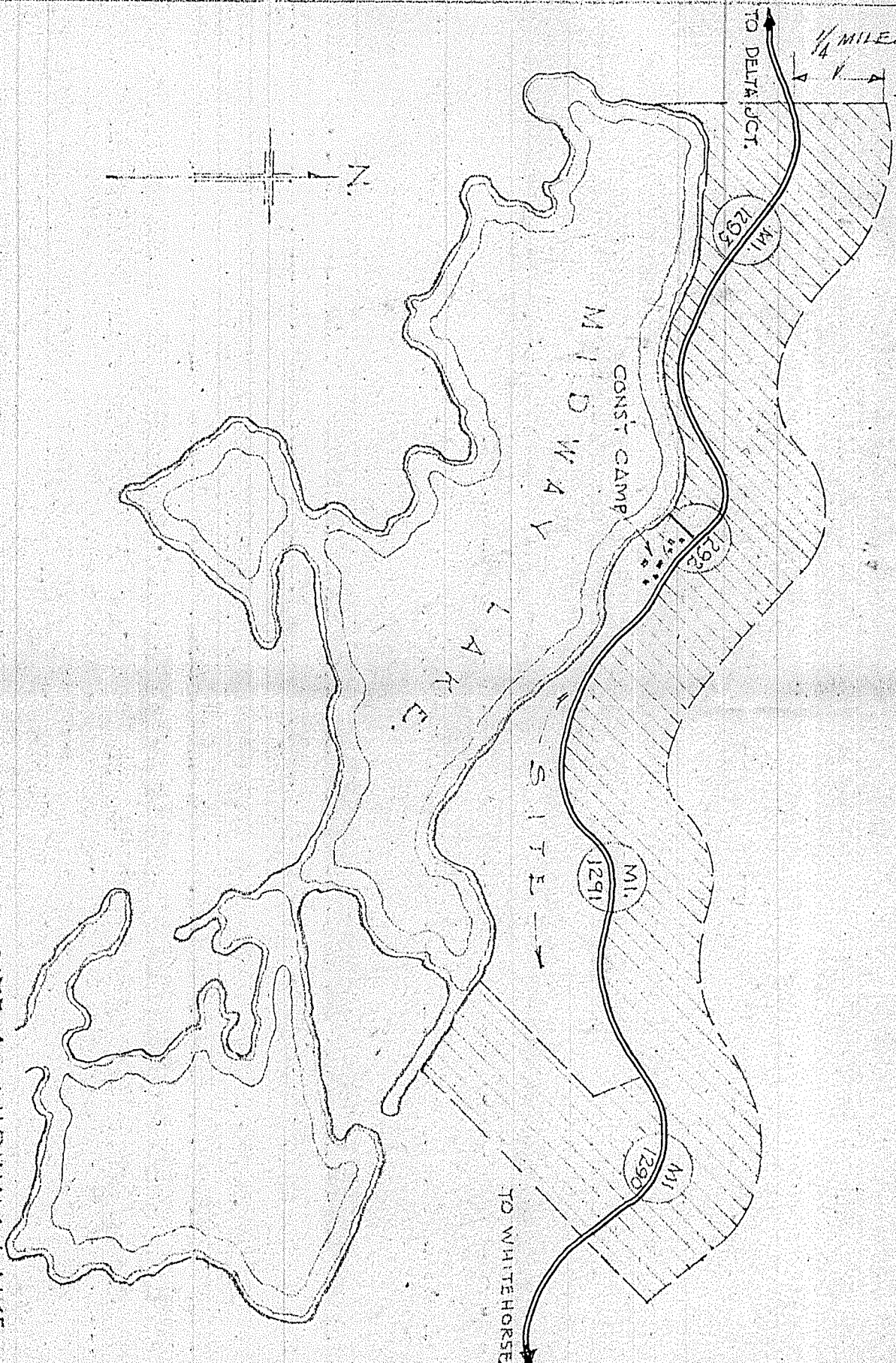
