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RG 48

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
CENTRAL CLASSIFIED FILES
1937-1953

9-1-10 British Columbia Alaska Highway
(Part 3)
9-1-11 Alaska Field Staff

Box No. 3675

RG 48, Sec. Interior
E. 749-B, CCF, 1937-53
Box 3675, 9-1-10, AK, Roads- Gen'l

1-094a

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY

FILE ROOM
SECRETARY'S OFFICE

File No. 9 1 10
(Part 2)

~~STRICTLY CONFIDENTIAL~~

TERRITORIES AND ISLAND POSSESSIONS

-0-

ALASKA

-0-

ROADS

GENERAL

IMPORTANT

This file constitutes a part of the official records of the Department and should not be separated or papers withdrawn without express authority of the Secretary.

All files should be returned promptly to the File Room.

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

Harold L. Fisher

Secretary.

Part 2.

April 8, 1937
to
March 31, 1950

RG 48, Sec. Interior
E. 749-B, CCF, 1937-53
Box 3675, 9-1-10, AK, Roads-Gen'l



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

FILE COPY
Surname:
BLM

MAY 10 1948

PRS 3591
33717 "LP"

9-1-10
General

Boyle
Stawson
Dakne
Jillson
Warne
Calkins
App. & Sec. Off.
Price
Warr
Meyer
R. E. Fry

To Secretary
4-21-48
For signature

Gentlemen:

Reference is made to your letter of April 3 concerning occupancy of the right-of-way withdrawn for highway purposes along the Alaska Highway and the Slana-Tok Highway in Alaska.

36
INTERIOR DEPT.
SECRETARY'S
MAIL CENTER
APR 21 1948
TO SOLICITOR
RECEIVED
APR 21 1948
TERRITORIES

Recently Mr. and Mrs. Robert G. Jillson of the Log Cabin Inn at Mile 45 on the Slana-Tok Highway, from whose letter you quote, wrote this Department concerning their problem. Rather than burden you with repeating the answer to Mr. and Mrs. Jillson, I enclose a copy of Assistant Secretary Warne's reply to them. It is our desire to assist Mr. and Mrs. Jillson in every way consistent with proper administration of the lands involved.

TERRITORIES
TO SECRETARY
APR 23 1948
FOR SIGNATURE

As to the broader question of whether the 600-foot width for the Alaska Highway is in fact excessive, I would point out that this width was adopted only after exhaustive study by technical experts of the National Park Service in Alaska during 1945 and 1946. A copy of the report which resulted from this study is enclosed.

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER
APR 23 1948
TO SOLICITOR

At no time has the Department wished to restrict use of the land along the highways or is there any desire to impose burdensome restrictions which might hinder private development. However, in the light of past experience with main highways in the United States, it would seem to be but prudent planning to establish now the necessary rights-of-way in order that the lands along the roads shall not be subject to haphazard and unplanned development. This was the reason for the present withdrawal.

INTERIOR DEPT.
APR 23 1948
SOLICITOR

If subsequent experience indicates that the present right-of-way should be adjusted, then I certainly will give consideration to its modification to meet existing conditions. However, it is my belief that the present withdrawal is reasonably necessary for the protection of the highway and its scenic and recreational

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER
APR 26 1948

RECEIVED
O.L.U.

RECEIVED
APR 26 1948
OFFICE OF
LAND UTILIZATION

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

APR 27 1948
TO SOLICITOR

INTERIOR DEPT.

APR 27 1948

SOLICITOR

APR 29 1948
ASST. SECY

INTERIOR DEPT.

APR 28 1948

ASST. SECRETARY - 14

FROM SOLICITOR

APR 28 1948

FOR SIGNATURE

9-1-10
British-Col.
Ala-Hwy

INTERIOR DEPT.

APR 29 1948

UNDER SECRETARY

RG 48, Sec. Interior
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Box 3675, 9-1-10, AK, Roads-Gen'l

resources, and that, when the public is more fully informed about what they can and cannot do along the highway, settlement will go forward in an orderly manner.

You may be assured that Mr. and Mrs. Jillson and others in similar situations will be given every opportunity to take proper action to protect their improvements.

Sincerely yours,

(Sgd) J. A. Krug
Secretary of the Interior.

Hon. William A. Dawson,
Hon. Jay LeFevre,
Hon. E. H. Jenison,
Hon. E. L. Bartlett,

House of Representatives.

Enclosures 107

cc; R.A., Reg. VII, BLM, Anchorage, Alaska.

RKC:mg
4-20-48



INTERIOR DEPT.

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

File
IN REPLY REFER TO
1917065 "LP"
1966031

APR 27 1948

ASST. SECRETARY

MEMORANDUM

To: Assistant Secretary Warne.
From: Director, Bureau of Land Management.
Subject: Rights-of-Way for Highways in Alaska.

