

Mr. Clark

February 24, 1956

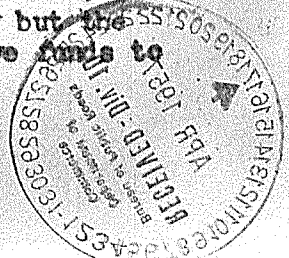
by procurement regulations than any Government agency would be. Taking all these factors into consideration it does not appear reasonable to contemplate the Bureau duplicating such facilities within its own organization as would be required were the Bureau to take over acquisition work. Likewise, since the Territory of Alaska is requesting and seriously contemplating statehood, they will through sheer necessity eventually be required to maintain such an organization or facility within their highway department. As of the present time the Territory has an Attorney General with two or three assistants and within the last few years a Territorial law was passed giving the Territory adequate Eminent Domain and condemnation rights. Furthermore, the Territory is less restricted with respect to procurement regulations. Within our knowledge acquisition costs of \$5,000 and \$10,000 for single parcels have been in the past handled by the simple expedient of having the grantor sign a Territorial voucher and a quitclaim deed. We find it hard to conceive of Federal acquisition being handled so expeditiously.

Actually there is a certain psychological value in having acquisition work performed by State right-of-way departments. The moment an individual is approached by a Federal officer the individual's reaction is to get as much as possible for his right-of-way, whereas when he is dealing with State or local authorities he considers the matter a little closer to his tax burden.

Because the various forest highway routes in southeastern Alaska traverse the coastal areas immediately adjacent to the small towns, the only homes outside of these towns are situated immediately adjacent and bordering both sides of the highways. For the most part the area consists of steep slopes covered with heavy timber and brush and probably 90% of the area is either rock or muskeg. Clearing, grubbing and establishing even a small yard and lawn are exceedingly expensive and almost herculean tasks. When these highways were first constructed, since they provided the only means of communication and reaching the town aside from small boats, the land owners were very willing to grant narrow 60-foot widths of right-of-way. They have now improved their holdings and are very reluctant to grant wider rights-of-way which result in a 1/4 to 15' or 20' solid rock cut slope ending a few feet from their doorstep and taking away the lawn or other improvements over which they have labored for the past 20 years.

During the reconstruction grading and paving of the 16 miles of Route 1, Tongass Highway, in the vicinity of Ketchikan, it is estimated that probably \$50,000 in outright cash payments and \$100,000 of extra work involving moving of buildings, utilities, clearing and grubbing of additional areas to replace former lawns, etc., were involved.

We find in our old inactive files three cooperative agreements covering construction and maintenance of sections of Glacier Highway, Route 2 (Mendenhall Loop Section); Salmon River Road, Route 9 (Cemetery-Fish Creek Section) and Wrangell Highway, Route 16 (Wrangell-Cemetery Section), dated May 3, 1926. These agreements make no mention of right-of-way but the Territory did at that time agree to contribute some cooperative funds to



Mr. Clark

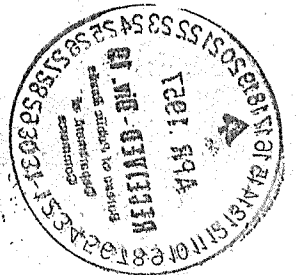
-3-

February 24, 1956

construction and the agreements also contain a paragraph covering maintenance wherein after a two year period of complete maintenance by the Bureau the cost was to be shared equally between Territory and Bureau. Copies of these old agreements will be made and forwarded to you as soon as possible.

We have also discussed the matter by telephone with District Engineer Nyler who will forward you at the earliest possible date his personal recommendations and comments regarding this problem. He also will make a thorough search of the old files for any other agreements or correspondence covering the subject.

In conclusion it is our firm recommendation that while we have no objection to the use of forest highway funds for right-of-way acquisition costs, we consider it inadvisable for the Bureau to attempt to establish a right-of-way department in Alaska or elsewhere.



COPY 08-00  
30-03

C.F. Wyller

BUREAU OF PUBLIC ROADS

Commissioner  
Washington, D. C.

January 24, 1956

F. E. Andrews, Division Engineer  
Portland, Oregon

Acquisition of Right-of-Way by the Territory of Alaska for Forest  
Highway Projects

Your reply of January 4, 1956, to our September 27, 1955, memorandum on the above subject has been received. We note that there are no statutes or regulations which require the Territory of Alaska to furnish right-of-way for Forest Highway Projects. We have not as yet replied to the inquiry received from the Territorial Highway Engineer for the reason that we believe this information may lead to complete withdrawal by the Territory from acquisition work.

We, therefore, believe it advisable to explore the matter further before answering their inquiry. If possible, we would like to have a statement, or rather a re-statement, covering the Bureau Policy regarding the use of Forest Highway funds for right-of-way acquisition work. Also, in view of the information regarding the amount of time involved in such acquisition work, the amount of funds involved which may exceed \$5,000 to \$10,000 per parcel, and the difficulty in performing title searches and obtaining clear titles, we believe that answers to the following questions may be helpful:

1. Assuming that Forest Highway funds are available for the purchase of right-of-way, we presume that either the Department of Justice or some other Government agency would have to be called upon to make the actual purchases because of the fact that purchases would exceed the authority granted the Division or District Engineer.
2. It being our understanding that Division 10 had been advised that the Bureau would not have the right of condemnation or eminent domain, how would such cases be handled?
3. Detailed advice and instructions regarding procedures and authorities with respect to questionable titles, title searches, and property valuation would be necessary.
4. If Forest Highway funds are not available for payment for right-of-way across private lands and the Territory of Alaska should elect to withdraw from right-of-way acquisition, the entire Forest Highway program in Alaska would be at a standstill.



January 24, 1956

5. If Forest Highway funds cannot be used for such acquisition work, the Territory would be in a position to practically dictate which projects were to be constructed by refusing to participate in right-of-way acquisition except on projects of their choosing.

6. We presume that, if Forest Highway funds are available for such acquisition, title to the rights-of-way would be vested in the United State's Government and presume that, should the Territory eventually be granted State-hood and Federal-aid, title to these rights-of-way could be transferred to the new State without special legislation.

These questions are being propounded previous to answering the Territory's inquiry for the reason as above stated that, should the Territory withdraw from acquisition work, the Forest Highway program will be very seriously hindered until they are satisfactorily answered.