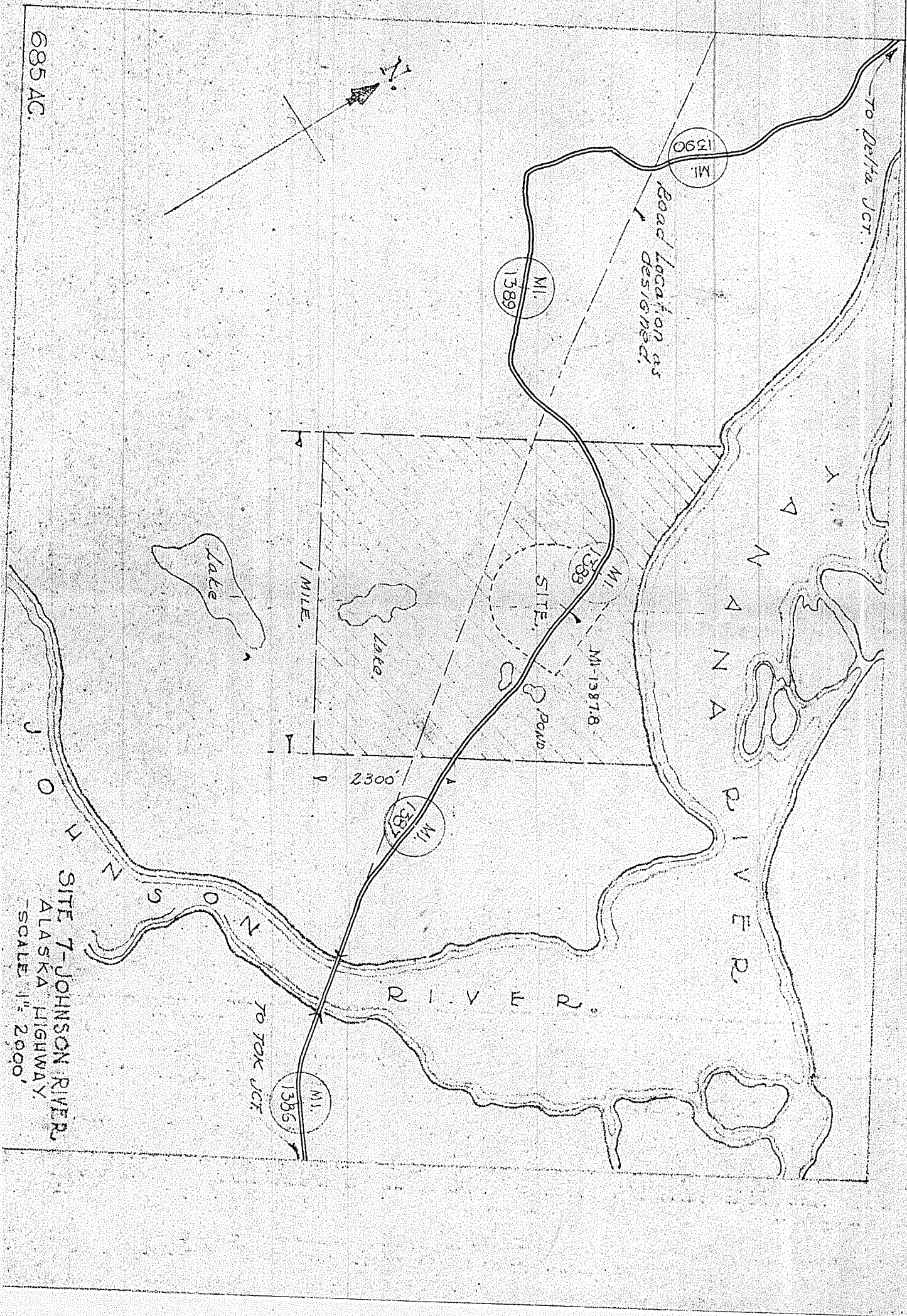