Reg
do what is necessary to get this accomplished including preparation of
APR 23 1948 *memos for me, clearance within Dept. etc. w. w.*
(see BLM memo 8/6 Clawson to Puckett)

Pursuant to your instructions, I have discussed the general situation concerning rights-of-way for highway purposes in Alaska with Mr. Wirth. While the results of the conversation were perhaps inconclusive, it was agreed that certain fundamental actions are necessary with respect to the highways of Alaska.

9-1-10 General

Rights-of-way for highway purposes in Alaska vary from a width of 600 feet for the Alaska Highway and the Slana-Tok Cut-Off to no formal right-of-way for the Richardson Highway and other of the main roads in the Territory. The Glenn Highway right-of-way is 200 feet wide and the Haines Cut-Off is 120 feet wide. Some uniform width of right-of-way should be established for all the main roads.

There is considerable difference of opinion both within and outside of the Department as to what constitutes a proper right-of-way width. The recommendations of the National Park Service were accepted by the Secretary in establishing a width of 600 feet for the Alaska Highway. That Service also recommended the 600-foot width for other main highways. Many believe this width to be excessive. It is alleged that it hinders development along the roads. In the Territory the 600-foot width has not been accepted; it is unpopular and generally regarded as unreasonable. For this reason there has been considerable wilful occupancy trespass on the right-of-way.

I suggest as a first step, therefore, that the present 600-foot right-of-way be reconsidered and modified if a review of the situation warrants such action.

Secondly, we should move as rapidly as possible to a decision as to the proper width of right-of-way for those highways having none and proceed to establish rights-of-way.

Alaska

memo from RCP to W. E. Warne dated 5/2/48 was attached - now filed separately on this file.

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Whatever the decisions as to modifying the Alaska Highway right-of-way or establishing rights-of-way for the other highways, the following steps should be taken:

Decide upon a Department policy for (1) issuing special use permits for lands within established rights-of-way when such use would not interfere with the primary highway use and (2) consider special modifications of general highway policy to permit alienation of parts of the right-of-way for private use when such action would facilitate development without detracting from the highway.

Fully inform the public as to the nature of the right-of-way withdrawals, the restrictions on the use thereof, and where information on permissible uses may be obtained. This is to be done by the erection of information billboards at strategic locations, preparation of pamphlets for distribution at border stations and other points, and through periodic press releases.

Make ample areas along the highways available for settlement well in advance of demand by early classification and survey of suitable areas and opening to settlement. Emphasize a positive rather than negative approach to this phase of the work.

And finally, when the foregoing have been accomplished, proceed with vigor against trespassers to the point of going through with eviction proceedings if necessary.

Marion Clawson

Director.



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

FILE COPY
Surname:

B.L.M.

<i>Conrad</i>
<i>Mudraw</i>
<i>Wason</i>
<i>Lyons</i>
<i>Clawson</i>
<i>Croft</i>
<i>Price</i>

PRS 3189
1917065 "LP"

APR - 2 1948

Mr. and Mrs. Robert C. Jillson,
Log Cabin Inn,
Mile 4.5, Slana-Tok Highway,
Tok Junction, Alaska.

*9-1-10
General*

To Secretary

9-22-48

For signature

My dear Mr. and Mrs. Jillson:

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

MAR 22 1948
TO SOLICITOR

I have your letter of March 3 informing me of the problem you face with respect to your place of business on the Slana-Tok Highway. May I assure you at the outset that I have a real interest in any effort to establish the necessary places of business in the Territory, since during my trip through Alaska last summer I was constantly reminded of the need for many additional facilities.

INTERIOR DEPT.

MAR 22 1948

SOLICITOR

Your comments concerning what you consider to be the excessive width of the highway withdrawal have been noted. It would serve little purpose, however, at this time for me to discuss the relative merits and disadvantages of the highway right-of-way as now established, since there is no prospect of any modification timely enough to meet your immediate problem.

FROM SOLICITOR

MAR 22 1948
FOR SIGNATURE

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

MAR 23 1948

RECEIVED

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

APR - 1 1948

RECEIVED

With respect to this, as you informed me, you made your initial settlement fully aware that the lands were withdrawn from settlement, having been so advised by the Bureau of Land Management at Anchorage. There were many who wished to make settlement along both the Alaska Highway and the Slana-Tok Road when the lands were still withdrawn. While some, like yourself, proceeded to go on the lands in trespass, others, equally desirous of securing a good location and starting a business, refrained from trespassing. If all the trespass was now condoned, you will readily understand that such action would be putting a premium on the entries made in trespass to the disadvantage of those who obeyed the law and waited until the lands were opened to settlement.

However, each settlement on the public domain is attended by its own circumstances. I am in no position to know whether there are any special circumstances in connection with your entry and occupancy of the land which could be considered by the Bureau of Land Management as mitigating the trespass. Under certain circumstances, the Regional

INTERIOR DEPT.

APR - 1 1948

ASST. SECRETARY

22

*Mailed by
Rady*

MAR 23 1948
ASST. SECY

RG 48, Sec. Interior
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Abundant

Administrator at Anchorage, Mr. Puckett, may recommend the issuance of a special land use permit for the use of a portion of the road right-of-way, where such use will not interfere with the use and maintenance of the highway.