Mr. F. E. Andrews, Division Engineer  
Portland, Oregon

January 4, 1956

C. D. Curtiss, Commissioner  
Washington, D. C.

Acquisition of Right-of-Way by Territory of Alaska for Forest  
Highway Projects

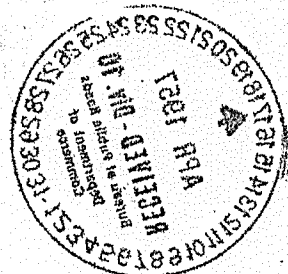
Reference is made to your memorandum of September 27, 1955, and to the discussion of Forest highway projects at the recent Division Engineers Meeting in New Orleans. You forwarded with your memorandum a letter dated September 16, 1955, from the Alaska Highway Engineer requesting advice on three questions in connection with the acquisition of right-of-way for highway projects in Alaska. You state that it has been the practice of the Territory to furnish such right-of-way although a good portion of the work involved in its acquisition has, in the past, been performed by Bureau personnel. The three questions raised and the answers are:

1. What are the specific citations to Federal statutes or regulations which require the Territory to secure and pay for rights-of-way in connection with the Bureau of Public Roads roadbuilding program?

The Territory of Alaska has no regular Federal-aid highways, the question, therefore, would apply to Forest highways. There are no statutes or regulations requiring the Territory to furnish right-of-way for such projects.

2. What are the specific citations of Federal statutes or regulations which authorize the Bureau of Public Roads to require the Territory to secure the said rights-of-way?

There are no specific statutes or regulations which authorize the Bureau to require the Territory to furnish right-of-way for Forest highway projects. Section 23(b) of the Federal Highway Act states that: "Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required...". Section 15.5 of "Rules and Regulations for Administering Forest Highways (Revised)," effective March 22, 1950, makes provision for such cooperation.



3. What are specific citations of Federal statutes or regulations which authorize the Bureau of Public Roads to construct Federal roads on property owned by the Territory?

Specific authority to construct roads on property owned by the Territory is not spelled out in the legislation. Section 2 of the Federal Highway Act defines the term "forest roads" to mean roads wholly or partly within or adjacent to and serving the National Forests, thus indicating that such highways could be and were expected to be constructed over lands other than those owned by the United States.

Cooperation of the Territory when voluntarily given may be accepted but shall not be required.



My. Wyller *RW-2*  
 Bureau of Public Roads

Mr. C. D. Curtiss, Commissioner

Sept. 27, 1955

F. E. Andrews, Division Engineer

Acquisition of Right-Of-Way by Territory of Alaska for Forest Highway Projects

There is transmitted herewith copy of a letter from the office of the Alaska Territorial Highway Engineer which raises important questions relative to the acquisition of rights-of-way by the Territory for Forest Highway Projects.

While several of the questions could be adequately answered from this level, it is our thinking that they are of sufficient importance to warrant referral for additional advice.

Previous to the time the present Territorial Highway Engineer took office in 1953 no particular difficulty was experienced in rights-of-way acquisition in Alaska, except that beginning in 1949 when the accelerated program was started in southeastern Alaska the costs greatly increased as did both the effort and volume of the actual acquisition work. Up to 1953 the actual acquisition work was performed by Bureau personnel. In 1950 to 1952 this required about one-third the time of a GS-12 engineer. In 1953 Division 10 required the Territory to assume the acquisition work, but it has never been possible for them to take such work over in full. All deeds and papers having to do with the work are still prepared by the Bureau of Public Roads. The Territorial Highway Engineer has no staff and his department consists of two field men, an administrative assistant, and himself.

During the 1953 session of the Territorial Legislature a Territorial Law was passed granting the Territory the right of condemnation and eminent domain. So far as is known the Bureau has no such rights. Consequently, it is almost impossible to conceive of their being forced to take over acquisition. In 1951 and 1952 the Territory paid out about \$50,000 per year for rights-of-way on Forest Highways and in 1954 one parcel on Kinsai Peninsula across a mining claim cost them \$15,000. The ownership in the latter case was even questionable. There are no abstract companies in southeastern Alaska, descriptions and ownerships are vague and title searches required to be performed by Bureau personnel have been sketchy and unsatisfactory.

All in all, it appears the question should be carefully resolved.

APR 28 1956  
 BUREAU OF PUBLIC ROADS



BUREAU OF PUBLIC ROADS

*RW Seal*

Mr. F. E. Andrews, Division Engineer  
ATTENTION: Mr. Chr. F. Wyller, District Engineer  
Robert V. Killewich, Highway Engineer

September 19, 1955

There is transmitted herewith letter from the office of the Territorial Highway Engineer of Alaska, in which significant points have been raised relative to the acquisition of rights of way by the Territory for Forest Highway projects.

We believe that the answers to the questions raised would in effect establish or reiterate Public Roads policy, and therefore is a matter that should be handled at Division level.





C  
O  
P  
Y

TERritORY OF ALASKA

Office of  
HIGHWAY ENGINEER  
and  
SUPERINTENDENT OF PUBLIC WORKS  
Box 2073  
JUNEAU, ALASKA

September 16, 1955

Mr. Chr. Wyller  
District Engineer  
Bureau of Public Roads  
Box 1511  
Juneau, Alaska

Re: Expenditure of Territorial funds for the acquisition of rights-of-way on roads built and maintained by the Bureau of Public Roads

Dear Mr. Wyller:

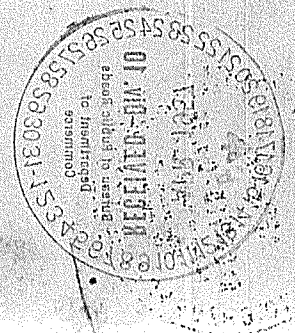
In discussing our present right-of-way problems on the Mandenhall Loop Road with the Office of the Attorney General a point was raised which will have to be answered.

The Territorial Attorney General's Office was of the opinion that the diversion of Territorial funds to Federal road projects should have explicit legal justification. It would be appreciated if you could supply this office with specific citations of any Federal statutes or regulations which:

1. require the Territory to secure and pay for rights-of-way in connection with the Bureau of Public Roads road-building program,
2. authorize the Bureau of Public Roads to require the Territory to secure the said rights-of-way,
3. authorize the Bureau of Public Roads to construct Federal roads on property owned by the Territory.

Inasmuch as the Bureau does build roads in National Forests throughout the states as well as in Alaska it would appear most likely that there are statutes and regulations pertinent to the above request and which therefore may be furnished us.

The Territory is particularly concerned over the subject problem since the Alaska Road Commission secures and pays for its rights-of-way while the



Mr. Chr. Wyller

2.