1070 AC.



SITE 4. MIDWAY LAKE
ALASKA HIGHWAY
SCALE 1" = 2000'

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Box 129



685 AC.
 SITE 7-JOHNSON RIVER
 ALASKA HIGHWAY
 SCALE 1" = 2000'

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 Box 129

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

25, D. C.

July 21, 1947

9-1-55
akc
Legis.
Proposed
Right of Ways

Air Mail

Mr. Ike P. Taylor, Chief Engineer,
Alaska Road Commission,
Juneau, Alaska.

Dear Ike:

Well, Ike, while I suppose you may already have heard of it through other channels, I am pleased to say that the H. R. 1554 Right-of-Way in Alaska Land Grants has passed both Houses of Congress and now rests on the President's desk. It will undoubtedly be signed so then, at long last, you will have the road legislation you had requested.

Best of wishes to you all. May see you in a few weeks.

Sincerely yours,

(Sgd.) Jos. T. Flakne
Jos. T. Flakne,
Chief, Alaska Branch.

JTFlakne:ggc

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

Controlled

May 15, 1947.

files
9-1-53
ARC
Legis. - Prop
Rights of Way

Memorandum

To: Herbert J. Slaughter, Chief, Legislative Division
From: Irwin W. Silverman, Chief Counsel (Sgd.) IRWIN W. SILVERMAN
Subject: H.R. 1554, reservation of rights-of-way in future patents of land in Alaska.

Last January the Department submitted to Congress a draft of proposed legislation, later introduced by Congressman Welch as H. R. 1554, providing for the reservation of rights-of-way in future patents of land in Alaska. Since that time the Alaska Road Commission has written to the Division pointing out that the bill does not state the width of the rights-of-way it is proposed to reserve. I enclose a copy of that letter for the consideration by the Legislative Division and BLM of the suggestion made therein.

Enclosure.

FC:mcm

cc: Mr. Corneiro



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E. 3, Central Files, 1951-71
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ADDRESS REPLY TO
ALASKA ROAD COMMISSION

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

FEB 28 RECD

Mr. Flakne

February 25, 1947

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

Dear Mr. Flakne:

It is noted H.R. 1554 providing for exceptions for right of way for roads in future patents issued for lands in Alaska does not state the width of the right of way proposed. This may have been purposely omitted due to the difficulty of determining in advance the width of right of way which may be required. The width actually needed will depend on the standard of road to be constructed and would probably vary from a minimum of 50 feet to a maximum of 100 feet.

If the committee requires that the width of right of way be determined the following language is suggested, possibly following the period in line 11 on page 2:

"The width of the right of way reserved shall be no greater than necessary to permit the construction and maintenance of a roadway to the prevailing standard in the area concerned but in no case shall the width reserved exceed 100 feet."

Very truly yours,

Hawley Sterling
Hawley Sterling
Acting Chief Engineer

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Box 129

80TH CONGRESS
1ST SESSION

H. R. 1554

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1947

MR. WELCH introduced the following bill; which was referred to the Committee on Public Lands

A BILL

To amend the Act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes", approved June 30, 1932.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Act entitled "An Act providing for the transfer
- 4 of the duties authorized and authority conferred by law upon
- 5 the board of road commissioners in the Territory of Alaska
- 6 to the Department of the Interior, and for other purposes",
- 7 approved June 30, 1932 (47 Stat. 446), is hereby amended
- 8 by adding at the end thereof the following new section:

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1 “SEC. 5. In all patents for lands hereafter taken up,
2 entered, or located in the Territory of Alaska, and in all
3 deeds by the United States hereafter conveying any lands
4 to which it may have reacquired title in said Territory not
5 included within the limits of any organized municipality,
6 there shall be expressed that there is reserved, from the lands
7 described in said patent or deed, a right-of-way thereon for
8 roads, roadways, highways, tramways, trails, bridges, and
9 appurtenant structures constructed or to be constructed by
10 or under the authority of the United States or of any State
11 created out of the Territory of Alaska. When a right-of-
12 way reserved under the provisions of this Act is utilized by
13 the United States or under its authority, the head of the
14 agency in charge of such utilization is authorized to determine
15 and make payment for the value of the crops thereon if not
16 harvested by the owner, and for the value of any improve-
17 ments, or for the cost of removing them to another site, if
18 less than their value.”

80TH CONGRESS
1ST SESSION

H. R. 1554

A BILL

To amend the Act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes", approved June 30, 1932.

By Mr. WELCH

JANUARY 30, 1947

Referred to the Committee on Public Lands

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Box 129

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

January 17, 1947.

9-1-55
ARC
Legis-Prop.
Right of Way

Mr. Ike P. Taylor, Chief Engineer,
Alaska Road Commission,
Juneau, Alaska.

Dear Ike:

This is to advise you that the Department's bill
(sponsored by the Bureau of Land Management) to provide
for the reservation of rights-of-way in grants of land
in Alaska was submitted to the Congress on January 14.

Sincerely yours,

(Sgd.) Jos. T. Flakne

Jos. T. Flakne,
Chief, Alaska Branch.

JTFlakne:ggc



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Box 129



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

January 16, 1947.

Mr. Arnold.

Ed:

1. The Department's bill (sponsored by the Bureau of Land Management) to provide for the reservation of rights-of-way in grants of land in Alaska was submitted to the Congress on January 14.
2. The Budget for 1948 lists for Virgin Islands Public Works under FWA, the sum of \$3,006,205. This includes \$296,000 for highways and roads and \$1,632,000 for potable water supply.

