



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

2234 (210)
Winter Hood

Fairbanks District and Area Office
P.O. Box 1150
Fairbanks, Alaska 99701

MAR 12 1969
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DEPT. OF HIGHWAYS
FAIRBANKS DISTRICT

Mr. C. E. Sreen, Commissioner
State of Alaska
Department of Highways
P.O. Box 1467
Juneau, Alaska 99801

Dear Mr. Sreen:

As a result of our November 19, 1968 meeting with Mr. Abitty and Mr. Johansen, a 4415513 right-of-way notation was placed on our Land Office records. This covered the portion of the winter road outside of the Arctic Corridor Proposal Classification. This was regarded as an interim measure to offer some protection to the route pending actual construction and probable enlargement of the Corridor Classification.

At this time we do not believe final classification of the corridor will be approved. Without approval, the proposal will expire by law on March 21, 1969. We are also hesitant to extend a further 4415513 notation because without bona fide Federal investment, such a right-of-way right, in any test, prove of questionable validity.

We have researched the question of existing right-of-way protection for the winter road. We are firm in the opinion that State announcement of intent to build the road, followed by actual construction, was in effect acceptance of a right-of-way grant under the provisions of AS 2477, and that such a right-of-way does apply. We also note that the announcement predates the December 12, 1968 application date for the general withdrawal, Public Land Order 4502, which now applies to all unreserved lands in the State.

We are informed by our State Office that sufficient legal precedence exists to justify our opinion.

If we can be furnished centerline location maps of the road we will post this to our records with the appropriate notation.

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In summary, AS 2477 applies to the entire winter road, except for any private or earlier reserved lands. A 44LD513 notation of possibly questionable validity also applies to the portion from Livengood to just south of Bettles. Our Arctic Corridor Proposed Classification will continue until March 22, 1969.

We hope that this clarifies the protection offered the winter road. We would like to continue working closely with your office and the District Engineer on this project.

Sincerely yours,

(Sgd.) Robert C. Krumm

Manager, Fairbanks District
and Land Office

cc:

Mr. Dick Chitty
Right of Way Director
State Dept. of Highways
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Juneau, Alaska 99801

Mr. Woodrow Johansen, District Engineer
State Department of Highways
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