I suggest, therefore, that since you are in Anchorage, you call on Mr. Puckett and discuss with him whether in the circumstances a special land use permit might be issued to you. In the event a special use permit is issued such action would not affect any liability for trespass prior to the issuance of the permit.

Sincerely yours,

(sgd) William E. Warner
Assistant Secretary.

cc: Regional Administrator, Reg. VII,
BLM, Anchorage, Alaska.

RKC:mg 3-11-48
RKC:mg 3-18-48



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

IN REPLY REFER TO:

PRS 3189 "LP"
1917065

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

MAR 22 1948

MAR 22 1948

RECEIVED

MEMORANDUM

TO SOLICITOR To: Assistant Secretary Warne.

RIOR DEPT. From: The Director, Bureau of Land Management.

R 22 1948

Subject: Highway Rights-of-Way - Alaska.

SOLICITOR

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

MAR 23 1948

RECEIVED

INTERIOR DEPT.
SECRETARY'S
MAIL CENTER

APR - 1 1948

RECEIVED

INTERIOR DEPT.

The letter from Mr. Jillson touches on two major problems. This Bureau has always maintained that the 600-foot right-of-way established for the Alaska Highway and the Slana-Tok Cut-Off is excessive. Our original recommendation was for 330 feet (165 feet on each side of the center line). There is no doubt that the 600-foot width makes it quite difficult to establish business enterprises along the highway. We are now considering establishing a uniform right-of-way for those roads in Alaska which have no defined width of right-of-way and it might be well to reconsider the withdrawal for the Alaska Highway and the Slana-Tok Road with the view of reducing the width of the withdrawal.

APR - 1 1948

ASST. SECRETARY

22.

The trespass problem will not be resolved easily. Almost all those who went on the withdrawn lands along the highway were well aware that the lands were not open to entry. This trespass has been observed by others equally desirous of setting up roadhouses and other places of business but who refrained because the lands were withdrawn. If no action is taken with respect to the trespassers we will, in effect, be issuing an invitation to trespass at will on the public domain. For this reason, the Regional Administrator is going ahead with trespass proceedings, especially where the trespass is on the road right-of-way. Some people like the Jillsons will be hurt if they are required to move. The Regional Administrator can and probably will recommend a special land use permit, if conditions are like Jillson says they are. However, I would not wish to commit him before he has a chance to review the circumstances surrounding this particular case.

Marion Clawson

Director.

Attachment

RG 48, Sec. Interior
E. 749-B, CCF, 1937-53
Box 3675, 9-1-10, AK, Roads-Gen'l

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
FILES SECTION

~~CONFIDENTIAL~~

TERRITORIES AND ISLAND POSSESSIONS

- 0 -

ALASKA

- 0 -

ROADS

GENERAL

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Oscar L. Chapman

Secretary.

Part 3
April 12, 1950

to
Dec. 12, 1950

File No. 9 1 10 GENERAL Part 3.

RG 48, Sec. Interior
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Box 3675, 9-1-10, AK, Roads-Gen'l

FILE COPY
Surname:

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

22506 ADL:WK

<i>Kepler</i>
<i>Sevigny</i>
App'd. Sec. Off.
<i>Madison</i>
<i>Boyer</i>
<i>Leather</i>

NOV 28 1950

19
SECRETARY'S
MAIL CENTER
NOV 24 1950
INTERIOR DEPT.

My dear Mr. Ellsworth:

Reference is made to your letter of November 4, 1950 enclosing a copy of a letter dated October 24, 1950 from Mr. and Mrs. Lawrence Keeler, of Anchor Point, Alaska, regarding Public Land Order No. 601.

We have carefully noted the statement of the case, as set forth by the Keelers. The record of the application has not been forwarded to Washington, as the cases are adjudicated in the field. The Keelers, of course, have the right of appeal from any decision rendered in the field, and if they feel they have not been given what they should have, they should exercise that right.

9-1-10
General

We wish to say that some time ago we instructed the Alaska Field Committee to consider and report fully upon all of the problems created by Public Land Order No. 601, which, as you may know, withdrew the public lands within distances ranging from 50 to 300 feet on each side of the center line of the roads and highways of Alaska. As soon as the report is received, careful consideration will be given to the advisability of modifying the order so as to eliminate some of the hardships which it apparently caused.

The papers received with your letter are returned.

Sincerely yours,

(sgd) Dale E. Doty

Assistant Secretary of the Interior

Hon. Harris Ellsworth
House of Representatives
Washington 25, D. C.

Enclosure

WKophart:ord
11/21/50

Mailed by
K. Carlson

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NOV 24 1950
OFFICE OF
LAND UTILIZATION

1:10 PM

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

In reply refer to:
L7019 WASO

SECRETARY'S
MAIL CENTER

NOV 22 1950

INTERIOR DEPT.