(Sgd.) IRWIN W. SILVERMAN

Irwin

cc: Mr. Barr
Mr. Flakne

copy in V.I. files

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Box 129

THE SECRETARY OF THE INTERIOR
WASHINGTON

Jan. 13, 1947

G.L.O.
Lanigan
Wasserman
Havell
Johnson
Flakne
Sitterman
Lee
Hom
Goldberg
Slaughter
White
Gardner
Doty

2123637

My dear Senator Vandenberg:

Enclosed is a draft of a proposed bill "To amend the act entitled 'An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes,' approved June 30, 1932." I request that this proposed bill be referred to the appropriate committee for consideration and recommend its enactment.

The purpose of the enclosed draft is to provide for the reservation by the United States in patents or deeds to land in Alaska of rights-of-way for trails, roads, highways, tramways, bridges and appurtenant structures constructed or to be constructed by the authority of the United States or of any future state created in Alaska. Such legislation is desirable to facilitate the work of the Alaska Road Commission.

9-1-53
are
Legis
Proposed
Rights of Way

The greater part of the area on which the operations of the Alaska Road Commission are conducted is public domain land outside of national forests and the location of rights-of-way on such land presents no serious problem. However, for the proper location of roads and in the interest of public service, it is necessary in some instances to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases and obtaining rights-of-way over such lands has in a number of cases presented difficulties requiring court action and the expenditure of Federal funds.

The proposed legislation is similar to the provision of the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. sec. 945), which reserves rights-of-way for ditches and canals constructed by the authority of the United States, west of the 100th Meridian. A similar provision is also found in the Act of March 12, 1914 (38 Stat. 305, 48 U.S.C. sec. 305), by which rights-of-way for railroads were reserved to the United States in all patents for lands thereafter taken up in the Territory of Alaska. The proposed bill would be applicable to both public domain and acquired lands of the United States. The proposed bill, moreover, would authorize the head of the agency utilizing such reserved right-of-way to make payment for the full value of the crops and improvements thereon.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this proposed legislation.

Sincerely yours,

(Sgd.) OSCAR L. CHAPMAN
Acting Secretary of the Interior.

copy 9-1-68
rem

Hon. Arthur H. Vandenberg,
President pro tempore,
United States Senate.

Enclosure 644.

(True copy made from B.L.M. file.)
rem

7906161

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

October 18, 1946.

*Lee
Flakne*

50

*9-1-55
ARC*

*Legis - Proposed
Rights of Way*

Air Mail

Mr. Ike P. Taylor,
Chief Engineer,
Alaska Road Commission,
Juneau, Alaska.

Dear Mr. Taylor:

I am enclosing a copy of a memorandum concerning the
"Legislative Program for the 80th Congress: Proposed
Departmental Bill to Provide for Reservations of Rights-
of-Way in Grants of Land in Alaska."

This memorandum, I believe, will answer the questions
which you raised on this matter with Mr. Lee and Mr. Flakne.

Sincerely yours,
(Sgd.) Edwin G. Arnold

Edwin G. Arnold,
Director.

Enclosure.

HRLee:si



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

October 17, 1946. 9-1-55
a.p.c.
Legislation -
Proposed
Right of Way

Memorandum

To: Files

From: Francisco Corneiro

Subject: Legislative Program for the 80th Congress: Proposed
Departmental Bill to Provide for Reservations of
Rights-of-Way in Grants of Land in Alaska.

I checked today with the Bureau of Land Management and the
Legislative Division on the above proposed legislation.

The bill has received clearance from the Bureau of the Budget,
and in accordance with the regular departmental procedure will be
submitted to the 80th Congress as soon as that body convenes. Under
these circumstances it appears unnecessary that further action be
taken by the Division at this time to expedite the submission of
the bill and its accompanying report.

Noted:

88

10/17/46

~~Mrs. Roskey~~

~~Mr. Flakno~~

~~Mr. Lee~~

cc: Mr. De Taylor
a.p.c.
Quinn
10/18

~~Mr. Arnold~~ *Edm*



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9-18-55
A.R.P.
Legislative
Prop. Right of Way

Files

Mr. Ike Taylor
Div. Territories

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

Noted
SWY
Room 4136
February 6, 1946. *Noted*
Graham

MEMORANDUM for Members of the Legislative Committee.

