



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
State Office
555 Cordova Street
Anchorage, Alaska 99501

40.7
IN REPLY REFER TO
AA-5681 (920)
2300 (PLO 4532)
Your reference
Trans Alaska
Pipeline System
00-2516

July 25, 1969

Mr. Robert L. Beardsley
Commissioner of Highways
State of Alaska
Department of Highways
Box 1467
Juneau, Alaska 99801

Dear Mr. Beardsley:

Your petition of June 23, as supplemented by letters of July 22 concerning modification of Public Land Order 4582 to allow construction of a State highway from Livengood to the Yukon River under the principles of R.S. 2477, is incomplete. We are, however, forwarding the petition to our Director for his information, consideration, and possible action.

Your request does not quite meet the requirements specified in 43 CFR 2234.2-5(c). In addition, your letter of July 22 setting forth five statements to be considered, raises further problems and issues. Our comments below are in the same order as your statements are presented:

1. R.S. 2477 does not specify any specific width. Generally, the width of a right-of-way under R.S. 2477, unless otherwise stated in local law, is that which can be shown reasonably necessary to the construction and maintenance of the public highway. Under the specific situation, a width could be specified in the modification of the withdrawal. In this aspect, we have questions regarding justification of need for a 200-foot width. We would appreciate your comments and justification for this width.
2. In order to provide necessary management and protection to other resources, we will require that the construction camp locations be obtained under special land use permits.
3. We, with advise and assistance from the Fish and Wildlife Service, will also be responsible for fish and wildlife considerations as well as habitat, soils, and other matters.

Department of Highways
Right of Way Division
P. O. Box 1467
Juneau, Alaska

4. In your addendum to the technical specifications, you define "engineer" and "contractor" to mean TAPS. Would you please explain the relationship of how the Department of Highways will have control over technical construction considerations in view of this definition given and its relation to your technical specifications.

5. Material sources would have to be acquired under the free use provisions of 43 CFR 3612. Additional modification of PLO 4582 would be necessary to allow such acquisition. In addition to the requirements in 43 CFR 3612, provisions of 43 CFR 23 also apply. Where these material sources lie outside the primary right-of-way boundaries, permission for haul roads would also have to be obtained. Again, appropriate modification of PLO 4582 would be necessary.

The route maps that you have submitted identify certain areas as possible sources of material. We would appreciate you furnishing us additional information concerning actual material source sites and location of necessary haul roads where these material sites lie outside what you consider the primary right-of-way boundaries.

Between 15 and 20 miles of the proposed road route falls within Power Site Classification No. 445 (Rampart). As such, modification and/or clearance as to this withdrawal will also be required.

Sincerely,

Acting State Director

2 Enclosures

Encl. 1 - Right-of-Way Circular
Encl. 2 - Regulations 43 CFR 23