September 16, 1955

Bureau of Public Roads requires the Territory to purchase rights-of-way for Federal construction on roads owned and controlled by the Federal Government.

I am sending a copy of this letter to the Territorial Attorney General but will request that he, (1) do not contact the Solicitor for the Department of Commerce concerning the authority of the Bureau of Public Roads to require the expenditure of Territorial funds for the purchase of road rights-of-way in the National Forests, or (2) render an opinion concerning the authority of the Territory to purchase such rights-of-way until this office has received a reply to this letter. A prompt reply will be most appreciated.

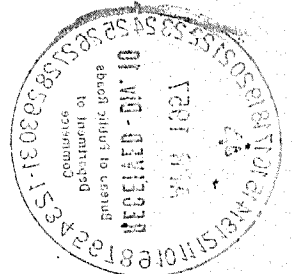
Very truly yours,

IRVING REED  
Highway Engineer

By /s/ Thelma Zenger  
(Mrs.) Thelma Zenger  
Administrative Assistant

cc: Attorney General

1955 SEP 16 10 44 AM  
U.S. DEPARTMENT OF COMMERCE



FORM SEC-254  
(5-21-57)

U.S. DEPARTMENT OF COMMERCE  
OFFICE OF THE UNDER SECRETARY  
FOR TRANSPORTATION

ROUTING SLIP

ROUTING	INFO.	NEC- AC- TION	COM- MENT	SEE ME RE THIS	SIG- NA- TURE	INI- TIAL	PREPARE REPLY FOR SIGN. OF UNDER SEC. FOR TRANSP.	PREPARE REPLY FOR SIGN. OF PERSON INDI- CATED
ROTHSCHILD								
B. NASH								
LEAVENS								
HOLLADAY								
RHODES								
NUPP								
COLLINS								
HARDEEN								

REMARKS

To Mr Telleamy's office  
Bureau of Aerial Road  
Construction & reply for  
Mr Rothschild's signature

FROM: EDWARD MARGOLIN

11/21

USCOMM-DC 3083

40-90

July 6, 1956

Mrs. Ragnar Stokke  
Mitkof Hotel  
Petersburg, Alaska

Dear Mrs. Stokke:

Reference is made to your letter of June 27 to the Secretary of Commerce urging the construction of some 38 miles of road in Alaska to provide a connection between the present Mitkof Highway near Petersburg, Alaska, and the southern terminus of a Canadian route at Telegraph Creek.

The recently approved Federal-Aid Highway Act of 1956 provides that Alaska shall be entitled hereafter to share in funds authorized for expenditure for projects on the Federal-aid highway systems. The system of roads on which Federal-aid apportionments to the Territory are to be expended are to be determined and agreed upon by the Governor of Alaska, the Territorial Highway Engineer of Alaska and the Secretary of Commerce. Such a system has not as yet been established. If the proposed route is included in the Federal-aid system for the Territory, the portion of the route lying within Alaska would be eligible for improvement and maintenance with Federal-aid funds and funds contributed by the Territory, the latter to be not less than 10 percent of the Federal-aid funds apportioned to the Territory. The construction and maintenance of the portion of the route lying within the Dominion of Canada would need to be financed with funds to be provided by that government.

The portion of this proposed route lying within Alaska, would be within the Tongass National Forest and could be proposed for inclusion in the Forest highway system upon the recommendation of the Territorial Highway Department, the Regional Forester of the U. S. Forest Service, and the Division Engineer of the Bureau of Public Roads. Final approval would be by the Chief of the U. S. Forest Service and the Commissioner of the Bureau of Public Roads. After inclusion in the approved Forest highway system, it would become eligible for improvement with Forest highway funds.

The construction of a route to provide a similar connection was the subject of the Alaska Joint Senate Memorial No. 18, passed in 1955. At that time the District Engineer for the Bureau of Public Roads for Alaska was furnished a copy of the Memorial for his guidance in the event a request was made by the Territorial Highway Department and the Regional Forester for the inclusion of such a route in the Forest highway system. To date such a request has not been presented to the Bureau of Public Roads.

Very truly yours,

**C. D. CURTISS**

C. D. Curtiss  
Commissioner of Public Roads

Mr. G. M. Williams

C O P Y

MITKOF HENTEL

June 27, 1956

Honorable Sinclair Weeks  
Secretary of Commerce  
Washington, D. C.

Barnice and Ragnar Stokke  
Box 1064  
Petersburg, Alaska

Sir:

It just seems a shame for our U.S. Bureau of Public Roads to spend the millions they do on the development of tourist industry by building roads to the Central and South American countries and completely overlook the wonderful potential tourist industry in Southeastern Alaska.

The construction of approximately 115 miles of road down the Stikine River from just South of Telegraph Creek, B.C. to Petersburg would permit the tourists to take advantage of the prettiest country in the world. The road would be close to the LaConte Glacier, the most active glacier in the world.

If the United States would construct 38 miles of road, from the end of our present Mitkof Highway, I am quite sure the British Columbia Bureau of Roads would be quite willing to finish the road for the balance of 80 miles. This would give British Columbia access to a deep water port for their Dease Lake Asbestos Mining operations. In the late 1800's two railways were projected, the Yukon by McKenzie and Mann and the Cassiar Central, one of these was surveyed to terminate at Point Frederick, a deep water point just a few miles from the Town of Petersburg.

In addition to tourist industry, which utilizes the natural resources but does not deplete them, this would enable our fishing industry to develop. Petersburg is the center for the fishing industry of Southeastern Alaska and we handle the largest tonnage of seafood products of any port in Alaska. Refrigerated trucking would provide fresh market seafood direct to the eastern markets thereby providing a better product for the consumer.

Sincerely

/s/ Mrs. Ragnar Stokke

C O P Y  
of hand written letter

MITCHELL BOWEN

Bernice and Ragnar Stokke  
Box 1064  
Petersburg, Alaska

June 28, 1956

Dear Mr. Weeks:

Enclosed is copy of an Editorial from yesterday's JUNEAU  
Empire which coincides with my letter of yesterday.

The Stikine Road is the cheapest and easiest road to  
start the program.

Sincerely

/s/ Bernice Stokke

CROSS REFERENCE

File No. (ALASKA) F.H.

Date 7/5/56

FROM : CURTISS (60-00)

TO : SINCLAIR WEEKS

SUBJECT:

Section 107 of the Fed.-Aid Hwy. Act of 1956 provides for participation by Alaska in the apportionment of Fed.-aid primary, secondary & urban funds & for the transfer to the Dept. of Commerce from the Dept. of the Interior of its functions pertaining to roads in Alaska within 90 days after approval of the Act.