The Legislative Committee will meet on Friday, February 8, at 3:30 p.m., in the Secretary's Conference Room to consider the following subject:

A proposed bill and letter of transmittal prepared by the General Land Office in accordance with a decision of the Legislative Committee to reserve rights of way for roads in patents hereafter issued for lands in Alaska.

Copies of the proposed bill, the letter of transmittal and the memorandum of the Assistant Commissioner of the General Land Office are attached.

Herbert J. Slaughter

Herbert J. Slaughter,
Secretary, Legislative Committee.

Attachments.

FEB 1 X 1946

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Box 129

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

January 9, 1946.

MEMORANDUM for Mr. Slaughter,
Chief, Legislative Division,
Office of the Solicitor.

Re: Proposed bill to reserve rights-of-way in patents and deeds.

The proposed bill and letter have been prepared in accordance with the instructions of the Legislative Committee. As thus revised, this office does not wish to endorse either the bill or the letter.

A requirement that the beneficiary of the reservation pay the value of crops and improvements on the right-of-way, as well as the increased cost of using the land not taken is almost the equivalent of a condemnation award and leaves the beneficiary in no better position than if that were the mode of acquisition. Nor should a public land bill be incumbered with a provision relating to the disposition of surplus property.

(Sgd.) Wolfschm
Assistant Commissioner.

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THE SECRETARY OF THE INTERIOR
WASHINGTON 25, D. C.

COPY

COPY

My dear Mr. Speaker:

Enclosed is a draft of a proposed bill "To amend the act entitled 'An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes,' approved June 30, 1932." I request that this proposed bill be referred to the appropriate committee for consideration and recommend its enactment.

The purpose of the enclosed draft is to provide for the reservation by the United States in patents or deeds to land in Alaska of rights-of-way for trails, roads, highways, tramways, bridges and appurtenant structures constructed or to be constructed by the authority of the United States or of any future state created in Alaska. Such legislation is desirable to facilitate the work of the Alaska Road Commission.

The greater part of the area on which the operations of the Alaska Road Commission are conducted is public domain land outside of national forests and the location of rights-of-way on such land presents no serious problem. However, for the proper location of roads and in the interest of public service, it is necessary in some instances to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases and obtaining rights-of-way over such lands has in a number of cases presented difficulties requiring court action and the expenditure of Federal funds.

The proposed legislation is similar to the provision of the Act of August 30, 1890 (26 Stat. 391, 13 U.S.C. sec. 945), which reserves rights-of-way for ditches and canals constructed by the authority of the United States, west of the 100th Meridian. A similar provision is also found in the Act of March 12, 1911 (38 Stat. 305, 48 U.S.C. sec. 305), by which rights-of-way for railroads were reserved to the United States in all patents for lands thereafter taken up in the Territory of Alaska. The proposed bill would be applicable to both public domain and acquired lands of the United States. The proposed bill, moreover, would authorize the head of the agency utilizing such reserved right-of-way to make payment for the full value of the crops and improvements thereon.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this proposed legislation.

Sincerely yours,

Secretary of the Interior.

Hon. Sam Rayburn,
Speaker of the
House of Representatives.

FB 7 X 1946

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Box 129



A BILL

To amend the Act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932 (47 Stat. 446), is hereby amended by adding at the end thereof the following new section:

Sec. 5. 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 in said Territory to which it may have reacquired title, 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 the authority of the United States or of any State created out of the Territory of Alaska. When a right-of-way reserved under the provisions of this act is utilized by the United States or under its authority, the head of the agency in charge of such utilization is

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Box 129

authorized to determine and make payment for the value of the crops thereon if not harvested by the owner, and any improvements, or the cost of removing them to another site, if less than their value, as well as any increased cost of making use of the remaining property resulting from the use of such right-of-way.

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

May 22, 1945

Mr. Sharon
Territories
9-1-55

File

MEMORANDUM for Members of the Legislative Committee.

The Legislative Committee will meet on Friday, May 25, at 2:30 p.m. in the Secretary's conference room to consider the proposed legislation concerning national security research which was included in the agenda for the preceding meeting.

The Committee will also consider proposed legislation to reserve highway rights-of-way from all future land patents in Alaska which is recommended by the General Land Office. A copy of the draft of this bill, together with the accompanying letter of transmittal, is enclosed.

Herbert J. Slaughter

Copy 9-0-22
Gen.

Herbert J. Slaughter,
Secretary, Legislative Committee.

