

Alaska

BUREAU OF PUBLIC ROADS

WIM

March 18, 1959

26-00 Mr. C. W. Enfield

26-10 R. L. May, Jr. R. L. May, Jr.

Proposed revision of Alaska Omnibus Bill

On Tuesday, March 17, 1959, Mr. Andrew Drance submitted to Mr. Booth a proposed revision of section 20 of the Alaska Omnibus Bill with the request that the same be reviewed and comments or suggestions be submitted to him.

The major changes were deletion of the transfer date of July 1, 1959, and the addition of language which would permit retention of lands needed for purposes other than or in addition to road purposes and the imposition of conditions upon the transfer of easements. The inserted language which concerned us is as follows:

(ii) except such lands or interests in lands that were withdrawn from the public domain as the Secretary of the Interior may determine are needed for continued retention in Federal ownership for purposes other than or in addition to road purposes. In connection with the transfer under this section of any easement over public lands of the United States, the Secretary of Commerce shall impose such conditions as the head of the agency administering such lands may prescribe for the adequate protection and utilization of such public lands.

The matter was discussed with Mr. Krevor and the following questions raised:

1. Why should the lands to be retained be limited to those "which were withdrawn from the public domain." This would exclude acquired lands and lands which have not been withdrawn from the public domain.
2. If this is a desirable provision, why limit the same to lands determined by the Secretary of the Interior to be needed for continued retention in Federal ownership.
3. The purpose of the sentence pertaining to imposition of conditions is not clear.
4. The language used in the sentence pertaining to imposition of conditions would indicate that additional conditions could be imposed

upon existing easements prior to their transfer. This could lead to renegotiation or reopening of controversial negotiations relative to existing easements.

5. If these changes are desirable should they not apply to all lands to be transferred under the Omnibus Bill rather than solely to lands, etc., transferred by the Secretary of Commerce under section 20.

At Mr. Booth's request, I called Mr. Drance and presented to him the questions which I have outlined above. Mr. Drance advised that Mrs. Van Cleve of the Office of the Solicitor of the Department of the Interior (now acting for the Bureau of the Budget) was then in conference with Mr. Harold Seidman of the Bureau of the Budget and suggested that I call her. I did so and outlined the questions set forth above. Mrs. Van Cleve suggested I contact Mr. Irving Senzel of the Bureau of Land Management, which I did. Mr. Senzel had no objection to broadening the provisions relating to retention of lands which would otherwise be transferred but opposed any change in the sentence relating to imposition of conditions upon the transfer of easements.

Following these telephone calls, I discussed the matter with Mr. Frank Turner and, with his concurrence, prepared a proposed revision. A copy of the proposed revised section is attached hereto for your information.

Following my discussion with Mr. Turner, I again contacted Mrs. Van Cleve and read to her our suggested revision. She stated that she was in full sympathy with our objectives and indicated that she viewed our suggestion with favor. She stated that she would discuss the matter with the appropriate persons.

Subsequently, I discussed the matter with Mr. Drance who advised me that during the interim he had discussed the problem with Mr. Seidman of the Bureau of the Budget. In view of the problems involved and the urgency of submitting the Omnibus Bill to the Congress, it was tentatively agreed between Mr. Seidman and Mr. Drance that the sentence in the first revised draft referred to above which relates to imposition of conditions upon the transfer of easements would be deleted and that otherwise the section would be submitted as revised in the draft submitted by Mr. Drance to Mr. Booth on March 17.

Attachment

cc: Mr. Turner; Mr. Booth

RLMay:fpc

cc: Files (2) ✓

Legis

Chron

M. Krewor

HIGHWAYS

SEC. ____ (a) The Secretary of Commerce shall transfer to the State of Alaska by appropriate conveyance without compensation, but upon such terms and conditions as he may deem desirable, all lands or interests in lands, including buildings and fixtures, all personal property, including machinery, office equipment, and supplies, and all records pertaining to roads in Alaska, which are owned, held, administered by, or used by the Secretary in connection with the activities of the Bureau of Public Roads in Alaska, (i) except such lands or interests in lands, including buildings and fixtures, personal property, including machinery, office equipment, and supplies, and records as the Secretary may determine are needed for the operations, activities, and functions of the Bureau of Public Roads in Alaska after such transfer, including services or functions performed pursuant to section ____ of this Act; and (ii) except such lands or interests in lands as he or the head of any other Federal agency may determine are needed for continued retention in Federal ownership for purposes other than or in addition to road purposes. Within 90 days after the date of enactment of this Act the head of any Federal agency who determines that any lands or interests in lands which would otherwise be transferred pursuant to this section are needed for retention in Federal ownership, or determines that conditions should be imposed upon the transfer of such lands shall so notify the Secretary of Commerce.

(b) Notwithstanding any other provision of this section, any contract entered into by the Federal Government in connection with the

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activities of the Bureau of Public Roads in Alaska which has not been completed on the date of the transfer provided under subsection (a) hereof may be completed according to the terms thereof.

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RG 30, Bur. of Public Roads
E. 6 D, Gen Corr. + Related Recs, 1955-59
Box 1127