In accordance with the provisions of the Act, Alaska was included in the apportionment of \$125,000,000 authorized for fiscal year 1957. Alaska's share in the 1957 apportionment amounted to only \$1,932,588, but its share in the fiscal year 1958 apportionment will be approximately \$13.2 million.

Before a Fed.-aid program can be developed in Alaska, it will be necessary to initiate action to transfer the functions & duties of the Dept. of Interior pertaining to construction & maintenance of roads in Alaska to the Dept. of Commerce. With the transfer of functions, there is to be transferred the personnel, funds & property used or held in connection with those functions.

The Act provides that the Secy. of the Interior & the Secy. of Commerce shall take such steps as may be necessary to accomplish the transfer. The transfer must be effected by Sept. 27, 1956.

In view of the many operating problems to be solved before the effective date of transfer, I recommend a conference at an early date between Dept. of Commerce & Dept. of Interior officials at the secretarial level to resolve policy questions.

See File No. (ALASKA) F A H 7

BUREAU OF PUBLIC ROADS



~~Report~~

Butt show to  
legal - since legal  
prepared 1st reply  
to Alaska inquiry -  
which Div. 8 has not  
forwarded to the  
Territory.

GMW  
6/22

FORM CD-14 (10-27-53)	DEPARTMENT OF COMMERCE	DATE <del>DATE</del> 7-9-56
TRANSMITTAL SLIP		REF. NO. (If any)
TO: <del>ACC, GMW, DFE</del>		REF. NO. (If any)
FROM: MBChristensen		REF. NO. (If any)
<b>ACTION</b>		
<input type="checkbox"/> NOTE AND FILE	<input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE	
<input type="checkbox"/> NOTE AND RETURN TO ME	<input type="checkbox"/> TAKE APPROPRIATE ACTION	
<input type="checkbox"/> RETURN WITH MORE DETAILS	<input type="checkbox"/> PER YOUR REQUEST	
<input type="checkbox"/> NOTE AND SEE ME ABOUT THIS	<input type="checkbox"/> SIGNATURE	
<input type="checkbox"/> PLEASE ANSWER	<input type="checkbox"/> FOR YOUR INFORMATION	
<input type="checkbox"/> FOR YOUR APPROVAL	<input type="checkbox"/> INVESTIGATE AND REPORT	
<input type="checkbox"/> PER OUR CONVERSATION		
COMMENTS: Because of a change in plans for proposed pulp mill development in the Wrangell area, the need for the road involved in paragraph 3 has ended and the project is being withdrawn from the FH program. This takes care of the pressing r/w problem.		

COMM-DC-3822

*Alaska*  
*X R/W folder*  
*W. J. ...*  
*...*

June 12, 1956

Mr. Irving Reed  
 Territorial Highway Engineer  
 Box 2073  
 Juneau, Alaska

*Copy furnished Legal*  
*ELH*

Dear Mr. Reed:

Under the date of September 16, 1956, you addressed a letter to District Engineer Wyller requesting answers to various questions regarding the securing of rights-of-way in Alaska as propounded by the Territorial Attorney General's office.

We sincerely regret the extreme delay which has occurred in answering your inquiry. However, because of the nature of these questions and the policies involved, it has been considered necessary to refer the matter to our Washington office for answer. Because of the large volume of work to be handled in Washington in connection with impending highway legislation, which is now further complicated by the possibility that H. R. 10660 which is pending in Congress at this time may extend Federal Aid to Alaska and result in a complete change in the highway procedures in the Territory, we have been unable to obtain a satisfactory answer to date.

It is our understanding that you have recently advised Mr. Wyller that until an answer to your September 16 inquiry was received, you did not care to proceed with acquisition of rights-of-way on the proposed project at Wrangell at this time. As you know, a timber sale has recently been consummated by the Forest Service at Wrangell, and the construction of a sawmill, and possibly in the near future a pulp mill, is presently contemplated. It appears essential that this highway reconstruction, therefore, should not be delayed more than is absolutely necessary. Funds have been programmed and approved for this work; and, under our usual procedure, it is essential that the funds be immediately obligated, otherwise it may be necessary that they be transferred for use elsewhere. Under the circumstances, we respectfully ask that you give further consideration to proceeding with the acquisition of these rights-of-way at this time, even though satisfactory answers have not been given to your inquiry. It is probable the matter will be clarified, either by the pending legislation or by direct answer from our Washington office in the near future.

In the meantime, it is believed we can satisfactorily answer question No. 3 which the Attorney General asked relative to specific citations from Federal Statutes or Regulations which authorize the Bureau of Public Roads to construct federal roads on property owned by the Territory.

Mr. Irving Reed  
Page 2  
June 12, 1956

Although, specific authority to construct roads on property owned by the Territory is not spelled out in the legislation, Section 2 of the Federal Highway Act defines the term "forest road" to mean roads wholly or partly within or adjacent to and serving the national forests; thus, indicating that such highways could be and were expected to be constructed over lands other than those owned by the United States. Within the 48 states, all states acquire rights-of-way for Forest Highways and title to the rights-of-way are vested in the particular state. The Bureau's action usually consists of merely furnishing the State Highway Department with a set of plans showing the location of the road and the State proceeds with acquisition work based on such plans. Likewise, the Act only provides for maintenance on newly constructed Forest Highway sections for a period of two years with Forest Highway funds; after which, maintenance within the 48 states is taken over by the State Highway Department. In Alaska, however, the Bureau has provided permanent maintenance.

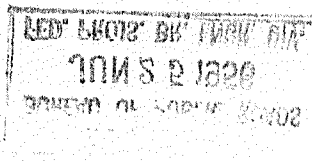
Under the existing circumstances because of the essential characteristics of the project at Wrangell, it is hoped that you will find it possible to reconsider your decision regarding the acquisition of this right-of-way.

Very truly yours,

F. E. ANDREWS  
Division Engineer

WAW/nlc

cc: A. C. Clark, C. F. Wyller (3), Stanley, Wood



ALASKA Forest Highways - General ✓

Right-of-Way Subject File

See Resume Book - Right-of-Way for memo dated June 5, 1956,  
Curtiss to Andrews re: Acquisition of right-of-way for Alaska  
Forest Highway Projects.