Mr. [unclear]
Mrs. [unclear]
have seen [unclear]

Attachments.

MAY 29 1945

attended meeting - stated that he considers the bill is too broad & might well hinder development.
BWT MAY 26 1945

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Box 129



THE SECRETARY OF THE INTERIOR

WASHINGTON 25, D. C.

My dear Mr. Speaker:

Enclosed is a draft of a proposed bill "To amend the act entitled 'An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes,' approved June 30, 1932." I request that this proposed bill be referred to the appropriate committee and recommend its enactment.

The purpose of the enclosed draft is to provide for the reservation in patents to land in Alaska of rights-of-way for trails, roads, highways, tramways, bridges and appurtenant structures constructed or to be constructed by the authority of the United States or of any future state created in Alaska. Such legislation is desirable to facilitate the work of the Alaska Road Commission.

The greater part of the area on which the operations of the Alaska Road Commission are conducted is public domain land outside of national forests and the location of rights-of-way on such land presents no serious problem. However, for the proper location of roads and in the interest of public service, it is necessary in some instances to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases and obtaining rights-of-way over such lands has in a number of cases presented difficulties requiring court action and the expenditure of Federal funds.

The proposed legislation is similar to the provision of the act of August 30, 1890 (26 Stat. 391, 43 U.S.C. sec. 945), which reserves rights-of-way for ditches and canals constructed by the authority of the United States, west of the 100th Meridian. A similar provision is also found in the Act of March 12, 1911 (38 Stat. 305, 48 U.S.C. sec. 305) by which rights-of-way for railroads were reserved to the United States in all patents for lands thereafter taken up in the Territory of Alaska. The proposed bill, moreover, would authorize the head of the agency utilizing such reserved right-of-way to make payment for the full value of the crops and improvements thereon.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this proposed legislation.

Sincerely yours,

Secretary of the Interior.

Hon. Sam Rayburn,
Speaker of the
House of Representatives.

Enclosure 2450019

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A B I L L

To amend the Act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the Board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes", approved June 30, 1932 (47 Stat. 446), is hereby amended by adding at the end thereof the following new section:

Sec. 5. In all patents for lands hereafter taken up, entered or located in the Territory of Alaska, there shall be expressed that there is reserved from the lands in said patent described, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges and appurtenant structures constructed or to be constructed by the authority of the United States or of any State created out of the Territory of Alaska. When a right-of-way reserved under the provisions of this act is utilized by the United States or under its authority, the head of the agency in charge of such utilization is authorized to make payment for the value of the crops and improvements thereon.

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Notation only
Research indexing.
Division files.
Previous correspond

IN REPLY REFER TO:

1877260 "A"

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

ADDRESS ONLY THE
COMMISSIONER OF
THE GENERAL LAND OFFICE

SEP 25 1944

9-1-55
arc-
leg-
Proposed
Rights-of-Way

MEMORANDUM for Mr. Thoron,
Director, Division of Territories.

In response to your memorandum of September 15, I have referred the proposed bill to reserve highway rights-of-way on all future land patents in Alaska to the Departmental Legislative Committee.

L. W. Johnson
Commissioner.

BWT SEP 26 1944

SEP 27 1944

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RECEIVED
BY
DATE
FILED
BIA
DIA

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

*Division
file*
9-1-55
*Leg.
Pro.
Rights of Way*

September 15, 1944.

MEMORANDUM for the Commissioner,
General Land Office.

I am of two minds in regard to the proposed bill to reserve (highway) rights-of-way on all future (land) patents in Alaska. None of the attached file seems to indicate that any exhaustive consideration has been given to the fundamental policy involved. It seems to me to savor of using a shotgun to shoot flies. I think that before it is introduced it should be thoroughly discussed by the Legislative Committee as a part of the whole problem of land policy in Alaska.

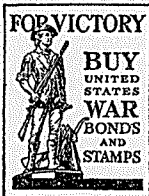
(Sgd.) B. W. Thoron
B. W. Thoron,
Director.

BWT:Eb
Attachment.

SEP 15 1944

Referring to draft of a bill "To amend an Act entitled 'An Act providing for the transfer of the (duties) authorized and authority conferred by law upon Bd. of Road Commissioners in Terr. of Alaska to the Dept. of the Interior'"

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

Gooding
Wasserman

September 13, 1944.

MEMORANDUM for Mr. Slaughter.

