Reg. VII, BLM, Anchorage, Alaska.  
National Park Service  
Div. of Terr. & Island Possessions

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1

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

FEB - 1 1949

*files*

*9-1-46  
General*

Air Mail

Col. John R. Noyes,  
Commissioner of Roads for Alaska,  
Alaska Road Commission,  
Juneau, Alaska.

My dear Colonel Noyes:

I am transmitting herewith a copy of a memorandum from the Chief Counsel, Bureau of Land Management, giving his interpretation of Public Law 229, 80th Congress, 1st session, with relation to the question raised by you in your letter dated December 14, 1948.

Sincerely yours,

(Sgd.)

Shirley Boskey.

-Enclosure 760.

LBE:mcm  
2/1/49

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

IN REPLY REFER TO:  
22506 "DL: JAL"

INTERIOR DEPT.  
RECEIVED  
JAN 28 1949  
TERRITORIES

JAN 27 1949

MEMORANDUM

To: Chief Counsel, Division of Territories and  
Island Possessions.

From: Chief Counsel, Bureau of Land Management.

Subject: Reservation of Right-of-way for Roads in Alaska.

You have referred to me, by your memorandum of December 14, an inquiry from the Commissioner of Roads for Alaska asking whether the Act of July 24, 1947 (Pub. Law 229, 80th Cong., 48 U.S.C., 1946 Ed., Supp. I, 321d), requiring the reservation of a right-of-way for roads, etc., "in all patents for lands hereafter taken up, entered, or located in the Territory of Alaska," applied only to lands filed upon since the date of the Act.

While I shall not attempt to discuss every type of land disposal made in Alaska, it is my opinion that requirement of Public Law 229 does not apply where either a valid settlement or a valid filing leading to a patent has been made prior to the date of the Act on lands open to settlement or to such filing. Thus the deciding factor will not necessarily be the date of filing. This Bureau, of course, will decide at the time a patent is issued in each case whether or not the reservation should be inserted.

*Jacob H. Wasserman*  
Chief Counsel

Approved:

*Marion Clawson*

Director

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

Air Mail

JAN 17 1949

*Thomas*

Colonel John R. Noyes,  
Commissioner of Roads for Alaska,  
Alaska Road Commission,  
Juneau, Alaska.

*Goding*  
*9-1-49*  
*Gen.*

My dear Colonel Noyes:

We have discussed with the Bureau of Land Management your letter of January 3, regarding action on rights-of-way withdrawals for Alaska roads, and have been advised as follows:

It is proposed that a public land order be issued which will designate the Alaska Road Commission as the agency which will define the categories into which the various roads fall. In setting up classifications there should be some provision for future roads.

The preparation of the necessary land order is receiving consideration in the Bureau of Land Management. As soon as it is signed, you should be prepared to give public notice designating the roads that fall into the various classifications with their rights-of-way widths. Until the order is signed and becomes effective, it is suggested that no publicity be given as to the action contemplated, and that no action be taken by you.

The foregoing applies only to roads under the jurisdiction of the Secretary of the Interior, and does not include roads in National Forests nor military reservations.

Sincerely yours,

(Sgd.) James P. Davis

James P. Davis,  
Director.

DET-pt

1/14/49

CC to Sec. Warne and Mr. Kadow

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DEPARTMENT OF THE INTERIOR  
Territories and Island Possessions  
DATE: \_\_\_\_\_

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

To	Initial	Date
Alaska		

January 3, 1949

INTERIOR DEPT.  
RECEIVED  
JAN - 7 1949  
TERRITORIES

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

Dear Mr. Davis:

The Alaska Road Commission is in receipt of a memorandum dated 28 December 1948 from the Chairman of the Alaska Field Committee, copy enclosed, relating to action on rights-of-way withdrawals for Alaska roads.

The letter and attached memorandum do not seem to be sufficiently authenticated to permit me to take any action in the field.

It would be appreciated if you would send me a directive on the subject of withdrawals so that we can get to work on it.

Sincerely yours,

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

Encl.

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DEPT



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Office of the Secretary  
Alaska Field Staff  
Juneau, Alaska

December 28, 1948

To: Alaska Field Committee  
From: Kenneth J. Kadow, Chairman  
Subject: Road Right-of-Way Withdrawals

I herewith enclose a copy of a letter covering the final action regarding the road right-of-way withdrawals for those roads under the jurisdiction of the Alaska Road Commission.

I am requesting that Colonel Noyes, coordinating with Lowell Puckett, handle all matters regarding the publicity of this information.

Enclosure

COPY

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C-O-P-Y

BUREAU OF LAND MANAGEMENT

December 6, 1948

(To) Mr. Coote, Acting Chief,  
Division of Land Planning.  
(From) Associate Director  
(Subject) Alaska right-of-way withdrawals

This morning in Assistant Secretary Warne's office it was decided that the Alaska right-of-way withdrawals will be as follows:

600 feet for the Alaska Highway

300 feet for other roads

200 feet for feeder roads

100 feet for local roads

Please cooperate with Mr. Kephart by providing him with the information necessary to make the withdrawals in accordance with this decision.