NOV 21 1950

Memorandum

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

As you are doubtless aware, we are in full accord with Mr. Warne's thoughts on widths of rights-of-way for roads in Alaska as expressed in his memorandum of November 6. Our position is based largely on the findings of our Alaska survey as set forth in our 1944 report, "Recreational Resources of the Alaska Highway and other Roads in Alaska."

We are sending copies of Mr. Warne's memorandum to our Region Four Office in San Francisco for their information.

Huston B. D. Dwyer
Director

INTERIOR DEPARTMENT
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NOV 22 1950
OFFICE OF
LAND UTILIZATION

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

NOV 17 1950

ills
McB
Rob
9-1-10
General

Memorandum

To: Assistant Secretary Warne
From: Assistant Secretary Doty
Subject: Widths of Rights of Way of Alaska Roads

I appreciate your views on this subject which you transmitted by memorandum of November 6, 1950. You may be sure no action involving amendment of the existing road rights of way in Alaska will be taken without giving fullest consideration to your position.

As you may know, there has been considerable criticism of the highway rights of way by the Governor, the Delegate, and others. Because of this, the Alaska Field Committee was requested to consider the matter. The Committee has now submitted a report, a copy of which is attached, and which I am asking the interested Bureaus to review.

Dale E. Doty
Assistant Secretary

Attachment - 1

INTERIOR DEPT.

NOV 17 1950

ASST. SECRETARY

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

Office of Land Utilization
FILE COPY
Surname

<i>Doty</i>
<i>Sub. Matter</i>

NOV 17 1950

11-14-50 .

Memorandum

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

From: Assistant Secretary Doty

Subject: Width of Rights of Way of Alaska Roads

9-1-10
General

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

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

(sgd) Dale E. Doty

Assistant Secretary

RKCote:LP

Alaska Road Rights of Way

(SIGNED WHEN REC'D IN M. & F.)

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Box 3675, 9-1-10, AK, Roads-Gen'l

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

NOTED:
Doty

November 6, 1950

Memorandum

To: Assistant Secretary Doty
From: Assistant Secretary Warne

INTERIOR DEPARTMENT
RECEIVED
NOV 10 1950
OFFICE OF
LAND UTILIZATION

Subject: Width of Rights-of-way of Alaska roads

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

Alaska Highway	600 ft.
Through Highway	300 ft.
Secondary Highway	200 ft.
Farm Roads	100 ft.

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

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

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

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

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

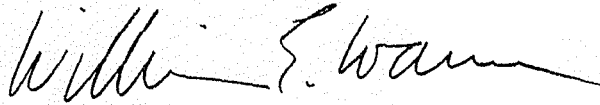
In Alaska, the Department has a golden opportunity to assure that the mistakes, which now plague the other states, are not repeated.

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Sufficient vision now, when Alaska is virtually a blank sheet of paper upon which sound highway planning may go forward unrestrained by the burden of high-cost rights-of-way, will be rewarded by a highway pattern which, for a welcome change, may be adequate 25 or 50 years hence. Lack of such vision is, in my opinion, a default in the trust in which the Department now holds the Territory for future development of the new state.

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

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



Assistant Secretary

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

FILE COPY,
Surname:

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

NOV 13 1950

<i>White</i>
<i>Substituted</i>

*9-1-10
General*

My dear Mr. Kadow:

I am in receipt of your letter of October 24, 1950, relating to the action of the Alaska Field Committee with respect to highway rights of way in Alaska. I appreciate the comprehensive treatment which you have given the points in question. It is my intention to have the views of the Field Committee considered by all the interested Bureaus here in an attempt to arrive at an early decision.

Sincerely yours,

(sgd) **Martin G. White**
Acting Assistant Secretary

Mr. Kenneth J. Kadow, Director
Alaska Field Staff
Juneau, Alaska

RKCoote:LP

(SIGNED WHEN REC'D IN M. & F.)

Mailed by
Roady

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Alaska Field Staff,
Juneau, Alaska

NOTED:
Doty

October 24, 1950

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

INTERIOR DEPARTMENT
RECEIVED
OCT 31 1950
OFFICE OF
LAND UTILIZATION

Dear Dale:

Under date of August 8 Jim Davis, Director of the Office of Territories, referred certain right of way problems to this office for Field Committee action. At about the same time Delegate Bartlett and Governor Gruening requested verbally that the entire matter of road rights of ways be placed on the Field Committee agenda for a rehashing. As a result of your letter to me under date of October 4, this was done. The Field Committee discussions and actions concerning rights of ways fall logically into three separate treatments: (1) the width of road rights of ways, (2) easements versus withdrawals for rights of ways, and (3) recommendations concerning the administration of rights of ways.

In order to give you the benefit of the pros and cons on both sides of this question I am briefing the arguments for and against each of the points above.