"....present legislation or regulations do not preclude the use of Forest highway funds to pay for rights-of-way for Forest highway projects,...." "....We consider it highly undesirable for Public Roads to undertake the functions of negotiating and settling for the rights-of-way,...." "...that Public Roads is willing, if the Territory so insists, to finance part or all of the right-of-way acquisition costs from Forest highway funds, but is very desirous that the actual acquisition work be performed by and in the name of the Territory...."

(Alaska) F. H. Rye  
 4 Forest Highway 1  
 2 Forest Highway 7.

Mr. F. E. Andrews, Division Engineer  
 Portland, Oregon

June 5, 1956

C. D. Curtis, Commissioner  
 Washington, D. C.

(2 pages)

CDC

**Acquisition of right-of-way for Alaska Forest Highway Projects**

Reference is made to your memorandum of May 21, 1956, and to earlier exchanges of correspondence and telephone calls relating to the acquisition of rights-of-way for Forest highway projects in Alaska.

As stated in my memorandum of January 4 to you, present legislation or regulations do not preclude the use of Forest highway funds to pay for rights-of-way for Forest highway projects, but to date Forest highway funds have not been used for such purpose. Forest highway rights-of-way have been acquired by, at the expense of, and in the name of the cooperating State, Territory or county. Under the 1921 Act there was an authorization of funds for the survey, construction, reconstruction and maintenance of Forest roads and trails. The same Act specifically excluded costs of rights-of-way as an eligible cost of construction. Accordingly expenses for rights-of-way and for their acquisition were not payable from Federal funds. Insofar as rights-of-way were concerned, the responsibility for them was assigned to the cooperator under cooperative agreements in accordance with the terms of the 1916 Act and regulations issued thereunder. These conditions remained in effect until passage of the Federal-aid Highway Act of 1944 which included costs of rights-of-way as an eligible cost of construction. As a policy matter, the conditions set by the 1921 Act have been continued since passage of the 1944 Act, and the cooperative agreements for Forest highway projects or routes have not been revised insofar as the Article having to do with the cooperator being responsible for furnishing rights-of-way without cost to the Federal Government is concerned.

It seems that Alaska now objects to following the long-established practice and desires that in the future the rights-of-way for Alaska Forest highway projects be financed with Forest highway funds instead of with Territory funds. Since the legal restriction to use of Federal funds for purchase of rights-of-way was removed by the 1944 Act, it appears that another provision of the 1921 Act, namely, that cooperation may be accepted but shall not be required, may be brought into effect by the Territory and thus require that right-of-way for desirable Forest highway projects be purchased with Forest highway funds if construction thereon is to be accomplished.

It is not entirely clear to us whether the Territory's objective is solely to have the rights-of-way paid for with Forest highway funds, or whether it also desires to be relieved of any part of the actual acquisition processes. We consider it highly undesirable for Public Roads

to undertake the functions of negotiating and settling for the rights-of-way, including the preparation and execution of the legal documents and possible court actions to clear title or take by exercise of right of eminent domain. The reasons why Public Roads should not undertake these functions are fully discussed in previous correspondence, particularly your memorandum of February 24 and District Engineer Nyllar's memorandum of February 29, 1956, to this office, and there is no need to restate them here.

In view of the present attitude of the Territory, we suggest that you inform its representatives that Public Roads is willing, if the Territory so insists, to finance part or all of the right-of-way acquisition costs from Forest highway funds, but is very desirous that the actual acquisition work be performed by and in the name of the Territory. Every effort should be made to work out an arrangement whereby the Territory will pay all acquisition costs with its own funds and then be reimbursed in a manner similar to that applying in the case of Federal-aid projects. The requirements and procedures set forth in 24CFR 343 would be applicable, except for such minor adjustments as might be necessary.

It should be fully understood that if Forest highway funds are to participate in the right-of-way costs, a clear title must be assured in all cases. In view of the situation that apparently exists in Alaska with respect to questionable titles, this requirement may necessitate court action to clear the title in nearly all cases. A possible alternate that might be considered would be for the Territory to obtain the best title that is available without court action and proceed with the construction on that basis provided the Territory guarantees to take whatever action may be found necessary at a later date to clear the title if a question should arise.

Should the Territory be willing to cooperate on the above basis, we shall then have to consider what other steps should be taken.

There may be a possibility that the Territory believes that if Forest highway funds are to be used for right-of-way acquisition, additional funds will be made available from some source for the purpose. If there should be any misunderstanding on this point, it should be made clear that if any Forest highway funds are devoted to right-of-way there will, of course, necessarily be a corresponding reduction in the funds available for other purposes. The suggestion might be made, however, that in order to provide funds for right-of-way and still continue about the same construction level, the Territory could very well assume the obligation for maintenance of some of the completed projects.

It is possible that the final legislation now being considered by Congress will contain language along the lines of Section 108 of PL 10449 as passed by the Senate on May 29. If so, the entire matter of application of Federal and Federal-aid funds for highway construction and maintenance in Alaska will be subject to review and establishment of new regulations. It appears desirable that the Territory defer taking a final position on the matter of use of Forest highway funds for acquisition of rights-of-way.

2/28/56  
MBC:Christensen:SMW:nc

cc: Files-2 ✓ Mr. Clark ✓ Mr. Williams, C.M. ✓ Mr. Christensen ✓ Mr. Kaltenbach ✓ Mr. Erhart ✓

BMW

6-13-56

CROSS REFERENCE

File No. (Alaska) F.H.

Date 5/29/56

FROM : Kaltenbach (30-02)

TO : Andrews.

SUBJECT: Construction Contracts (Standard Form 23A)

This will ack. your memo 5/4 & the attached copy of a ltr. from Eben H. Lewis, Attorney-Adviser, to A.F. Ghiglione, Dir. of the Alaska Road Commission.

Note is taken of Mr. Lewis' comments regarding Article 4.2 (a) of FP-41. We have previously recognized that a strict interpretation of this clause would indicate some variance from the provision in old Standard Form 23 & new Standard Form 23A relating to subsurface or latent conditions. However, it has caused no particular problem, & on the several occasions when any question arose the matter was handled within the general framework of the provisions of Standard Forms 23 & 23A.

In the redrafting of the Public Roads( standard specifications, the language in previous Article 4.2 has been eliminated & certain other changes were made in this section to accomplish the desired results. Answering the last sentence of your memo., no change is considered necessary in the current assemblies & Special Provisions relating to this point.

See File No. (Alaska) F.H. 2

BUREAU OF PUBLIC ROADS

Office Memorandum • UNITED STATES GOVERNMENT

AIR MAIL

6046  
Jeggs

TO : Deputy Commissioner for Engineering  
Washington, D. C.