I have no objection to the enactment of the attached bill and have accordingly surnamed the letter transmitting the bill to the Speaker of the House. I should like to suggest, however, that the words "or the Territory of Alaska" be inserted after the words "United States" at the end of the first paragraph. Mr. Wasserman has no objection to the insertion.

(Sgd.) IRWIN W. SILVERMAN

Irwin W. Silverman,
Chief Counsel.

INS:ld

Copy for Mr. Silverman, Rm. 4136.

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.

Goldberg
Hampton

September 4, 1944.

MEMORANDUM for Mr. Goldberg.

I suggest that the (memorandum) you have prepared to the Solicitor for Mrs. Hampton's signature be withdrawn and that the letter accompanying the proposed bill be surnamed without further delay.

(Sgd.) IRWIN W. SILVERMAN

Irwin W. Silverman,
 Chief Counsel.

IWS:ld

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 Box 129

9-1-55
Sigsbee
Proposed
Right of Way
Thomas
Whitman

6/5/43

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

Correspondence on a proposed Bill (G.L.O. originated) regarding duties and authority of the Board of Road Commissioners, of Alaska.

February 4, 1943.

This material returned to
~~correspondence returned to~~
Legislative Sec., Solicitor's Office, 6/5/43, surnamed by Mr. Thoron.

Outline of the background in this matter:

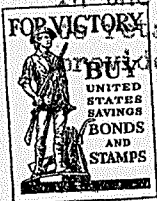
pr

Proposed legislation is to protect the interests of existing roads in the Territory of Alaska by reserving, now public domain, to which patents may in the

Commission, operating under the Department of the Interior created June 30, 1932 (47 Stat. 446), and financed by bonds, engaged in the construction and maintenance of roads, trails, bridges, and other similar works in that the national forests. The greater part of the area where the Alaska Road Commission are conducted is public domain, and the location of rights-of-way on such lands presents no problem growing out of private ownership. For the proper location of the road, and in the interest of public service, it is necessary in some cases, however, to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases. Obtaining rights-of-way across privately-owned lands has in a number of cases presented difficulties, calling for court action and requiring the expenditure of Federal funds.

A case of this kind occurred two or three years ago in connection with the construction of a bridge across a stream adjoining a certain privately-owned mining claim. The owner of the land claimed that his property was very valuable because of a placer gold mine, and asked an exorbitant price for the right-of-way necessary in connection with the construction of the bridge. This resulted in considerable delay and expense. As a consequence of this and other like instances, the Alaska Road Commission, the Governor of Alaska, and Mr. Parks, the Cadastral Engineer of the Land Office, became convinced that legislation to reserve rights-of-way in future patents of land taken from the public domain, is desirable.

In response to a request from the Road Commission, the proposed legislation was drafted in this Division and submitted to the Department for consideration. It was discussed at a meeting of the Department Legislative Committee, which did not approve favorable action on the bill, presumably because of questions raised in the meeting as to whether legislation of this kind would not have a tendency to retard settlement in Alaska. Suggestion was also made that the bill should provide for payment of damages to crops and improvements on rights-of-way when



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Box 129

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

February 4, 1943.

9-1-55
Circ.
Legis.
Proposed
Right of Way
Thomas
Whitman

MEMORANDUM for Mr. Thoron:

The following is an outline of the background in this matter:

The purpose of the proposed legislation is to protect the interests of the United States in constructing roads in the Territory of Alaska by reserving a right-of-way on lands, now public domain, to which patents may in the future be issued.

The Alaska Road Commission, operating under the Department of the Interior by virtue of the Act approved June 30, 1932 (47 Stat. 446), and financed by Federal appropriations, is engaged in the construction and maintenance of roads, roadways, highways, tramways, trails, bridges, and other similar works in that portion of Alaska outside the national forests. The greater part of the area on which the operations of the Alaska Road Commission are conducted is public domain, and the location of rights-of-way on such lands presents no problem growing out of private ownership. For the proper location of the road, and in the interest of public service, it is necessary in some cases, however, to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases. Obtaining rights-of-way across privately-owned lands has in a number of cases presented difficulties, calling for court action and requiring the expenditure of Federal funds.

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

utilized by the United States. Such a provision is included in the most recent draft of the bill. As stated in Mr. Page's memorandum of September 18, apparently it was the opinion of the Legislative Committee that the bill was not of sufficient importance to justify its submission to Congress at that time, as such action might have resulted in deferring more urgent Alaska legislation which the Department proposed to submit.