In the event there are roads which now have wider withdrawals than which is indicated herein, they shall be reduced to make them consistent.

(sgd) Roscoe E. Bell  
Associate Director

cc: Asst. Secy Warne  
Mr. Puckett  
Mr. Kadow  
Mr. Kephart

C-O-P-Y

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.

*Ben Egan*

To	Initial	Date
<i>Alaska</i>	<i>J.F.F.</i>	<i>12/14</i>
FILES	<i>files</i>	

DEC 14 1948

Memorandum

To: Jacob N. Wasserman,  
 Chief Counsel, Bureau of Land Management.

From: Irwin W. Silverman, Chief Counsel. I W S

Subject: Interpretation of Public Law 229 (80th Cong., 1st sess.).

*9-1-48*  
*for*

Attached is a copy of a self-explanatory letter from Colonel John R. Noyes, Commissioner of Roads for Alaska, requesting an interpretation of the effect of Public Law 229 (80th Cong., 1st session), relating to reservation rights-of-way on public lands in Alaska.

I would appreciate having your views on this matter.

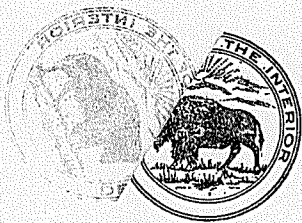
Attachment.

LBE:vb  
 12/13/48

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DEC 1



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

December 1, 1948.

To	Initial	Date
2. Alaska	J.R.	12/1
1 M. Silberman		

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

Gentlemen:

The 1947 Act providing for road reservation in patents for lands in the Territory (U.S.C. Title 48, Sec. 321d) provides:

"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 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."

The wording of the act would seem to indicate that it is applicable only to lands since filed upon, and would have no application to lands previously filed upon although patent had not yet been issued. Will you kindly obtain clarification on this point, either from the Solicitor or the Bureau of Land Management.

Yours very truly,

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

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DEBVI

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

*Goding*

DEC - 9 1946

*9-1-46  
Jen.*

Air Mail

Col. John R. Noyes,  
Commissioner of Roads,  
Alaska Road Commission,  
Juneau, Alaska.

Dear John:

This is in reply to your letter of November 30 relative to the widths of right-of-way along Alaska roads.

This is one of the Committee's recommendations which will be brought up for decision within the next few days. We will let you know promptly when a decision is made.

Best personal regards.

Sincerely yours,

(Sgd.) H. Rex Lee

H. Rex Lee,  
Assistant Director.

Goding/gmr  
Dec. 3



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

November 30, 1948

INTERIOR DEPT  
RECEIVED  
DEC - 2 1948  
TERRITORIES

Mr. H. Rex Lee, Assistant Director,  
Division of Territories & Island Possessions,  
Department of the Interior,  
Washington 25, D. C.

Dear Rex:

Whatever happened about the matter of  
widths of right-of-way along Alaska roads?  
Nothing has come from Washington as yet on  
this subject.

With best regards, I remain

Sincerely yours,

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

RG 126, Off. of Territories  
E. 3, Central Files, 1951-71  
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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON 25, D. C.

IN REPLY REFER TO:

22506 "L" 100

DEC 2 1948

MEMORANDUM

To: Assistant Secretary Warne.  
From: Director, Bureau of Land Management.  
Subject: Rights-of-way for Alaska Highways - Summary of Recommendations.

To	Initial	Date
Leahman		12/9
Lee	pol	12/10
Godling	WGS	12/10

9-1-46  
Gene

At the time the question of the right-of-way width of the Alaska Highway was up for consideration the National Park Service recommended a width of 600 feet, which was subsequently adopted. At that time the Bureau of Land Management (General Land Office) recommended a width of 300 feet for the Alaska Highway.

While uniform rights-of-way for other highways in Alaska were discussed from time to time, no specific recommendations covering all classes of roads were ever put together in one place. The National Park Service at one time recommended a 400-foot width for all other roads. The Bureau of Land Management had recommended 200 feet for main highways, other than the Alaska Highway, and 100 feet for secondary roads.