DATE: May 21, 1956

FROM : F. M. Andrews, Division Engineer  
Portland, Oregon

SUBJECT: Acquisition of Right-of-Way by the Territory of Alaska for  
Forest Highway Projects.

Reference is to our memoranda of September 27, 1955; January 24, 1956, and February 28, 1956, and also to your memorandum of January 4, 1956, telephone discussion of February 24, 1956 and data submitted by District Engineer, Wyller, on the above subject.

Transmitted herewith is a copy of letter dated April 25, 1956 from Territorial Highway Engineer, Irving Reed, to District Engineer, Wyller, regarding this subject. This letter is in response to an inquiry asking whether any progress was being made toward acquisition of rights-of-way for the presently programed project at Wrangell, Alaska which is urgently needed in connection with sawmill development there. This project is slated for immediate construction but is presently held up until right-of-way is acquired. It would appear that unless means can be found to impress the Territory with the necessity of their continuing with right-of-way acquisition that we must immediately proceed with this work ourselves.

If the Territory should proceed as in the past, it would actually only amount to cash payments to the private owners. Actual work involved would probably be performed by Bureau personnel. However, if the Territory does not make such payments, answers to several of the questions raised in our January 24, 1956 memorandum appear necessary before we can proceed with acquisition work to be financed entirely by Forest Highway Funds.

In view of the urgency of the Wrangell project immediate advice regarding this matter will be appreciated and appears essential.

mmw  
5/23/56

See memo dated  
5/23/56

202



UNITED STATES GOVERNMENT  
BUREAU OF PUBLIC ROADS

DATE: MAR 31 1956

COPY  
FOR DEPUTY COMMISSIONER OF ENGR.

April 25, 1956

Mr. Chr. Wyller  
District Engineer  
Bureau of Public Roads  
Box 1511  
Juneau, Alaska

Dear Mr. Wyller:

This is to acknowledge receipt of your letter of April 18, 1956, regarding acquisition of rights-of-way for Alaska Forest Highway Project 16-A4, C4, D3, E2, Wrangell Highway.

This office is still awaiting an answer to the question raised in our letter of September 16, 1955. We believe that any action on acquisition of the aforesaid rights-of-way should be held in abeyance until an answer to the aforesaid letter is received.

Very truly yours,

/s/ Irving Reed

IRVING REED  
Highway Engineer

08-00

STANDARD FORM NO. 64

*(Alaska) 7 H -*

BUREAU OF PUBLIC ROADS *(Alaska) 7 H - 16*

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. C. D. Curtiss, Commissioner  
Washington, D. C.

DATE: April 2, 1956

FROM : *[Signature]*  
E. Andrews, Division Engineer  
Portland, Oregon

SUBJECT: Impending Pulp and Timber Expansion in Alaska--Request for Special Highway Appropriation

You are, of course, aware that the U. S. Forest Service has been very active in attempting to foster immediate pulp and timber developments in Southeastern Alaska. Recently two new timber sales were consummated, one at Juneau and one at Sitka. A previous sale had already been made at Wrangell. In the latter case sawmill construction will start this year and reconstruction of about six miles of the forest highway (Route 16) is already programed and approved.

Particularly after the experience at Ketchikan where a \$50,000,000 mill was under construction concurrently with completion of highway improvements is it apparent that it would be advantageous to complete the highway construction ahead of the other activities.

There is enclosed a copy of a brochure entitled, "Justification Statement Essential Road Projects in Areas of Industrial Pulp Mill Development" with attached maps of the Juneau, Sitka, Wrangell, and Ketchikan areas which were prepared by the U. S. Forest Service, Regional Office, in Alaska. It is very apparent that if this development is to take place, that the regular Forest Highway appropriations will be entirely inadequate to take care of the situation.

*att dated 2/15/56*

*4 maps att.*

Encl. 2

*Form 3  
4/4*

REC'D APR 12 1956  
BUREAU OF PUBLIC ROADS  
WASHINGTON, D. C.

February 15, 1956

JUSTIFICATION STATEMENT  
ESSENTIAL ROAD PROJECTS IN AREAS OF  
INDUSTRIAL PULP MILL DEVELOPMENT

Proposed

To be Financed by Special Appropriations  
Tongass National Forest

The Projects Needing Financing

Since June of 1954, three additional large pulp sales have been made by the Government within the Tongass National Forest. Each of these three sales calls for the construction of new plants, one at Wrangell, one at Juneau, and one at Sitka. Roads now on the forest highway system adjacent to these communities are inadequate to provide public access from the probable millsites to the adjacent communities and other areas where housing can be provided. Four betterment projects and three new construction projects are required to make adequate transportation possible. Total estimated cost is \$8,105,000.

Background

The development of the Territory of Alaska parallels development of its natural resources, except for the recent military expansion. Substantial pulp industry developments are now in firm prospect. A large pulp sale made in 1948 near Ketchikan resulted in a nearly 50 percent increase in Ketchikan population. Similar increases in population numbers are expected in the other three communities, making an over-all increase in population for southeast Alaska of some 15,000. For Wrangell and Sitka, these population increases will more than double the size of the community. For Juneau it will represent a 30-40 percent increase.

In each of these locations, the prospective millsites are some distance out of town. Roads now connecting the prospective millsites and the communities are unsurfaced, and with one exception were built to a standard too low to stand up under the traffic now expected. Further, some mileage of both reconstruction and new construction is needed to open up areas where houses can be built since more area must be made accessible for living space.

The roads included in this appropriation item are parts of the regular forest highway system. If the pulp mill developments had come one at a time, these roads no doubt could have been financed from the regular appropriations. But the sudden spectacular surge of development which is now coming about creates a parallel surge of demand for road work far beyond the capacity of regular appropriation amounts to absorb. Consequently, a special authorization and appropriation is needed.

The construction of projects on the forest highway system is recognized as a Federal responsibility. There are not sufficient Territorial funds available for these projects, nor is there tax income that will permit large Territorial expenditures for roads, like these, which are needed because of Federal activity in developing Federally administered lands.

The new pulp developments are as follows: At Wrangell, the Pacific Northern Timber Company has executed a timber sale contract and plans to start construction of a plywood plant and sawmill in 1956. A pulp mill is scheduled to follow, at a site either south of Wrangell or on the mainland east of Wrangell.

At Juneau, Georgia-Pacific Alaska Company received a preliminary award for a 7-1/2 billion board feet 50-year sale in August of 1955. It is probable the site to be developed for its mill will be on the north end of Douglas Island. The Company plans to construct a 500-ton-a-day newsprint mill, which will bring 3500-4500 more people to the Juneau area.

