

RG 48 RECORDS OF THE OFFICE OF
THE SECRETARY OF THE
INTERIOR

Central Classified Files
1954-1958

8-8 Bureau of Land Management
(Lands-Withdrawals and
Restorations-Alaska to Lands-
Withdrawals and Restorations-
Arizona)

Box 493

NN3-48-81-3

RG 48, Sec. Interior
E. 942, CCF, 1954-58
Box 493, 8-BLM, W/D+Rest, AK

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
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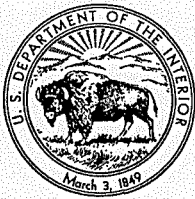
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8 BUREAU OF LAND MANAGEMENT
LANDS - Withdrawals & Restorations - Alaska

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Part 7 - Feb. 5, 1958 to June 27, 1958

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

IN REPLY REFER TO:

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Memorandum

To: Secretary of the Interior
From: Director, Bureau of Land Management

INTERIOR DEPT.

MAR 26 1958

ASST. SECT.

Subject: Revocation of highway, pipeline and telephone line
withdrawals in Alaska (Public Land Order No. 601)

Public Land Order No. 601 of August 10, 1949, withdrew for highway purposes the public lands in Alaska lying within a designated area from the center line of the Alaska Highway, and of certain named "through roads," "feeder roads," and "local roads." Public Land Order No. 757 of October 16, 1951, amended the former order to eliminate provisions affecting feeder roads and local roads.

Public Land Order No. 386 of July 31, 1947, withdrew, under jurisdiction of the Secretary of War two strips of land 50 feet and 20 feet wide, respectively, each roughly paralleling the Alaska Highway from the Alaska-Yukon Territory boundary to the junction of the Alaska Highway with the Richardson Highway near Big Delta, Alaska, for rights-of-way for a telephone line and an oil pipe line with appurtenances.

Departmental Order No. 2665 of October 16, 1951, established rights-of-way or easements for highway purposes covering the lands embraced in feeder and local roads equal in extent to the width of such roads (43 CFR 1952 Supp. 74.28-74.33). Amendment No. 2 of September 15, 1956, to Departmental Order No. 2665, effected the establishment of 300-foot rights-of-way for roads designated as "through roads" and 200-foot rights-of-way for feeder roads.

The withdrawals made by Public Land Orders 601 and 386 marked a departure from the practice of utilizing easements for highway purposes and of constructing telephone lines and pipelines under the principles of appropriation as stated in 44 Land Decisions of the Department of the Interior at pages 359 and 513.

COPY TO THE SECRETARY'S OFFICE

RG 48, Sec. Interior
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Numerous problems have resulted in public land management in Alaska by virtue of the withdrawals. When the lands are surveyed, the withdrawals have to be segregated on the plats, increasing cost of survey and delaying settlers in obtaining patents. The wide withdrawals for highways act to keep homes and buildings excessive distances back from the roads themselves, and have the effect of producing a strip of forested land between the buildings and the road. Such strips have to be cleared in order to secure satisfactory views on the approaches to the establishments. The need for revoking Public Land Order No. 601 to effect a more balanced highway system in the Territory has been apparent for sometime. Also apparent was the need for legislative authority to make equitable disposal of the lands lying within the highway withdrawals, in the event of revocation of Public Land Order No. 601.

The needed authority was secured in the act of August 1, 1956 (70 Stat. 898), which provides that upon the revocation of the withdrawals for highways, telephone lines or pipelines in Alaska, the lands involved shall be subject to disposal only under laws and terms as specified by the Secretary of the Interior, subject to easements as established by the Secretary, and that lands within such easements may not be utilized or occupied except by permission of the Secretary of the Interior or the head of the department or agency having jurisdiction over the lands.

On May 8, 1957, a copy of the proposed revocation order was submitted to the Corps of Engineers, Department of the Army, for consideration. By letter of November 5, 1957, the Corps of Engineers offered no objection to the proposed revocation provided rights of access to telephone and pipeline facilities on the easement areas were reserved. To assure such reservation the Corps requested the addition of certain language to paragraph 4 of the proposed public land order. The language has been added as requested.

Attached is a proposed public land order, together with pertinent files, which will effect the revocation of Public Land Order No. 601, and provide for necessary easements and dispositions of the released lands. We recommend that you approve the revocation order.



Acting Director

Attachments