Immediate consideration was given to this matter by the Alaska Field Committee soon after it was organized. A Subcommittee on Highways was appointed to study the matter, this Subcommittee consisting of A. C. Kuehl, NPS; Lowell M. Puckett, BLM; and John K. Noyes, ARD. Messrs. Kuehl and Puckett recommended in a verbal report to the Alaska Field Committee that the following widths for rights-of-way be adopted:

Alaska Highway	600 Feet
State-Tok and other primary roads	400 "
Secondary roads	200 "
Farm roads	100 "

Colonel Noyes made a minority report favoring a width of 300 feet or less for Class 1 highways.

cc: Division of Territories

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The Alaska Field Committee rejected the Subcommittee's report in favor of the following widths:

Through and feeder roads	200-Foot right-of-way
Local roads	100 " " " "

Mr. Stoddart, Division Engineer, and Mr. Wyler, District Engineer of the Public Roads Administration, expressed themselves as being in favor of the rights-of-way recommended by Colonel Noyes, namely, 300, 200, and 100 feet, respectively, for through, feeder, and local roads.

Subsequent to the foregoing action, the Subcommittee of Messrs. Kuehl, Puckett, and Noyes met again and submitted a unanimous report recommending rights-of-way of 300, 200, and 100 feet for through, feeder and local roads, respectively.

Collateral Matters. The Field Committee is opposed to the granting of special land use permits for the use of lands within rights-of-way of 300 feet or less.

The Subcommittee adopted the Alaska Road Commission's classification of highways as through roads, feeder roads, and local roads.

(Sgd) Marion Clawson

Director.

cc: R.A., Reg. VII, Anchorage, Alaska.  
✓ Division of Territories

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

File Number

9-1-46  
Jan.

Date

Oct. 26, 1948

CROSS REFERENCE

To:

Subject:

EXTRACT:

This whole discussion gave rise to a report by Governor Gruening regarding the proposition of swapping some land in northwestern Alaska and Skagway for the strip of Canadian ~~land~~ which lies between the Haines-Cut-Off and the coast, including enough on the north side of the road to guarantee ample right-away. It was pointed out that this proposition had been presented to General Twining by Colonel Noyes and that the General was going to have it brought up at the Joint Defense Board. A motion was made, seconded, and passed unanimously by the the Field Committee urging detailed consideration of this proposition by the Interior Department and recommending the Secretary's views be expressed to the Joint Military Board and the State Department.

Signed:

Kenneth J. Kadow, Director

See File Number:

9 1 55 - ROADS & TRAILS - HAINES CUT-OFF

49515

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RECEIVED  
OFFICE OF TERRITORIES  
ALASKA FIELD STAFF  
JUNEAU, ALASKA



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

INTERIOR DEPT.  
RECEIVED  
OCT 25 1948  
TERRITORIES

To	Initial	Date
DAVIS	JPD	10/25
LEE	JPDH	10/26
ELIANKIE	JTF R	11/13
FILES		

October 22, 1948

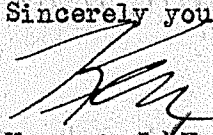
g-r-46  
pen

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

Dear Jim:

I enclose herewith a copy of a letter I received this morning from Frank A. Metcalf, Territorial Highway Engineer. Metcalf is in general agreement with the other provisions of the Alaska Field Committee's recommendations. This letter expresses his views quite clearly regarding the matter of rights-of-way.

Sincerely yours

  
Kenneth J. Kadow  
Director

cc: William B. Warne  
Robert K. Coote  
John R. Noyes  
Lowell Puckett  
Ernest Gruening  
Alfred C. Kuehl

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OFFICE OF THE HIGHWAY ENGINEER  
DEPARTMENT OF THE INTERIOR  
JUNEAU, ALASKA

TERRITORY OF ALASKA  
Office of the Highway Engineer  
Highway Patrol and  
Superintendent of Public Works  
Juneau, Alaska

October 16, 1948

Alaska Field Committee  
Department of the Interior  
Box 3093  
Juneau, Alaska

Attention Mr. Kenneth J. Kadow

Gentlemen:

In line with our recent telephone conversation relative to the right of way widths along the public highways of the Territory, it is my opinion, based upon personal observation of the conditions as I found them in the field, that too much could not be said in favor of a maximum variable width of from one hundred to an extreme of two hundred feet. Most of the territory traversed by our highways is through barren untillable terrain, which only the existence of those highways makes valuable.

If we are to promote the advancement of our Territory, it is paramount that we meet every desire of the prospective settler and make it as easy and attractive for him as possible to take up land along our highways. If the conditions are so severe as to make him stay back an eighth of a mile from the center line, we are defeating the very ends for which the roads were originally built: the development of the Territory. No one will build so far back from the road and be expected to keep that strip of government land cleared.

The Canadian Government is doing everything in its power to induce settlement along their stretch of the Alcan Highway and I think the American Government should do the same or better.

I would not recommend a standard maximum blanket width of any given dimension for the entire Territory as that would entail hardships in many instances. I think a land classification should be made and a program flexible enough to meet the conditions as found in the field, but in no case would I recommend a right of way over 200 feet, and where the value of the land justifies it, only 66 feet.

Respectfully submitted,

/s/ Frank A. Metcalf  
Territorial Highway Engineer

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