Item 1 - Widths of road rights of ways. Under date of October 13, 1948 I wrote a letter to Jim Davis, Director, Office of Territories, setting forth the entire history of the road right of way problem along with many of the basic arguments for and against. The Field Committee action which prompted my letter to Mr. Davis recommended that through roads and feeder roads be 200 ft. wide and that local roads be 100 ft. wide. The Subcommittee of the Field Committee which studied this matter prior to Field Committee action had recommended 300 ft. for through roads, 200 ft. for feeder roads, and 100 ft. for local roads. The official action by Washington as set forth in Executive Order 601, dated August 10, 1949, established the road rights of ways in Alaska as 600 ft. for the Alaska Highway to Big Delta, 300 ft. for all through roads, 200 ft. for feeder roads, and 100 ft. for local roads. Prior to issuing this order, Secretary Krug afforded Delegate Bartlett an opportunity to express his views on the contemplated order. This was done in a letter to Secretary Krug under date of February 22, 1949 by Delegate Bartlett. The Delegate's recommendation was for 200 ft. on the Alaska Highway, 200 ft. on other primary and secondary roads, and 100 ft. on local roads. This is identical with the recommendation of the Field Committee.

Frank Metcalf, head of the Territorial road organization, under date of October 16, 1948, recommended "that in no case should a road right of way be over 200 ft." Copy of Mr. Metcalf's letter is enclosed. By telephone I ascertained a few days ago that his views have not changed.

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Under date of October 11, 1950, Hugh Stoddart, the Division Engineer and Head of the Bureau of Public Roads in Alaska, indicated that he felt all primary roads should be 300 ft., secondary roads 200 ft., and local roads 100 ft. Copy of Mr. Stoddart's letter is also enclosed.

Unfortunately, Governor Ernest Gruening could not attend the Sitka meeting of the Field Committee but has expressed his views emphatically on the subject of road rights of ways. It is his opinion that there is no possible justification for road rights of ways in excess of 100 ft., although he voted along with the Field Committee majority in the first instance for right of ways, of 200 ft. for through roads, 200 ft. for feeder roads, and 100 ft. for local roads. It should be stated however that at that time the Governor argued for smaller rights of ways but felt the 200 ft. at least defensible. Copy of the Governor's letter is enclosed.

Now for the arguments themselves.

(1) Here in Alaska our winters are extremely cold and the snow, while not excessively deep, is a great problem because of extensive blowing. Wide rights of ways, which in effect keep homes and business establishments away from the road, create a first-class problem of keeping the driveways open.

(2) Most of Alaska is covered with either scrub trees or first-class forests. When road rights of ways are much wider than needed and buildings are kept back from the rights of ways it has the effect of producing a strip of forested land between the buildings and the road. This strip must be cleared off in order that satisfactory views on the approaches to the establishments can be had. This also creates an unwarranted expense.

(3) The construction and upkeep of the driveway itself is an expense clear out of proportion to the benefit derived.

(4) Most members of the Field Committee feel that in the event Alaska's population eventually reaches proportions to justify wider road rights of ways that the present roads would be completely relocated and would no longer be regarded as through roads. It has been pointed out that if the major through roads in Alaska today were under real growth pressures they would be straightened out and would undoubtedly be in different locations, either totally or in part, from that which they now occupy.

(5) In order to overcome objections 1, 2, and 3, it would be necessary to issue special use permits for businesses and settlers along highways with wide widths rights of ways. The mechanism of special use permits along our highway system is regarded by the Field Committee as completely unsound for normal development and gives additional grounds for public resentment to bureaucratic controls. It

defeats the very purpose desired in all development planning. Namely, it discourages high quality and permanent investment.

The arguments for wider rights of ways are primarily as follows:

(1) It is in keeping with practices being followed by most states and the Federal Government in the United States.

(2) It greatly reduces the costs of widening and improving roads once the area becomes populated. The cost of rights of ways is a very large percentage of road building costs in many parts of the states today.

(3) It affords an opportunity for beautifying and protecting the natural beauty along the highway and gives an excellent opportunity to control unsightly signs and other types of road abuses.

All of the above letters and arguments were taken into consideration at Sitka where Field Committee action was the same as the earlier meeting, namely, 200 ft. for all through roads in Alaska, 200 ft. for all feeder roads, and 100 ft. for local roads. Through and feeder roads were recommended at the same width since it was felt that many feeder roads would be raised to the status of through roads when major development takes place. Local roads are not likely to change except in isolated instances. Keeping through or feeder roads the same width will prevent many difficulties from arising if and when a change in status takes place.

Those who voted for 200-200-100 ft. for right of way widths for through, feeder, and local roads respectively were as follows:

Angelo Ghiglione, Alaska Road Commission
William Twenhofel, Geological Survey
George Sundborg, Governor's Office
George Rogers, Alaska Public Works Agency
Lowell Puckett, Bureau of Land Management
S. H. Lorain, Bureau of Mines
Hugh Wade, Alaska Native Service
Milton Furness, Fish and Wildlife Service
Kenneth J. Kadow, Alaska Field Staff

Messrs Morgan and Hinman expressed the view that the Alaska Highway from the Canadian border to Fairbanks and from Big Delta to Anchorage be established at 300 ft.--all other roads to be as recommended by majority. Mr. Morgan explained his recommendation on the basis of the importance of these roads to the Military.