At Sitka, a preliminary contract award for 5-1/4 billion board feet of timber was granted in January of 1956 to Alaska Lumber & Pulp Company, Inc., a subsidiary of Alaska Pulp Company, Ltd., a Japanese corporation. This Company hopes to start construction in 1957 on a 300-ton-a-day dissolving pulp mill, and to have it in operation in 1959. This mill should add 3500 or more people to the population of Sitka.

The Projects Summarized:

<u>Location</u>	<u>Length</u>	<u>Estimated Cost</u> (Finances in thousand dollars)				<u>Total</u>
		<u>Reconstruction</u>	<u>New Construction</u>	<u>Gravel Surface</u>	<u>Paving</u>	
<u>WRANGELL AREA</u>						
16 - South	5.3				450	450
16 - North	2.5	150	225	70		445
<u>JUNEAU AREA</u>						
31 - New bridge & connections	1.8		4,000*		144	4,144
31 - to Eagle Cr.	1.9	300		60	150	510
31 - to Fish Cr.	2.2	330			176	506
31 - to Stephens Passage	6.0		1,050	160		1,210
<u>SITKA AREA</u>						
	5.1				400	400
	6.7	260		180		440
Totals		1,040	5,275	470	1,320	8,105

\*Cost of project may be less, depending on clearance above mean tidewater required by Corps of Engineers.

February 15, 1956

SUPPLEMENTAL INFORMATION  
ON  
ESSENTIAL ROAD PROJECTS IN AREAS OF  
INDUSTRIAL PULP MILL DEVELOPMENT

Proposed

To be Financed by Special Appropriations  
Tongass National Forest

This information supplements that contained in the project justification statement dated February 15, 1956.

The national forest area of southeast Alaska contains close to 80 billion board feet of timber, most of which is suitable only for pulp production. Harvesting this timber under current sustained-yield practices will result in the establishment of permanent industry that will go far to stabilize the economy of this area. Using the evolution of the Ketchikan pulp development as a basis, in which Ketchikan's population has increased nearly 50 percent, the whole pulp industry development is expected to increase the population of southeast Alaska by about 15,000. Each community that is a proposed site for a pulp mill has already reached the saturation point as related to available housing, areas suitable for home construction, and related facilities.

In southeast Alaska the completed highway system is slightly less than 120 miles to serve the needs of approximately 35,000 people, the associated services, and industrial development. There are many obstacles to expansion due to the terrain, climate, and expense of construction. Level areas that are suitable for the development of housing are quite scarce. The establishment of an industrial development presents the immediate problem of providing a rapid, safe, and dependable transportation facility between the mills and the sites which are suitable for housing developments.

Limited Territorial tax income has resulted in a very small contribution by the Territory to the construction of public roads. There are few public buildings, parks, and highways that have been financed entirely by the Territory. Nearly all the lands of southeast Alaska are in the Tongass National Forest.

Construction of a plywood plant and sawmill at Shoemaker Bay south of Wrangell is scheduled to start in the spring of 1956, to be followed at a later date by the construction of a pulp mill. The exact site for the pulp mill has not yet been determined, but it will be close to Wrangell. The roads in the Wrangell area are relatively low-standard gravel roads and are wholly inadequate to meet the traffic requirements that will be projected by the construction and operation of the timber industry there.

A similar situation will exist at Juneau and Sitka. The expected increase in population with its related demand for land development, transportation facilities and other basic community needs requires early action to provide these roads. Experience has proved that delays in effecting obviously needed improvements have resulted in greatly increased costs.

A special appropriation of \$7,000,000 was made by Congress, for the Fiscal Years 1951 and 1952, to provide for the construction and/or reconstruction of certain projects in the Ketchikan, Juneau, and Sitka areas, which it was anticipated at that time would feel the impact of the development of the timber pulp industry.

This special appropriation was in addition to the regular forest highway allotment. Approximately \$4,200,000 of the special fund were expended in the Ketchikan area. This amount together with an additional \$1,000,000 of regular forest highway appropriation alleviated the greatest need for an improved highway system in the Ketchikan community, made necessary by the construction and operation of the new \$54,000,000 pulp plant. Both the Juneau and Sitka areas benefited some from the special money; however, such improvements as were accomplished in these two localities, while satisfactory for the interim period, are not sufficient or adequate to meet the needs that will be generated by an active pulp industry.

Early improvement of the road systems in these areas assumes paramount importance. Such an improvement cannot be accomplished within a reasonable length of time on the basis of present forest highway appropriations, which are the only funds available for this work. The present population of the Juneau area of about 8,000 is expected to increase to at least 12,500. The rugged terrain restricts land development to the marginal rim adjacent to the shoreline of the inland waters and, as a result, roads assume a vitally important part of the expansion program. This is a condition that is inherent in all of southeastern Alaska. In the Juneau area no housing development of any consequence can be built within or adjacent to the present city limits. The most favorable housing sites are located from 6 to 14 miles north of Juneau, with the possibility that the general vicinity of Duck Creek (Mile 9) may be considered initially. All indications point to the pulp mill being located at Fish Creek on Douglas Island. In this case, another crossing of Gastineau Channel is vitally necessary. The existing bridge over Gastineau Channel is at the city of Juneau. It is too light for normally heavy traffic and is currently posted for 10-ton load limits. The location of the existing structure does not fit within the pattern of the proposed development, being too narrow, of light load-carrying capacity, and will not connect urban development with the pulp mill except by the longest distance around. The increased traffic will cause excessive maintenance expenditures to maintain this structure in fair condition.

The proposed improvements at Sitka include completion of the road from Sitka to Sawmill Bay by the construction of a plant mix bituminous wearing surface and improvement of the highway north of Sitka to provide access to land for homesite development. There has been a steady and continuing demand for homesites since the end of the war and this demand will accelerate as construction of the pulp mill becomes a reality. The Bureau of Land Management has been active in this area in subdividing and selling parcels of the public domain immediately adjacent to the existing road. However, additional highway facilities will be needed to satisfy the needs of a continually increasing population.

Following is a short discussion of the projects proposed for the affected areas:

#### Wrangell

The rapidly developing industrial plant at Wrangell precludes further delay in the improvement of the highway between Wrangell and Shoemaker Bay, a distance

of about 5.5 miles, since construction of the plywood mill and sawmill are scheduled to start in the spring of 1956. Therefore, an amount of \$800,000 of regular forest highway funds, amounting to 43 percent of the total funds available to the Alaska Forest Highway System for Fiscal Year 1957, have been programmed to cover the rebuilding of this section of the Wrangell Highway in 1956. The existing road is a very low-standard gravel road wholly inadequate to meet the requirements that will be projected by the construction of these mills. The gravel surface is worn out and the roadbed will support only light traffic. During adverse breakup conditions, sections of the road become practically impassable.