In view of the foregoing, the bill was not submitted to the last session of Congress, and apparently it is again up for consideration in connection with the legislative program of the Department for the present session.

Ruth Hampton,
Assistant Director.

Mr. White:

Miss Council of Delegate Dimond's office would like to be informed concerning the present status of the legislation referred in Mr. Thomas' memorandum of March 17 to Mr. Burlew, attached.

ABC 8-20

I called Mr. Dimond's Office and told his clerk that this proposed legislation is still pending in the Dept. Mr. Bruce Wright told me it is awaiting a further report from Reclamation and the return of Mr. Burlew. D.E. Thomas 8/20

TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES
IN SENATE CONFERENCE
COMMISSIONERS OF THE TERRITORIES
AND DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

RE: MANOCK
Miss Manock:

Julis

Note:

On October 31, 1941, Delegate Dimond wrote a letter to Director Swope concerning a draft of a bill for the transfer of the duties and authority conferred by law on the Board of Road Commissioners by the Department of Interior.

ABC 8-19

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

March 17, 1942.

9-1-55
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MEMORANDUM for Mr. E. K. Burlew,
First Assistant Secretary.

See 9-0-22 - Segie - Gen.

In our memorandum of December 4, 1940 to the Solicitor submitting our legislative program for the 77th Congress, we included as item 5 the following:

"A bill, draft attached, to provide for the reservation in patents to lands in Alaska of rights-of-way for the purpose of the Alaska Road Commission. This bill was submitted by the Department to the 76th Congress but was not introduced."

This proposed legislation was not approved by the Legislative Committee of the Department for the reason that it was believed that to include rights-of-way privileges in land patents would tend to retard settlement in Alaska. Copy of bill is attached.

When Mr. George Parks, formerly Governor of Alaska, was in Washington recently, he called at this Division and suggested that, in his opinion, it would be desirable to attempt to revive this proposed legislation for the reason that he and Mr. Ike P. Taylor, Chief Engineer of the Alaska Road Commission, felt that the enactment of such legislation would be helpful to the work of the Alaska Road Commission and that it would not seriously interfere with the settlement of Alaska.

In view of Governor Park's statement, and the apparent desire of the Alaska Road Commission, that the suggested legislation be enacted promptly, I am bringing the matter to your attention with the recommendation that the proposed bill be reconsidered by the Legislative Committee of the Department with a view to securing its enactment at the present session of Congress.

(Sgd.) GUY J. SWOPE

Guy J. Swope,
Director.

DET:pdf
Attachment.
I concur,

✓ Note on
9-1-68
Segie
Enforced

Commissioner, General Land Office.

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A B I L L

To amend an act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the act entitled "An Act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes", approved June 30, 1932 (47 Stat. 446), is hereby amended by adding thereto the following, namely:

In all patents for lands hereafter taken up, entered or located in the Territory of Alaska there shall be expressed that there is reserved from the lands in said patent described, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges and appurtenant works or structures constructed or to be constructed by the authority of the United States.

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

9-1-55
a.k.c.
Seymour
Proposed
Right of Way

February 27, 1942

(March 7, 1942)

Mr. Guy J. Swope, Director
Division of Territories & Island Possessions
Department of the Interior
Washington, D. C.

Dear Sir:

Reference is had to your letter of February 16 enclosing memorandum from the Commissioner of the General Land Office in regard to right-of-way for the Glenn Highway.

It is agreed that a reservation over surveyed lands is not necessary so long as the Land Office will include the necessary reservation in patents issued after this date. The road location continues for approximately 16 miles east of Chickaloon through surveyed lands to the east boundary of Section 27, T. 20 N., R. 8 E. The map showing this portion of the location is now being prepared and copies will be furnished as soon as available.

It has been necessary to send to our Anchorage office for the tracing of the map showing the portion of the location west of Chickaloon and prints of this will be made here and forwarded as soon as the tracing is received in this office. It is noted that in the memorandum from the General Land Office they request two copies of this map whereas in the last paragraph of your letter six copies are requested. Since this map is on a rather large scale, 400 feet to the inch, there are approximately 81 square feet of paper in each copy. While we would be glad to furnish as many copies as are required, there is some doubt as to the minimum number required. It will be appreciated if you would advise by radio the minimum number of copies of this map and of the map showing the section east of Chickaloon that are required.

Very truly yours,

Ike P. Taylor
Chief Engineer

Via AIR MAIL
IPT:JJ

Given
9-1-55
are
Glenn Hwy

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