Mr. Alfred Kuehl, representing the National Park Service, was not present at this meeting but I am sure would have expressed himself emphatically for leaving them as they were or making them wider. I am asking Mr. Kuehl to forward to you at once an expression of his views. Messrs J. P. Johnson,

Ernest Gruening, John Reed, and Clarence Rhode (absent while vote was taken in Sitka) all voted in October 1948 as in favor of 200-200-100 ft. for through, feeder, and local roads, respectively.

Item 2. - Easements versus withdrawals for the creation of rights of way.

The subject of easements versus withdrawals was taken up as early as the October 1948 meeting of the Alaska Field Committee and again at the September meeting in 1949. The minutes of both meetings list briefly the arguments for and against easements for right of ways. After the September 1949 meeting this matter was again referred to Washington and was settled there in favor of withdrawals. However, the Alaska Field Committee is now of the opinion that the establishment of withdrawals along Alaska's highways is creating considerable confusion and is retarding development along these highways. The whole subject is also causing unnecessary expense because of the duplication of survey efforts and is causing resentment against the Department of the Interior by veterans and other settlers because of delays which are imposed by the Bureau of Land Management in processing these papers. The whole subject should be reconsidered by the Department at this time.

The arguments for easements over withdrawals for all types of rights of ways are as follows:

- (1) Upon change of location of any right of way, land control is automatically vested in the original owner or claimant. The Alaska Railroad is, as you probably know, an easement and has caused no unusual problems in its administration. In instances where rights of ways are established after rectangular surveys are made they need not be resurveyed or noted on Land Office plats until a plat is filed by the agency for whom the right of way was established.
- (2) The requirement to restrict an entryman to one side of the road may be completely defeated by the possibility of an entryman extending his holding along one side by adding up lots until a total of 160 acres is reached. Compactness on surveyed lands is not required.
- (3) Veterans who have qualified to obtain patent in seven months must wait an additional year or two to obtain a necessary survey, preparation of plats, transmittal of plats to Washington for approval, return of plats to the Field for official filing, and publication of proof, before he can get final certificate. Because of the intensive road building program in the Territory and the decision to make road right of ways by withdrawals, a backlog of entries is piling up in the land office as is also ^{public} resentment against the Interior Department.
- (4) Homesteaders on the Kenai Peninsula have been allowed entries in areas where exact location of highways was not known to the Land Office. In many instances this has resulted in the entryman having his land under cultivation on one side of the road and his house on the other. Present requirements provide that entrymen must chose one side of the road. This has created the situation where several will have to lose the cultivated land or move

their house. In no case can final settlement be made until surveys are completed. Here again backlogs are building up, as is ^{public}resentment to the Interior Department.

(5) Settlers who had valid claims prior to August 10, 1949, may themselves alter the widths of rights of way withdrawals by relinquishing all or a portion of their claims or entries. In whatever portions they relinquish the road right of way withdrawal becomes effective but not in the portions they retain. Therefore, surveyors must indicate two right of way widths on plats to provide for possibility of relinquishment. An easement would avoid the necessity of this extra work.

(6) The Alaska Road Commission now makes a location survey which does not carefully define the exact center line and then starts its road. If an easement were used for a right of way, BIM would not have to follow with a careful survey of the center line and go through the tedious costly operation of computing acreages and platting lots all along the highways. This requirement has created a tremendous amount of increased work and in order to lick it will require additional appropriations for survey crews over and above those so urgently needed to catch up our normal backlog of work. In recognition of this extra load the Road Commission has agreed to bear part of the expense but even so delays will be inevitable and many problems will be created by following present requirements.

(7) The Alaska Road Commission is constantly straightening out kinks in the road or entirely relocating parts of the highway system. Each time a road is moved a strip of "no-man's land", the width of the right of way, is left. When this situation exists along withdrawn rights of ways, a Public Land Order is required to open up strips for entry. Then veterans get first crack at the strips, not the adjoining land owner. In the meantime a new withdrawal is created along the new road location.

(8) The Department has ruled that road entries may straddle local road withdrawals but even in these cases surveys must be made to locate the withdrawal and the acreage eliminated from the patents.

Arguments in favor of withdrawals are as follows:

(1) In justifying the creation of withdrawals as set forth in the Department's Withdrawal Order for rights of ways, it has been argued that protection from squatters was definitely needed along most rights of ways and since a survey is needed to locate easements the withdrawal is the only method that would give protection in the absence of a survey. In a case where a road is changed before it is surveyed you simply take the survey and file a plat of relocation and this plat stands as the withdrawal.

(2) A withdrawal for any particular right of way can be made and the survey supporting it can be done later, whereas with easements there must be a survey at the time the easement is made. This gives people an opportunity to anticipate the location of roads by watching survey crews in action and locating their properties in the path of them.

Action
Recommended

(3) The view has been expressed that easements might be useful in some instances for the location of minor roads but in all major roads and all existing roads withdrawals should be used.

After reconsidering all of the above facts the Alaska Field Committee unanimously recommends that easements instead of withdrawals be created for all road rights of ways in Alaska including those already established as withdrawals.