The highway north of Wrangell will require improvement and extension to provide access to land for homesite development. Past experience has shown that the normal growth of traffic densities incident to industrial developments of this character justify the construction of dustless types of surface. Accordingly, the minimum improvements in the Wrangell area proposed for special consideration include reconstruction of 1.0 miles of existing highway, a 1.5-mile extension on the north end, and bituminous plant mix surface on 5.3 miles, at an estimated cost of \$895,000.

None of the previously appropriated special funds were proposed for or expended in the Wrangell region.

#### Juneau

The proposed pulp mill site in the Juneau area probably will be located at Fish Creek, about 10 miles north of Juneau, on Douglas Island. The mill will be similar to the establishment at Ketchikan in production capacity and, accordingly, the resulting impacts and needs can be estimated from that experience.

Approximately \$1,500,000 of the previously appropriated special funds were expended in the Juneau vicinity on several urgently needed projects; however, the over-all requirements for highway facilities to keep abreast with the industrial development are not satisfied. It is proposed to construct a connection from about Mile 7 on the Glacier Highway across the tidewater flats to Douglas Island just south of the pulp mill site. This will provide more direct access to the mill site from the airport and Auke Bay areas which are rapidly developing into heavily settled urban areas, and are the only areas that are suitable for mass housing developments. This will relieve the existing bridge between Juneau and Douglas of much heavy traffic for which the existing bridge is not adequate, being currently posted for 10-ton load limits.

Cost of constructing this 1.8-mile section, including grading, bituminous plant mix surfacing and bridge, is estimated between \$990,000 and \$4,000,000 depending on the type of structure that will be required. There is local interest of long standing for dredging the shallow channel so that small craft can pass at any tide level. If the Corps of Engineers support this plan, there will probably have to be a structure giving a clearance of approximately 50 feet at mean-water height. Such a structure will increase the cost of the project to the higher figure mentioned. Improvements to the existing Douglas Highway and further extensions of this route north of the pulp mill to provide land for homesite development are estimated to cost \$2,076,000.

The 1.9-mile section of the Douglas Highway adjacent to the Juneau-Douglas bridge was constructed in 1940-1941 and is now worn out and obsolete. The

gravel surface is practically nonexistent and the roadway too narrow. Whether or not the industrial development is considered this section of roadway will have to be reconstructed; however, in that case it will have to await the availability of regular forest highway funds, which cannot be expected for some time due to more urgent needs on other forest highways. The remainder of the existing Douglas Highway will require widening and surfacing to meet the accelerated needs of traffic within the immediate sphere of the pulp mill and the urban developments that are even at this date beginning to be evident.

### Sitka

The regrading of the Sitka Highway from the town of Sitka to Sawmill Bay was accomplished through the expenditure of \$1,300,000 of special funds. This initial phase in the necessary highway improvements in the Sitka area, that will be required as a result of the pulp mill installation at Sawmill Bay, provides but a portion of the needs. The regraded road should be surfaced with a bituminous mat not only to provide adequate service to the expected increase in traffic but to keep maintenance costs to a reasonable level. Such costs can easily become excessive in an area of high precipitation and dense traffic if the roadway surface is not of a high type.

The area north of Sitka contains land with topography best suited for homesite development and the greatest urban development can be expected in that direction. A 2.6-mile section of this forest highway is proposed for reconstruction. It is a low-standard road built in 1936-1937, to a graded width of 12 feet with a pit run gravel surface 10 feet wide. A 3-mile extension of this road currently being constructed is proposed to be included for surfacing with crushed gravel with the above 2.6-mile section. This road will serve mostly passenger-car type traffic and not be subjected to the heavy loads to be expected on the road leading directly toward the mill.

### Roads within Communities

Another problem confronting the affected communities is the main thoroughfare through the towns. Most Alaskan towns are built on tidewater and in many cases they were built on piling, gradually expanding to the rocky and rugged mountainsides as they grew. Originally, only footpaths provided a means of communication, then wagon trails and finally streets. These wound around the rocky points and irregular shorelines without any thought that the future needs would demand costly adjustments. Even if this situation were recognized nothing could be done at the time the towns and villages were endeavoring to gain a foothold. Now these affected towns are faced with a problem almost beyond their capacity to cope with. Ketchikan, particularly, is finding the financial burden of providing a connection between the North and South Tongass Forest Highways too great for their resources. This community has financed expansions in power, water, telephone, school, and city street facilities. Although they have spent several million dollars on the main north-south street, nearly \$3,000,000 must be spent to complete it. Wrangell, Juneau, and Sitka have almost identical problems and will no doubt consider turning to the Federal Government for assistance. The attached tabulations indicate the estimated costs of the main streets through these towns that fall within the above-mentioned category. No recommendation is here made in regard to this problem of these cities, and the estimates are furnished for informational purposes only.

Enclosure



Essential Road Projects in Areas  
of Industrial Pulp Mill Development  
Proposed to be Financed by Special Appropriations  
Tongass National Forest, Southeastern Alaska

Location and Project	Length	Reconstr.	New Constr.	Gravel Surface	Bitum. Paving	Totals
<u>Wrangell Area</u>						
Wrangell - Shoemaker Bay	5.3				450,000	450,000
Wrangell - North	2.5	150,000	225,000	70,000		445,000
<u>Juneau Area</u>						
Sunny Point - Nine Mile Cr.	1.8		4,000,000*		144,000	4,144,000*
J-D Bridge - Eagle Creek	1.9	300,000		60,000	150,000	510,000
Nine Mile Cr. - Fish Creek	2.2	330,000			176,000	506,000
Fritz Cove - Stephens Passage	6.0		1,050,000	160,000		1,210,000
<u>Sitka Area</u>						
Sitka - Sawmill Creek	5.1				400,000	400,000
Sitka - Old Sitka	6.7	260,000		180,000		440,000
TOTALS		1,040,000	5,275,000	470,000	1,170,000	8,105,000

\*Cost of project will depend on clearance required above mean tidewater level at crossing of Gastineau Channel. Required clearance will be established by Corps of Engineers following public hearing. If high clearance not required, cost will be reduced to around \$1,000,000.