Item 3. - Administration of road rights of ways.

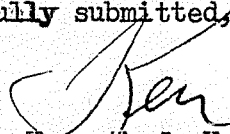
In the October meeting of the Field Committee in 1948 it was the unanimous recommendation that no special use permits be granted on road rights of ways 300 ft. in width or less and that all rights of ways of 300 ft. and less be administered by the Alaska Road Commission. In the case of any highways with rights of ways exceeding 300 ft. special use permits for the area beyond 150 ft. from the center line on each side of the road be administered by the Bureau of Land Management through the mechanism of special use permits. The Department has confirmed the recommendation of the Field Committee that the Alaska Road Commission administer all rights of ways up to and including 300 ft. However, it has not decided on who would administer the extra 150 ft. on each side of the road in the case of the 600 ft. right of way presently existing on the Alaska Highway. The Alaska Field Committee is hopeful that this right of way will be reduced to 200 ft. as indicated by its action at the Sitka meeting last week. If however no action is taken that alters the present right of way of the Alaska Highway, it is the opinion of the group that its earlier recommendations should prevail.

Those recommendations are reaffirmed as follows: All road right of ways in Alaska of 300 ft. or less in width should be administered by the Alaska Road Commission and no special use permits should be granted on these right of ways.

On roads with right of ways in excess of 300 ft. wide the area beyond 150 ft. from each side of the center line should be administered by the Bureau of Land Management and special use permits should be issued for this portion of the right of way. The center 300 ft. of such roads should be administered by the Alaska Road Commission as set forth in paragraph above.

If the above recommendations of the Field Committee are given favorable consideration by the Department it will be necessary to rescind, as soon as possible, Public Land Order 601 in order to keep present problems and confusion to a minimum.

Respectfully submitted,


Kenneth J. Kadow
Director

Enclosures

cc: Crane
Davis
Clawson
Puckett
Noyes

COPY kmk
TERRITORY OF ALASKA
Office of
Highway Engineer
and
Superintendent of Public Works
Juneau, Alaska
October 16, 1948

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

Attention: Mr. Kenneth J. Kadow

Gentlemen:

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

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

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

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

Respectfully submitted,

(sgd) Frank A. Metcalf
Frank A. Metcalf
Territorial Highway Engineer

cc: Col John Noyes, ARC

RG 48, Sec. Interior
E. 749-B, CCF, 1937-53
Box 3675, 9-1-10, AK, Roads-Gen'l

Copy KMK

DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
DIVISION TEN JUNEAU, ALASKA BOX 1511

October 11, 1950

Mr. Kenneth J. Kadow, Director
Alaska Field Staff
Juneau, Alaska

Dear Mr. Kadow:

Receipt is acknowledged of your letter of October 2, requesting an expression of the views of the Bureau of Public Roads regarding right-of-way widths in Alaska. I wish to reaffirm my previous recommendation that the right-of-way widths of 300 feet for primary roads, 200 feet for secondary roads, and 100 feet for feeder roads, are desirable to provide for protection of the roads against encroachment under the conditions of growth of population which have been generally assumed, and are adequate for the purpose. My recommendation should be considered to cover the area in the Interior where topography in the settled areas is generally flat or rolling and soil conditions are favorable, recognizing that special conditions may justify use of lesser widths in certain cases.

Yours very truly,

(sgd) Hugh A. Stoddard

Hugh A. Stoddard
Division Engineer

RG 48, Sec. Interior
E. 749-B, CCF, 1937-53
Box 3675, 9-1-10, AK, Roads-Gen'l

Copy KMK
TERRITORY OF ALASKA
Office of Governor
Juneau

October 13, 1950

Mr. Kenneth J. Kadow
Chairman, Alaska Field Committee
Juneau, Alaska

Dear Ken:

As you probably know, I have continued my protest against the Interior Department's action of approximately a year ago in disregarding the recommendations of the Alaska Field Committee concerning the width of the road rights-of-way in Alaska.

You may recall that the Committee's recommendation was for a 300-foot right-of-way for the Alaska Highway, 200 feet for primary roads, and 100 feet for secondary roads, and this was changed by the Department of the Interior to make the right-of-way 600 feet for the Alaska Highway, 300 feet for primary roads, and 200 feet for secondary roads.

I consider this decision fantastic and unrealistic and strongly recommend that the Committee take the position that 200 feet is ample for the Alaska Highway and 100 feet for all other roads. Those who are familiar with conditions in Alaska which apparently those authorities setting aside the recommendations of the Field Committee, were not, realize that rights-of-way of such width as established by the Department of the Interior officials will throttle development along the Highway, discourage individual initiative, and make it impossible in many cases for a logical and proper development to take place. In this connection, I want to call your attention to the letter which Delegate Bartlett wrote to the Department of the Interior on the subject, which is as follows:

"Hon. Julius A. Krug,
Secretary of the Interior,
Washington, D. C.

"My dear Mr. Secretary:

"I appreciate the opportunity afforded by your invitation of February 10 to comment on the department's proposal that the width of right-of-way for roads in Alaska should be as follows:

"Alaska Highway	600 feet
Other primary roads	300 feet
Secondary roads	200 feet
Feeder and branch roads	100 feet

"The proposal is simply fantastic. If adopted it would push the would-be settler back as if he were not wanted in Alaska. It would in many cases push him up a mountain, over a cliff, or into a stream or

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lake. It would multiply the difficulties which for him are very considerable already. It would present problems in driveway construction, maintenance, snow clearance and in the obtaining of driveway permits through your right-of-way in the first place. (Don't try to tell any Alaskan who has had dealings with the department that there would not be red tape and delay in connection with that.) It would be an open invitation to trespass.

"And for what? I confess I am unable to think of a single good reason for tying up all this territory right where we want people, accommodations for travelers, service facilities, etc. I drove to Alaska over the Alaska Highway last summer and am willing to testify that, even from the standpoint of appearance and interest to the traveler, developments along the road itself are exactly what is needed.

"My idea of a reasonable right-of-way reservation, which would amply protect all the interests of the federal government, is as follows:

"Alaska Highway, Other	
Primary roads, and	
Secondary roads	200 feet
Feeder and branch roads	100 feet

"You mention that the proposal of the department represents a compromise between a recommendation of the Alaska Field Committee and some other unnamed interests. I find it impossible to believe that anyone acquainted with actual conditions in Alaska would recommend a 600-foot right-of-way or anything approaching that dimension. Accordingly, I am sending a copy of this letter to the head of each of the Interior Department agencies in Alaska for comment. When such comments have been received, I will communicate further with you."

As I shall be unable to attend the Field Committee meeting because of my obligation to travel with the members of the Senate Sub-committee on armed services, I desire to have this view of mine recorded, and I hope that the Field Committee will take action along these lines and transmit the report of such action promptly to the Department of the Interior.

Cordially yours,

(sgd) Ernest Gruening

Ernest Gruening
Governor

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Box 3675, 9-1-10, AK, Roads-Gen'l



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

FILE COPY
Surname:

PRS 2421
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2d page rewritten in
Office of Solicitor.

OCT 13 1950

B.L.M.
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To Secretary

10-9-50
for signature

My dear Mr. Bartlett:

INTERIOR DEPT
SECRETARY'S
MAIL CENTER

OCT 9 1950

SO SOLICITOR

I have received your letter of September 20 which has reference to a letter from Mr. Gordon Jones of Niniichik, Alaska, in connection with beach lots on the Kenai Peninsula adjacent to the Sterling Highway.

This highway is the same as the Kenai Lake-Homer Road listed in Public Land Order No. 601 as a feeder road, with a reservation of 100 feet on each side of the center line. The withdrawal was made subject to valid existing rights.

INTERIOR DEPT

OCT 9 1950

SOLICITOR

I am sure you will be interested to learn that we have just authorized the Department's Alaska Field Committee to make a study of the effect of Public Land Order No. 601 and to make recommendations based on such study.

FROM SOLICITOR

OCT 10 1950

OR SIGNATURE

SECRETARY'S
MAIL CENTER

OCT 11 1950

INTERIOR DEPT.

Doty

As to Mr. Jones' claim, the record is not in Washington. Since the decentralization of many of the functions of the Bureau of Land Management, the records are adjudicated in the field and are only forwarded to Washington when special consideration is necessary on some particular phase of the case. If, as stated in the last paragraph of your letter, his claim was a valid right prior to the issuance of the public land order, it would not be affected by the withdrawal made by that order, so long as it is maintained pursuant to law.

Reference is made by Mr. Jones to beach lots. If he is located near the shore line, his claim may be affected by section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 462) which provides that a roadway sixty feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway. The reservation under that section for a roadway did not prevent the location, before the withdrawal order, of a claim crossing the roadway and extending to the shore line. In such case, however, the claim would be subject to this servitude, and the area covered by the roadway would be included as a part of the area entered or purchased.

COPY FOR SECRETARY'S OFFICE

INTERIOR DEPARTMENT
RECEIVED
10 30
OCT 11 1950
OFFICE OF
LAND UTILIZATION

*+ 2-24
Shore
Space
Restoration*

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Box 3675, 9-1-10, AK, Roads-Gen'l

A reservation for roadway is also made in all patents for lands taken up, entered or located since June 24, 1947, as required by the act of that date (61 Stat. 418, 48 U.S.C., 1946 ed., 321d). Claims antedating the act are not affected by it.

With respect to the homestead entry of Mr. Frank C. Churchill (A-25946; Anchorage 013875), we enclose a copy of the Solicitor's decision, dated October 5, which I am sure will be of interest to you.

Sincerely yours,

Assistant Secretary

Hon. E. L. Daytlett
House of Representatives
Washington 25, D. C.

WKephart:gb:mt
10/6/50

Copy to: R.A., Reg. VII, Anchorage, Alaska
Docket Room, Docket A-25946, Anchorage 013875